

VICTOR TOWN BOARD MEETING, MONDAY, FEBRUARY 8, 2021

A Meeting of the Victor Town Board was held on February 8, 2021 in the Victor Town Hall Main Meeting Room starting at 7:00PM and also live streamed via YouTube.

Supervisor Marren called the meeting to order @ 7:00PM

Flag Salute

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

OTHERS PRESENT: Karen Bodine-Town Clerk; Frank Pavia- Town Attorney; Mark Years-Highway Superintendent; Steve Metzger- LaBella Associates; Brian Emelson – Parks & Recreation; Lisa Roberts- CAC; Barb Cole- Finance Director; Suzy Mandrino- IT; Mark Hamilton- Integrated Systems; and Tim Brown.

Supervisor’s Announcement:

- All Town facilities will be closed on February 15th for Presidents’ Day

RESOLUTION #52 APPROVAL OF MINUTES

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

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

RESOLVED that the minutes for January 25, 2021 be adopted.

RESOLUTION #53 PAYMENT OF BILLS

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

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

RESOLVED that the bills be approved for Manifest #3 in the amount of \$6,597,733.57. Documentation for these expenditures can be found on vouchers filed by numbers #20210223-20210323.

	Manifest #3	
General Townwide		6,398,081.30
General Outside Village		15,426.42
Highway Townwide		88,710.98
Total of Lighting Districts		5,259.26
SS Consolidated Sewer Fund		90,255.61

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Supervisor Marren reviewed the following expenditures for Manifest #3 that were in the range or exceeded \$10,000.00.

- Rochester Gas & Electric – Town-wide utilities for gas & electric
- American Rock Salt – Road salt
- Integrated Systems – Sonic wall (courts), February hosting, security camera
- Cargill Incorporated – Treated salt
- Village of Victor – Sewer tax Relevy and Sermar pilot
- Victor Sewer District – Sewer tax Relevy
- Victor Fire District – 2021 Taxes
- Fishers Fire District – 2021 Taxes
- Victor Central School – Sermar pilot
- Lewis General Tires – Truck tires
- Ontario County – 4th quarter 2020 Court security and enhanced traffic enforcement and Sermar pilot
- MVP – February medical insurance for employees & retirees

PRIVILEGE OF THE FLOOR:

Mark Hamilton from Integrated Systems gave a presentation of the proposed Disaster Recovery Plan for the Town of Victor. Mark explained that the objective is to protect the IT resources and data kept by those resources to minimize the time where these systems are not available to provide the services required by the Town's employees. To establish this plan, there was an effort involving the Town's IT assets and systems, an assessment of each department's IT needs and recommendations to provide proactive efforts to guarantee the availability of these systems. Mark pointed out procedures that are in place for the Town to manage any type of exposure by "bad actors" in the IT environment. At any given time, the Town has 23 different images of our entire system at three different locations in different formats in hosted environments. The key is to be proactive and have as many back-ups possible to depend on, especially during these times of ransomware attacks.

Supervisor Marren commented that the Town review this plan a couple times a year and noted that the Town's auditors had recommended this. Supervisor Marren thanked Barb and Suzy for their dedicated work on this and noted they enjoyed working with Mark on this recovery plan. Councilman Kahovec asked who would own the living, breathing document. Supervisor Marren explained that it would be IT, Finance, and HR. This will also be introduced to all department heads and a copy put on the shared drive to be updated for employees to access.

Brian Emelson- Director of Parks & Recreation addressed the Board to discuss some of the changes that have occurred in the bicycle industry and how it can or cannot impact the Town of Victor's parks and trail systems with regards to e-bikes. Brian acknowledged Lisa Roberts, Paul Moszak, Larry Fischer, and Mark Robbins who are part of the sub-committee working with him to amend Chapter 149 Snowmobiles and Off-Road Vehicles for consideration of e-bikes. Brian explained that an e-bike has handlebars, pedals, two or sometimes three wheels, gears, etc. but small 750 watt motor powered batteries which allow the rider to be assisted while

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pedaling. Brian gave a background of how the current code was developed for the use of the park trails. Under the current Town code, e-bikes would meet the definition of an unauthorized motor vehicle which are not allowed on the trails. These bikes are classified in three classes. Class 1- Pedal assist which has a maximum low-speed of 20 mph, Class 2- Throttle assist which has a maximum low-speed of 20 mph, and Class 3 – Speed pedal assist which has a maximum speed of 28 mph. The committee looked at several studies on the potential impact of e-bikes and found more about rider behavior or etiquette rather than technology. The Town of Victor has twice the amount of trail mileage than any of the surrounding towns with over 60 miles of trails. The committee wants to become more advanced in the management of the trails and recommends a change to the current code to provide for the use of only the Class 1, pedal assist electric bicycles on the trails within the Town. Questions were raised about enforcing the speed limit and the use of other Class e-bikes on the trails. Counsel weighed in and noted it may be difficult to enforce the speed limit. Brian also noted that one challenge is etiquette on the trails. The Board was supportive and agreed the recommendation to change the code would be beneficial and an excellent resource for the aging population.

PUBLIC COMMENT:

Tim Brown expressed his concern about the recent malware incident at the Victor Central Schools and noted that residents were rattled by this.

REPORTS OF TOWN OFFICIALS:

- Parks & Recreation
- Economic Development/LDC
- Historian
- Supervisor- verbal
 - ✓ Patience with the COVID vaccines
 - ✓ Pop-up vaccine site at Mt. Olive Church in Geneva
 - ✓ Briefing of numbers of COVID for the County
 - ✓ Dick's Sporting Goods Store -Certificate of Occupancy issued and will be opening in March, 2021

**Councilman Condon asked about the distribution of vaccines throughout the county and why some places got more people vaccinated than others.*

**Councilman Cusimano asked if there was a plan or entity providing a way for people who cannot leave their homes to get vaccinated. Nothing yet.*

Finance Verbal Report

- ✓ Barb Cole addressed the Board with information about the Governor's 2021 budget which included a fund for Distressed Provider Assistance. This applies to distressed hospitals as well as nursing homes. To Fund this \$250 million per year for the next two years, the Governor is reducing sales tax to NYC and the counties. NYC is responsible for \$200 million and \$50 million is on the remaining counties. Ontario County's share for this calendar year is \$511,308.00. This was not budgeted and the entire amount will be taken

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out of the February 2021 Sales Tax Revenue. The Town of Victor's share is \$34,412.68. For the 2021-2022 tax year, money will be taken out in May, August, and November. The total that the Town of Victor will be losing is over \$59,000 in this calendar year. Next year after the two years is up, and the town gets the money back it will only cost \$8,400.00. Fortunately, Barb explained the town was in a better place due to the proactive approach when budgeting during the COVID crisis. In addition, not knowing where things would be due to COVID, the sales tax revenue projections have been cut by almost 20% for the 2021 year. Barb feels the town is in a good position and wanted to share with the Board some of the challenges that the county, town, and village levels face and have no control over.

- ✓ Barb thanked the Town of Victor and Board for being proactive with implementing the disaster recovery plan for IT and noted the Town is in a good place because of that.

RESOLUTIONS

Finance

RESOLUTION #54 AMEND RESOLUTION No. 156-20 - PURCHASE OFF-ROAD HANDCYCLE FOR ADAPTIVE MOUNTAIN BIKE PROJECT

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

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

WHEREAS, on April 13, 2020 the Town Board approved Resolution No. 156 - Purchase Off-Road Handcycle for Adaptive Mountain Bike Project from Lasher Sport in the amount of Nine Thousand Nine Hundred Fifty Six dollars (\$9,956.00) in accord with the grant from the Finger Lakes Visitors Connection (FLVC) in the amount of Five Thousand dollars (\$5,000.00); and

WHEREAS, the remaining balance for the purchase of the handcycle in the amount of Four Thousand Nine Hundred Fifty Six dollars (\$4,956.00) was authorized by the Town Board to be taken from TA.0085.001 Multi-Use Trail Fund; and

WHEREAS, one half of the purchase price in the amount of Four Thousand Nine Hundred Seventy Eight dollars (\$4,978.00) was due upon order; and

WHEREAS, one half of the FLVC grant was received in 2020 in the amount of Two Thousand Five Hundred dollars (\$2,500.00) and the remaining one half (\$2,500.00) will be received in 2021; and

WHEREAS, per direction of auditor Tom Zuber, the funds in Budget line TA.0085.001 Multi-Use Trail Fund were moved to A Fund Budget line A.0601.002 Accrued Liabilities Bike Trails in accordance with GASB 84; and

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WHEREAS, the Finance Director was further advised that when funds were to be used from A Fund, Budget line A.0601.002 Accrued Liabilities Bike Trails, they should be reflected as a donation authorized by board resolution with related amendment to the expense budget; now, therefore, be it

RESOLVED that Resolution 156-20 be amended to reduce the 2020 Budget line A.0601.002 Accrued Liabilities Bike Trails by Two Thousand Four Hundred Seventy Eight dollars (\$2,478.00) to be brought in as a donation for the purchase of the handcycle in the 2020 budget; and further

RESOLVED when remaining funds in the amount of Two Thousand Five Hundred dollars (\$2,500.00) are received from Finger Lakes Visitors Connection (FLVC), the 2021 budget be further amended to reflect receipt of the FLVC donation and the remaining donation in the amount of Two Thousand Four Hundred Seventy Eight dollars (\$2,478.00) from Budget line A.0601.002 Accrued Liabilities Bike Trails with related offsetting increase in the expense Budget line A.7020.400 Recreation Administration; and further

RESOLVED that the Finance Director is directed to make the appropriate adjustments in the 2020 and 2021 budgets to reflect the above-mentioned changes upon Town Board approval; and further

RESOLVED that copies of this resolution be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Finger Lakes Visitors Connection.

RESOLUTION #55 AMEND RESOLUTION No. 60-20 - PURCHASE 2021 ALTEC MODEL LR758RM ARTICULATING OVERCENTER AERIAL DEVICE

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

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

WHEREAS, on January 27, 2020 the Town Board approved Resolution No. 60 - Purchase 2021 Altec Model Lr758rm Articulating Overcenter Aerial Device (bucket truck) and Resolution No. 61-20 Equipment Agreement - Village of Victor - Altec Model Lr758rm Articulating Overcenter Aerial Device for the joint purchase of the above-mentioned bucket truck; and

WHEREAS, the cost of the bucket exceeded the original estimate of Eighty Two Thousand Eight Hundred Ninety Six dollars (\$82,896.00); now, therefore, be it

RESOLVED that Resolution No. 60-20 be amended to read as follows:

PURCHASE 2021 ALTEC MODEL LR758RM ARTICULATING OVERCENTER AERIAL DEVICE

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WHEREAS, the Village of Victor and the Town of Victor wish to jointly purchase a 2021 Altec Model LR758RM Articulating Overcenter Aerial Device; and

WHEREAS, this vehicle is available for purchase off New York State Bid Contract Award Number PGB-22792, Contract PC66582 from Altec Industries Inc.; now, therefore, be it

RESOLVED, that the Village and the Town will enter into an agreement for the purchase and maintenance of, and, the insurance and liability for the Equipment, with the Town's portion of the purchase price with training being 50% of the total cost, not to exceed Eighty Five Thousand One Hundred One dollars and Fifty cents (\$85,101.50), which funds are available in the 2020 Budget Line Item DB.5130.2 Machinery Equipment; and further

RESOLVED, that a copy of this resolution be forwarded the Highway Superintendent, Village of Victor, Town Clerk, Finance Director, and Altec Industries Inc.

Planning & Building

RESOLUTION #56 DECLARING PROPERTY AT 7395 MODOCK ROAD AS UNSAFE AND ORDER FOR PUBLIC HEARING

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

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

WHEREAS, as required by Town Code, Chapter 83 "Construction Codes, Uniform" Section 83-9 "Unsafe Buildings and Structures," the Code Enforcement Officer has submitted a report finding that the property at 7395 Modock Road (Tax Map #27.00-1-10.100) (the "Property"), shall be deemed dangerous and unsafe to the public; and

WHEREAS, the Town Board has reviewed and considered the report of the Code Enforcement Officer, such report and supporting documentation including photographs is identified as Schedule "A" and kept in the subject file in the Town Clerk's Office; now, therefore, be it

RESOLVED that given the state of the structural damage to the Property, the Town Board finds that this Property is dangerous and unsafe and needs immediate repair; and further be it

ORDERED that the owner, executor, administrator, mortgagee, lessee or any other person who may have a recorded vested or recorded contingent interest in the unsafe Property, secure the Property and to obtain all permits necessary, at the owners expense, in order to repair the structure; and be it further

ORDERED that the Code Enforcement Officer is to install the unsafe structure placards as provided by law; and be it further

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ORDERED that the Property be fully repaired by the property owners to commence within THIRTY (30) days after service of notice and to be complete within SIXTY (60) days at the owners' expense; and be it further

ORDERED that a public hearing will be held before the Town Board of the Town of Victor on February 22, 2021 at 7:00 PM at the Victor Town Hall, 85 East Main Street, Victor, New York, to determine whether this order shall be affirmed, modified, or vacated and also at which time the owners or occupants, or other persons having an interest in said Property shall have the right to contest this Order of the Town Board. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:00 PM on the 22nd day of February, 2021; and be it further

ORDERED that in the event such owners, executor, administrator, mortgagee, lessee or other persons who may have a recorded vested or recorded contingent interest in said Property shall fail to contest such order, and fail to comply with the same, that the Town Board will order the repair of such Property by the Town and that the Town will assess all costs and expenses incurred against the land on which such Property is located; and be it further

ORDERED that a copy of this resolution be forwarded to Stewart Pedersen, Planning and Building Department, and the Town Clerk.

Human Resources

RESOLUTION #57 CONTRACT - WB MASON - PURCHASE CLEANING SUPPLIES AND PAPER PRODUCTS

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

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

WHEREAS, on September 14, 2020 the Town Board approved Resolution No. 279 Solicit Quotes -Centralized Purchasing of Bulk Janitorial Supplies in an effort to control the cost of cleaning supplies and paper products; and

WHEREAS, the Request for Quotes for cleaning and paper products was advertised and product quotes were received from the following vendors:

Rochester Regional Distributors – Rochester, NY
WB Mason – Rochester, NY
New York State Industries for the Disabled – Rochester, NY
Hillyard – Victor, NY
Central Poly Bag –Linden, NJ
Pyramid School Products – Tampa, FL

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Sam Tell Companies – Farmingdale, NY

and

WHEREAS, the Town wishes to purchase all materials from one vendor, and an analysis was conducted on overall product prices based on the most highly-used products; and

WHEREAS, WB Mason has the overall highest cost-savings for the Town based on the most commonly-used products; now therefore be it

RESOLVED that the Supervisor is authorized to enter into a one-year contract with WB Mason, beginning on March 1, 2021 through February 28, 2022 to provide cleaning supplies and paper products to all Town buildings through a centralized purchasing contract, which is to be charged to A.1620.400 – Buildings. Contractual, and is to be administered through the Human Resources office; and be it further

RESOLVED that a copy of resolution be sent to WB Mason, Finance Director, Town Clerk and Human Resources.

RESOLUTION #58 PURCHASE ENHANCED CYBER SECURITY INSURANCE

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's current NYMIR basic cyber security insurance policy has been deemed to be insufficient to meet the Town's needs; and

WHEREAS, quotes have been received by Eastern Shore Associates from Cyber Liability Insurance providers for enhanced cyber security insurance protection; and

WHEREAS, Eastern Shore Associates is recommending the Coalition Option policy through North American Capacity Insurance Company; and

WHEREAS, the cost of the policy is \$5,179.83, less a \$3,230.00 credit on file from the NYMIR insurance policies, for a total additional cost of One Thousand Nine Hundred Forty Nine dollars and Eighty Three cents (\$1,949.83); now, therefore be it

RESOLVED that the Town Board authorizes the purchase of the Cyber Security Insurance Policy through North American Capacity Insurance Company at a cost of One Thousand Nine Hundred Forty Nine dollars and Eighty Three cents (\$1,949.83) to be charged to the 2021 Budget lines #A.1910.400, B.1910.400, and DB.1910.400 – Unallocated Insurance. Contractual; and be it further

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RESOLVED that a copy of this resolution be sent to Eastern Shore Associates, the Finance Department, Town Clerk, and the Human resources Department.

Supervisor**RESOLUTION #59 ADOPTION OF TOWN OF VICTOR DISASTER RECOVERY PLAN**

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

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

WHEREAS, the need for a Town of Victor disaster recovery plan has been recommended in previous annual Town audits; and

WHEREAS, on January 7, 2019 the Town Board approved Resolution # 45 - Authorization for Supervisor to enter into Professional Consulting Agreement with Integrated Systems for the Development of a written Information Systems Disaster Recovery Plan; and

WHEREAS, Integrated Systems has completed the Town of Victor Disaster Recovery Plan; Now therefore be it

RESOLVED that the Town Board adopts the "Town of Victor Information Systems Disaster Recovery Plan" and authorizes it's inclusion into the Town of Victor Policies and Procedures; and be it further

RESOLVED that the Town Board understands that the Information System requirements change frequently and rapidly, and that the "Town of Victor Information Systems Disaster Recovery Plan" may be modified as new information and requirements are received and rescinded, and authorizes these future amendments, as needed to be in compliance with disaster recovery protocols, subject to the authorization of the Town Supervisor, and be it further

RESOLVED that the Information Systems Disaster Recovery Plan be placed on the Town of Victor internal "S" Drive under the "Disaster Recovery Plan" folder, with a paper copy placed in the IT department office and in the Town Clerk's office; and be it further

RESOLVED that a copy of this resolution be sent to the IT Department, Finance Department, Human Resources, Town Clerk, and all Town of Victor Department Heads.

PUBLIC COMMENT or ANY UNFINISHED BUSINESS: *None*

RESOLUTION #60 MOTION TO MOVE TO EXECUTIVE SESSION @ 8:29PM

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

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

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RESOLVED that the Victor Town Board enter into Executive Session for the proposed Town Certiorari Matters that are currently being negotiated for settlement or heading towards litigation and to discuss the medical, financial, credit or employment history of a particular person/persons or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person/persons or corporation.

No Board Action Taken

RESOLUTION #61 MOTION TO CLOSE EXECUTIVE SESSION

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

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

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Guinan, seconded by Councilman Condon to adjourn the meeting at 9:12PM.

Respectfully submitted,

Karen C. Bodine
Town Clerk