

VICTOR TOWN BOARD MEETING MONDAY JANUARY 24, 2022

RESOLVED that the minutes for January 3, 2022 Organizational and Regular be accepted as presented to the Board by the Town Clerk.

RESOLUTION NO. 42 PAYMENT OF BILLS

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

RESOLVED that the bills be approved for Manifest #2 in the amount of \$849,546.50
Documentation for these expenditures can be found on vouchers filed by numbers #2022001-20220173.

General Townwide	\$600,139.26
General Outside Village	47,921.04
Park Land Trust Fund	14,520.00
Highway Townwide	176,245.74
Sanitary Conveyance Capital Project	39.25
Total of Lighting Districts	535.20
SS Consolidated Sewer Fund	4474.89
Trust & Agency	1495.50

Supervisor Marren reviewed the following expenditures for Manifest #2 that were in the range or exceeded \$5,000.00.

- American Rock Salt – Road salt – \$55,633.68
- Bayer Landscape – Dog Park Design - \$12,800.00
- Boughton Park Corp. – 2022 Town Victor Contribution - \$48,994.00
- Cargill Inc. – Salt Treatment - \$14,053.31
- Eastern Shore Associates – 2022 Town wide Insurance - \$129,346.78
- Green Renewable of Manchester NY Inc. – Tub grinding - \$7,500.00
- B & M International LLC – Feb. Rent Courts facility - \$10,275.00
- Bluestone Creek Develop. – Feb. rent Parks/Rec. facility - \$13,750.00
- Harris Beach – December Legal Services - \$22,578.79
- Includes chargeback of \$12,994.29
- Integrated Systems – \$56,816.20 for 2022 Professional Services of \$41,028.44/Security Camera Installation of \$15,787.80
- Mercy Flight – 2022 Agreement for Emergency Services - \$5,000.00
- Noco Energy – Diesel Fuel - \$15,160.14
- Ontario County Board of Elections – 2022 contract for Town voting districts - \$15,000.00
- Ontario County Treasurer – \$155,462.00
- 2022 Workers Compensation \$124,907.00 and Dog Control Contract \$30,555.00
- Sunoco Energy – Fuel - \$7,259.10
- Victor Farmington Volunteer Ambulance Corp – 2022 Agreement for Emergency Services - \$150,000.00

PRIVILEGE OF THE FLOOR- None**Public Comments and Concerns:**

- 1) **Carole Fisher** 632 County Road 42 addressed the Board with concerns about the noise at the Fishers Park tennis/pickleball courts from the pickleball players. She noted due to the cold weather it has been quieter at the courts. She played a recording that was taken from her backyard of pickleball players that were on the courts New Year's Eve day about 4:00PM in the afternoon. Carole also noted that in warmer weather they listen to this about 13 hours a day.
- 2) **Ken Warner** 7861 Fowler Street also addressed the Board about the noisy game of pickleball that has taken over the Fishers Park tennis court area. He noted that pickleball has become a nuisance that is affecting the quality of life for residents living in that area.

Report of Town Officials:

Economic Development/Local Development – Kathy Rayburn addressed the Board to give a brief overview of highlights that EDC/LDC has been working on. She introduced Gina Ko who has been working with her. Kathy explained that the Chamber of Commerce is out of money and no longer has an office upstairs with the EDC. They are on pause right now and looking at options to move forward. The purchase agreement with the building's owner at 14 Railroad has ended after looking at financing options. Kathy explained they are still working with the owner and she has introduced him to a development team with the possibility they may continue with the idea of the incubator concept. The developer team will be presenting to the LDC Board tomorrow morning. LDC would support and assist with looking for financing and programming and bringing in tenants. Kathy also gave an update of the grants she is currently overseeing.

CDBG grant in which funding was applied for through the CARES ACT to assist businesses that were negatively impacted by COVID. The Town of Victor was successful and received \$500,000 in grant money and \$35,000 can be issued to local businesses with 25 or fewer employees and they must demonstrate a loss due to the pandemic. Kathy has the application and supporting documentation for the program that is available to the businesses. The application process is on a first come first serve basis. Gina followed up with an email blast through constant contact that went out to over 200 businesses.

Ontario County has also received one million in funding under the CDBG program and it is specific to hospitality and tourism businesses. The County hired Ostrander Consulting who is helping people with the application process. They have a space at 10 East Main Street to meet with Victor Businesses.

Access Management Part 2 being led by Lorenzo Rotoli from LaBella most recently completed stake holder interviews and an online survey with good response. Currently they are working on the analysis and technical memo that is due to come out by the end of January. The project is due to be completed by August 2022.

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The Adams Street feasibility is being led by Wade Dailey from LaBella. The primary focus on Adams Street is the environmental investigation, the wetlands delineation, any acquisition needs and concept level plans which people are looking for.

Kathy mentioned the Halloween event and the Jingle Mingle with the parade were a huge hit with residents and she thanked Brian, John Turner, and the students from Victor Central School for their help with the events. She also mentioned they are talking with the Village for 2022 events. They are bringing back the Victor Business Awards date May 13, 2022 at Cobblestone Country Club. Rapid Printing has been in Victor for more than 20 years and they are selling their building. David and Bernie are retiring, and their son Doug will be going all virtual with one person in a small office in Rochester. Kathy is working with the new owners who have purchased the Chit Chat Café for a potential tenant. Also, some new interest at 60 Maple Ave. with a purchase possible lease.

Supervisor Marren noted that Pet Pride is looking to expand their business and he provided a letter of support for their grant application.

Councilman Kahovec brought up the time difference on the message board coming into Town. Kathy said she is working on correcting the time. She can control the messages on the board but is having difficulty correcting the time.

Supervisor Marren thanked both Mark and Brian for keeping the Highways and Parks clean.

- Highway
- IT
- Planning & Building- Woods at Valentown was sold to Christa Construction- change in design will be 3 stories instead of 4 stories, eliminating the underground garage.
- Supervisor
- Town Clerk asked the Board if they have any objections to a liquor license for Adelitas Mexican Restaurant located where the Bonefish Grill use to be. The Board had no objections.
- Victor Fire District

Supervisor's Verbal Report:

- County requested 2500 KN95 masks for residents and county employees. To date 2200 have been successfully distributed. Another 1000 masks will be requested.
- Positivity Rate is trending downward in our county.
- County received 50,000 test kits, (100, 000 were ordered) Half will be distributed through different distribution sites throughout the county.
- February 5th – Winter Festival at the Victor Recreation Facility
- 2022-2023 Construction season – DOT resurfacing Route 96 from the Ontario County line to Garnsey Road in Perinton. There will be guardrail upgrades, new pavement markings, new signs, sidewalks and traffic signal improvements. Also, they will be going from Route 96 to Route 31.
- Final DEC consent order signed between the Towns of Victor and Farmington.
- Met with Fishers Fire District Commissioner Fred Dewey- committed to seeing the two Fire Districts merge
- Thanked all Board members for providing vacation times for the next few months.

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Councilman Condon reported that he along with Brian Emelson, Supervisor Marren met with Superintendent Tim Terranova and Dewey Weimar to discuss the future of the Town Parks & Recreation Department and the school district. Brian provided historical perspective of the growth of Victor Recreation and pointed out some of the subtle differences between Victor Rec and Farmington Rec. The district has developed a fee schedule which has become public. There was discussion of the fee schedule and the Town is not interested in having taxpayers pay twice for something they've already built and paid for once. Councilman Condon felt they were enlightened a little bit about what the Town's perspective was and where the Town is coming from. The district needs to understand that this is a joint effort and it is shared by the community. Brian is working on a potential flat fee and dates that they would like to run programs at the school. Councilman Condon felt this was a very good meeting and there will be another follow up meeting in March.

Councilman Kahovec recognized and complimented the guys at the transfer station for doing a great job. He noted the guys love the time change.

Councilman Guinan noted that the highway did a great job during the snowstorm of keeping the roads clear.

RESOLUTIONS**RESOLUTION NO. 43 FAIR HOUSING/ANTI-DISPLACEMENT PLAN**

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, the Town of Victor has been granted the Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications; now, therefore, be it

RESOLVED that pursuant to the Town of Victor being granted CDBG funds by the State; the Town of Victor, by administrative act, does adopt Fair Housing and Anti-Displacement Plans for the Town; and be it further

RESOLVED that the Town Board appoints the Town Director of Economic Development to serve as the Fair Housing Officer for the Town of Victor; and be it further

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

RESOLUTION NO.44 BUDGET TRANSFERS

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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WHEREAS, the Finance Director has determined the need for budget transfers; and
 WHEREAS, there are available funds to cover these transfers; now, therefore, be it

RESOLVED that the following 2021 budget transfers be approved as recommended by the
 Finance Director as listed below:

TO:		FROM:			
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
A.1220.110	Supervisor. Personal	\$14,210.00	A.1110.100	Justice. Personal	\$14,210.00
A.1355.430	Assessor.Legal	\$1,175.00	A.1355.400	Assessor. Contractual	\$1,175.00
A.1420.430	Attorney.Legal	\$12,730.00	A.1450.400	Elections, Contractual	\$12,730.00
A.3620.400	Safety Inspection. Contractual	\$4,030.00	A.1620.400	Buildings. Contractual	\$4,030.00
A.5010.110	Highway Superintendent. Deputy	\$12,420.00	A.1410.100	Town Clerk. Personal	\$12,420.00
A.7021.100	Parks & Rec. Personal	\$32,975.00	A.7020.100	Rec. Admin. Personal	\$32,975.00
A.9089.800	Other Employee Benefits.FSA	\$ 150.00	A.9060.800	Medical Insurance. Employee Benefits	\$ 150.00
B.8020.400	Planning. Contractual	\$ 185.00	B.3620.430	Building Safety Inspection. Legal	\$ 185.00
B.8020.430	Planning.Legal	\$3,205.00	B.3620.430	Building.Legal	\$3,205.00
B.8140.410	Stormwater. Fuel	\$165.00	B.8140.440	Stormwater. Engineering	\$165.00
B.8540.440	Drainage. Engineering	\$4,090.00	B.8540.400	Drainage. Contractual	\$4,090.00
DB.5110.100	General Repairs. Personal	\$20,685.00	DB.5110.400	General Repairs. Contractual	\$20,685.00
DB.5130.100	Machinery. Personal	\$875.00	DB.5130.400	Machinery. Contractual	\$875.00
DB.5130.200	Machinery, Equipment	\$2,235.00	DB.5130.400	Machinery, Contractual	\$2,235.00

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DB.9055.800	Disability Insurance. Benefits	\$907.00	DB.9060.800	Medical Insurance. Benefits	\$907.00
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RESOLVED that all entries to achieve the above-mentioned budget transfers be completed upon Town Board approval of this resolution; and

RESOLVED that a copy of this Resolution be forwarded to Town Clerk and the Finance Director.

RESOLUTION NO.45 APPOINT ISAAC SHEAHAN - STUDENT REPRESENTATIVE PARKS AND RECREATION CITIZENS ADVISORY COMMITTEE

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, there is an existing Student Representative vacancy on the Parks and Recreation Citizens' Advisory Committee; and

WHEREAS, according to the By-Laws of the Parks and Recreation Citizens' Advisory Committee, it is required that one Student Representative be present on the committee; and

WHEREAS, Isaac Sheahan has forwarded a letter to the Human Resources Department and to the Chairperson of the Parks and Recreation Citizens' Advisory Committee indicating an interest in serving on the Committee; and

WHEREAS, interviews were conducted for this position, and it is the recommendation of the Committee that Isaac Sheahan be appointed to the Committee as a Student Representative; now, therefore be it

RESOLVED that the Town Board hereby appoints Isaac Sheahan to the Parks and Recreation Citizens Advisory Committee as a Student Representative with a term ending on June 30, 2022; and be it further

RESOLVED that a copy of this resolution be forwarded to Director of Parks and Recreation, Chairperson of the Parks and Recreation Citizens' Advisory Committee, Town Clerk, Human Resources and Isaac Sheahan.

RESOLUTION NO.46 REAPPOINT GREGORY RICHARDS - PARKS AND RECREATION CITIZENS ADVISORY COMMITTEE

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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WHEREAS, Gregory Richards' term to the Parks and Recreation Citizens Advisory Committee expired on December 31, 2021; and

WHEREAS, Gregory Richards has indicated his desire to continue to serve on said Committee and have met the conditions for reappointment; now, therefore, be it

RESOLVED that Gregory Richards be re-appointed to the Parks and Recreation Citizens Advisory Committee for a three-year term, beginning on January 1, 2022 and ending on December 31, 2024; and further

RESOLVED that a copy of this resolution be sent to Human Resources, Gregory Richards, Parks and Recreation Citizens Advisory Committee Chair, Town Clerk, and Director of Parks and Recreation.

RESOLUTION NO.47 APPOINT THOMAS STIRONE - PART-TIME CODE ENFORCEMENT OFFICER POSITION

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, Thomas Stirone has been a Part-Time Building Inspector for the Town of Victor since 2012; and

WHEREAS, Thomas Stirone has received his New York State Code Enforcement Officer certification and meets the requirements for the Part-Time Code Enforcement Officer position; now, therefore be it

RESOLVED that Thomas Stirone be appointed to the Part-Time Code Enforcement Officer position for the Town of Victor, effective January 1, 2022, at a Grade 7, Step A rate of Twenty-Nine dollars and Ninety two cents (\$29.92) per hour to be paid from the 2022 Town Budget Line Item #B.3620.100 – Building Safety Inspection. Personal Services; and be it further

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

RESOLUTION NO.48 AETNA CONTRACT - PROVIDE 2022 RETIREE HEALTH CARE INSURANCE

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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WHEREAS, the Town of Victor wishes to provide affordable health care insurance to Town retirees; and

WHEREAS, the Town of Victor is a member of the Finger Lakes Municipal Health Insurance Trust, per Resolution #385-10; and

WHEREAS, the Finger Lakes Municipal Health Insurance Trust has worked with Brown & Brown Associates as their health care benefits broker, and with Aetna to provide affordable health care insurance for Town retirees as of April1, 2022; and

WHEREAS, Aetna has negotiated plans with the Finger Lakes Municipal Health Insurance Trust for the Age 65+ retirees, and Brown & Brown has recommended that the Town of Victor offer Plan #4, as it most closely mirrors the current MVP retiree plan that is in place and which will be ending on March 31, 2022; now, therefore be it

RESOLVED that the Town Supervisor be authorized to enter into a contract with Aetna for retiree health care insurance with an effective date of April 1, 2022 and at a plan cost of One Hundred Thirty Three dollars and Eighty Eight cents (\$133.88/month as the 2022 health care provider for the Town of Victor under age 65 employees; and be it further

RESOLVED that a copy of this resolution be sent to the Human Resources Department, Aetna, Brown & Brown, Town Clerk, and the Finance Department.

RESOLUTION NO.49 REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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 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>

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Sharon Mikulec	Lego Club	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
Allyson Nutting	Dance Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
Alexandra Barbato Hine	Chorus Accompanist	Varies	\$1,800.00	December 31, 2022	Insufficient Coverage
Peggi Heissenberger	Watercolor Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
Yelena Shapiro	Music Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
OTBI Entertainment Group	Winterfest Concert	Victor Recreation Center	\$375.00	December 31, 2022	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>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Sharon Mikulec	Afterschool Lego Club	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
Allyson Nutting	Dance Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
Alexandra Barbato Hine	Chorus Accompanist	Varies	\$1,800.00	December 31, 2022	Insufficient Coverage
Peggi Heissenberger	Watercolor Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
Yelena Shapiro	Music Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage
OTBI Entertainment Group	Winterfest Concert	Victor Recreation Center	\$375.00	December 31, 2022	Insufficient Coverage

And be it further

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RESOLVED that a copy of this resolution be sent Director of Parks and Recreation, Town Clerk, Sharon Mikulec, Alexandra Barbato Hine, Peggi Heissenberger, Allyson Nutting, Yelena Shapiro, and Matthew Roy.

RESOLUTION NO. 50 AGREEMENT - OTBI (THE HAPPY PIRATES)

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with OTBI Entertainment Group (The Happy Pirates) to provide music and a sound system for a concert; 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 OTBI Entertainment Group (The Happy Pirates) under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Three Hundred Seventy Five Dollars (\$375.00) to be paid from the 2022 Budget Line item A7550.400 Celebrations.Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker and the Attorney for the Town; and further

RESOLVED that a copy will be forwarded to Director of Parks and Recreation, Finance Director, Town Clerk, and OTBI Entertainment Group c/o Matthew Roy.

RESOLUTION NO. 51 AGREEMENT - SHARON MIKULEC

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Sharon Mikulec to lead an afterschool Lego club 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 Sharon Mikulec under the terms and conditions as

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provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A7020.400 Rec Admin.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 Director of Parks and Recreation, Finance Director, Town Clerk, and Sharon Mikulec.

RESOLUTION NO. 52 AGREEMENT - ALLYSON NUTTING

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Allyson Nutting to instruct dance classes for preschoolers 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 Allyson Nutting under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A7020.400 Rec Admin.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 Director of Parks and Recreation, Finance Director, Town Clerk, and Allyson Nutting.

RESOLUTION NO. 53 AGREEMENT - ALEXANDRA BARBATO HINE

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

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4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Alexandra Barbato Hine to be the accompanist to the Victor Community Chorus 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, therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Alexandra Barbato Hine under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of One Thousand Eight Hundred Dollars (\$1,800.00) to be paid from the 2022 Budget Line item A.6772.400 Programs for the Aging.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 Director of Parks and Recreation, Finance Director, Town Clerk, and Alexandra Barbato Hine.

RESOLUTION NO. 54 AGREEMENT - PEGGI HEISSENBERGER

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Peggi Heissenberger to lead instruction in watercolor for adults 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 Peggi Heissenberger under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A7020.400 Rec Admin.Contractual; and further

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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 Director of Parks and Recreation, Finance Director, Town Clerk, and Peggi Heissenberger.

RESOLUTION NO. 55 AGREEMENT - YELENA SHAPIRO

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Yelena Shapiro to provide instruction in music for preschool age children and their parents 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 Yelena Nutting under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A7020.400 Rec Admin.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 Director of Parks and Recreation, Finance Director, Town Clerk, and Yelena Shapiro.

RESOLUTION NO. 56 AGREEMENT - MARY SLAUGHTER

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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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 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A7020.400 Rec Admin.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 Director of Parks and Recreation, Finance Director, Town Clerk, and Mary Slaughter.

RESOLUTION NO. 57 AGREEMENT - PAMELA WARREN

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Pamela Warren to provide instruction in ice skating for youth and adults 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 Pamela Warren under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Eighty Percent (80%) of the recreation program revenues allocated to the Contractor and Twenty Percent (20%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A7020.400 Rec Admin.Contractual; and further

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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 Director of Parks and Recreation, Finance Director, Town Clerk, and Pamela Warren.

RESOLUTION NO. 58 PURCHASE TAILGATE MOUNTED SALT SPREADER

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, the Department of Parks and Recreation has the need to purchase a tailgate mounted salt spreader for snow and ice removal; and

WHEREAS, the Director of Parks and Recreation has obtained a written quotation from Custom Truck Creations in the amount of One Thousand Four Hundred Dollars (\$1,400.00); now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase the salt spreader in the amount of One Thousand Four Hundred Dollars (\$1,400.00) to be paid from the 2022 Budget line item A7110.400 Parks.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, Parks Maintenance Assistant, and Custom Truck Creations Incorporated.

RESOLUTION NO. 59 PURCHASE (2021) JOHN DEERE 17G COMPACT EXCAVATOR OFF NEW YORK STATE OFFICE OF GOVERNMENTAL SERVICES CONTRACT #PC69403

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, the Department of Parks and Recreation has the need to purchase an (2021) compact excavator with digging and ditching buckets for parks and trails operations; and

WHEREAS, the equipment is immediately available for purchase under New York State Governmental Services Contract #PC69403 through LandPro Equipment; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase an (2021) John Deere compact excavator with digging and ditching buckets for parks and trails operations from LandPro Equipment LLC in an amount not to exceed Twenty-Eight Thousand

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Six-Hundred Thirty-Nine Dollars and Eight Cents (\$28,639.08) under the New York State Governmental Services Contract #PC69403 to be paid from the 2022 Budget Line item A7110.200Parks.Equipment; and further

RESOLVED that a copy of this resolution be forwarded to Director of Parks and Recreation, Town Clerk, Finance Director, and Eric Perry, LandPro Equipment LLC.

RESOLUTION NO. 60 2022 AGREEMENT - VICTOR-FARMINGTON VOLUNTEER AMBULANCE CORPS. INC.

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

RESOLVED that the Town Board authorizes the Supervisor to enter into an agreement with Victor-Farmington Volunteer Ambulance Corps., Inc. to provide emergency ambulance service for a term to cover January 1, 2022 through December 31, 2022 under the terms and conditions as provided for in the 2022 contract identified as Schedule A and kept in the subject matter file in the Town Clerk's Office at a cost not to exceed One Hundred Fifty Thousand dollars (\$150,000.00) to be paid from the 2022 Budget line A.4540.400 Ambulance.Contractual; and further be it

RESOLVED that a copy of this resolution be forwarded to Victor-Farmington Volunteer Ambulance Corps, Inc., Finance Director, and Town Clerk.

RESOLUTION NO. 61 RESCIND RESOLUTION NO. 7 POST-ISSUANCE TAX COMPLIANCE AND CONTINUING DISCLOSURE POLICIES AND PROCEDURES FOR TAX-EXEMPT NOTES & BONDS

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, On January 3, 2022 the Town Board approved Resolution #7 Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures for Tax-Exempt Notes & Bonds; now, therefore, be it

RESOLVED that Resolution #7-2022 be rescinded as it was not necessary for the Town to adopt the policy.

RESOLUTION NO. 62 AMEND FEE SCHEDULE

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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WHEREAS, the Town has found it necessary to amend the Town of Victor Fee Schedule; and

WHEREAS, the following changes are as follows:

L. Chapter 162 - Sewers.

- (2) Property serviced by the Town of Farmington sewage treatment plant shall be charged:
- (a) A sewer rent fee of \$87.50 per quarter per Commercial property unit, and \$90.00 per quarter per Residential property unit according to the property unit designations set forth at § 162-102; and

RESOLVED that the Town Board approves the amendment to the Fee Schedule dated January 1, 2022, said Fee Schedule is kept in the subject file in the Town Clerk's office; and further

RESOLVED that a copy of this resolution with the amended Fee Schedule shall be forwarded to the Finance Director and the Town Clerk.

RESOLUTION NO. 63 APPROVING THE ADJUSTMENT AND ALTERATION OF EAST VICTOR ROAD TO CORRECT THE BOUNDARIES AND TRANSFERS RELATING TO ALTERATIONS

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, the Highway Superintendent of the Town of Victor, New York has made an application and recommendation to the Victor Town Board relating to the need to correct and alter the boundaries of portion of the Town highway known and referred to as East Victor Road; and

WHEREAS, by way of history, in November of 1970 the Town of Victor took title to lands to be used as the East Victor Road right of way. Shortly thereafter, in 1972, the Town determined that a portion of those lands were not necessary and abandoned such lands; and

WHEREAS, the Town Highway Superintendent advises that a portion of East Victor Road right of way along the easterly portion of Tax Map Id. No. 28.04-01-48, the proposed location of Southgate Hills 2 subdivision, extends significantly further than the practical or useable right of way and is in no way used or of value to the Town or otherwise traversed by the public (the unnecessary "Abandonment Lands"). Thus, the Highway Superintendent seeks to abandon these lands. Said Abandonment Lands are more particularly described in a Quitclaim Deed, proposing to convey lands from the Town of Victor to BRW of Greece, LLC; and

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WHEREAS, the Highway Superintendent advises that the Abandonment Lands are owned by the Town of Victor and serve no public purpose or right of way purpose whatsoever, and thus, will have no effect or impact on the Town or the public should they be abandoned; now, therefore, be it

RESOLVED that the Victor Town Board hereby consents to and agrees with the proposed alterations to East Victor Road and adopts the Highway Superintendent's findings, that the Abandonment Lands, as more particularly depicted on that certain Basemap prepared by BME Associates dated July 2021, Project No. 2271S, shall be abandoned; and, be it further

RESOLVED that the Town Board hereby finds that the Abandonment Lands serve no public purpose or right of way purpose whatsoever, and thus, will have no effect or impact on the Town or the public should they be abandoned; and be it further

RESOLVED that in connection with said alteration of East Victor Road, the Town Board hereby conveys and transfers the Abandonment Lands to BRW of Greece, LLC, and authorizes the Supervisor to execute any documents needed to effectuate said transfer; and be it further

RESOLVED that the Town's conveyance of the Abandonment Lands constitutes fair consideration in exchange for the installation of sidewalks throughout the Southgate Hills 2 subdivision by BRW of Greece, LLC in accordance with any and all requirements of the Planning Board in connection with the site plan approval of the same subdivision; and be it further

RESOLVED that the portion of this Resolution which deals with the conveyance of the Abandonment Lands is subject to Permissive Referendum, for which the Town Clerk shall advertise in accordance with law; and further

RESOLVED that a copy of this resolution be forwarded to BRW of Greece, LLC, the Highway Superintendent, and the Town Clerk.

RESOLUTION NO. 64 AFTER PUBLIC HEARING – ADOPT LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR 2023 – TOWN OF VICTOR

On motion of Councilman Guinan, seconded by Councilman Condon, the following resolution was adopted: 4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

Roll Call Vote: Supervisor Marren aye Councilman Condon aye
Councilman Guinan aye Councilman Kahovec aye

WHEREAS, a resolution was duly adopted by the Town Board on the 3rd day of January, 2022, calling for a Public Hearing to be held by the Town Board on the 24th day of January, 2022, at the Town Hall at 7:00 PM, to hear all interested parties on a proposed local law to Override the Tax Levy Limit for 2023 – Town of Victor; and

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WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Town Hall on the 24th of January, 2022, at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law; now, therefore be it

RESOLVED, that the Town Board hereby adopts said Local Law as follows:

LOCAL LAW TO OVERRIDE THE NY TAX LEVY LIMIT FOR 2023 – TOWN OF VICTOR

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

Section I. Authorization

This Local Law is in accordance with New York General Municipal Law at Section 3-c.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ___-2022 Override the NY Tax Levy Limit for 2023 of the Town of Victor. The purpose of this local law is to override the NY Tax Levy Limit, pursuant to NY General Municipal Law Section 3-c.

Section III. Legislative Findings

The Victor Town Board finds and hereby determines that the Town has continued to experience rapid growth. In connection with such growth, along with development in technology, increases in health care costs, etc., the Town is facing increased costs including, but not limited to, costs related to sewer and water infrastructure, highway costs, employee payroll and benefits costs, technology costs, etc. In part because of the Town's historically low tax rate, the Town's ability to increase revenues via taxation to cover increased costs is severely limited due to the NYS Tax Levy Limit (which limits increase in taxation to a percentage of historic taxes). Therefore, in order to maintain the high level of services and the high standard of living the Town of Victor, it may be necessary to increase taxation beyond the level otherwise permitted by the NYS Tax Cap at NY General Municipal Law Section 3-c.

Section IV. Amendment

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The Town Board of the Town of Victor, County of Ontario, is hereby authorized to adopt a budget for the fiscal year of 2022 which requires a real property tax levy increase in excess of the limit set by NY General Municipal Law Section 3-c.

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 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.

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.

RESOLUTION NO. 65 LETTER OF CREDIT – HIGH POINT BUSINESS PARK BUILDING 300 - RELEASE 2

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, upon Rainbros Associates, LLC. receiving Planning Board approval for the Highpoint Business Park, Building 300 a M & T Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and,

WHEREAS, in their January 20, 2022 letter the Town Engineer recommended that \$171,664.22 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 M & T Bank Irrevocable Letter of Credit in the amount of \$171,664.22 conditioned upon payment of all fees owed to the Town; and further

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RESOLVED that given said release, there now remains \$37,394.64 in said Letter of Credit; and further

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

RESOLUTION NO. 66 LETTER OF CREDIT – BLUMONT RISE SUBDIVISION - RELEASE 2

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

4 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

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 January 20, 2022 letter, the Town Engineer recommended that \$525,824.00 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. 2 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of \$713,710.00 conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains \$437,546.00 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.

RESOLUTION NO. 67 DORCHESTER PARK SECTION 2 PHASE 2 - ACCEPTANCE OF DEDICATION

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

4Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, Woodstone Custom Homes, Inc., developer of Dorchester Park Section 2 Phase 2, has offered to dedicate to the Town of Victor the portion of Grayson Drive constructed in Dorchester Park Section 2 Phase 2, as described in the right-of-way description, and the associated sanitary sewer system and storm sewer system as set forth in the Town Engineer's letter of January 20, 2022; and

WHEREAS, the Engineer for the Town has indicated by letter dated January 20, 2022 that Grayson Drive constructed in Dorchester Park Section 2 Phase 2, as described in the right-of-

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way description and the associated sanitary sewer system and storm sewer system are acceptable to be dedicated to the Town; and

WHEREAS, Woodstone Custom Homes, Inc has posted a Maintenance Bond in the form of a Letter of Credit in the amount of \$71,095.79 as recommended by the Town Engineer in a letter dated January 20, 2022 to be held for two (2) years after the acceptance of the dedicated facilities and roadway; now, therefore, be it

RESOLVED AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of approximately 2,040LF of Grayson Drive roadway constructed in Dorchester Park Section 2 Phase 2, as the same is known and is described in deeds of dedication to be executed by Woodstone Custom Homes, Inc, a copy of which is on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of Dorchester Park Section 2 Phase 2, as described in the right-of-way description and the associated sanitary sewer system and storm sewer system located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
3. That the dedication of the said roadway and systems shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.
4. That upon the acceptance of the dedication of the portion of Grayson Drive, the Official Map of the Town of Victor shall be amended; and be it further

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

RESOLUTION NO. 68 LETTER OF CREDIT – DORCHESTER PARK SECTION 2 PHASE 2 – RELEASE 2

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

4Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

WHEREAS, upon Woodstone Custom Homes, Inc. receiving Planning Board approval for Dorchester Park Section 2 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 January 20, 2022 letter, the Town Engineer recommended that \$517,967.26 be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

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RESOLVED that the Town Board hereby approves Release No. 2 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of \$167,378.01 conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains \$71,095.79 in said Letter of Credit; and further

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

PUBLIC COMMENT OR ANY UNFINISHED BUSINESS: NONE

RESOLUTION NO. 69 MOTION TO MOVE TO EXECUTIVE SESSION

Time: 8:00PM

On motion of Councilman Condon, seconded by Councilman Kahovec, the Victor Town Board move into executive session.

4Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

RESOLVED that the Victor Town Board enter Executive Session for **Rule #3** the proposed acquisition/sale/lease of real property when publicity might affect the value.

ATTENDEES: Supervisor Marren, Councilman Condon, Councilman Guinan, Councilman Kahovec, Rich O'Donnell; Frank Pavia and Munesh Patel by phone.

RESOLUTION NO. 70 MOTION TO CLOSE EXECUTIVE SESSION

On motion of Councilman Kahovec seconded by Councilman Condon, the Executive session of the Victor Town Board was closed by a unanimous vote.

4Ayes 0 Nays (Marren, Condon, Kahovec, Guinan)

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Kahovec, seconded by Councilman Guinan to adjourn the regular Town Board meeting at 9:07PM.

Respectfully submitted,

Karen C. Bodine
Town Clerk