



## VICTOR TOWN BOARD MEETING MONDAY February 28, 2022

General Townwide	\$2459.68
General Outside Village	890.76
Highway Townwide	1449.82

RESOLVED that the bills be approved for Manifest #4A in the amount of \$4,800.26 with Voucher #20220429 as documentation for these expenditures.

**RESOLUTION NO. 97-2022 PAYMENT OF BILLS**

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

3 Ayes 0 Nays (Marren, Cusimano, Condon,)

	Manifest 4B	
General Townwide		\$ 85,702.48
General Outside Village		18,030.16
Highway Townwide		104,835.75
Sanitary Conveyance Capital Project		5,658.75
Total of Lighting Districts		5,305.86
Trust & Agency		10,010.00

RESOLVED that the bills be approved for Manifest 4B in the amount of \$229,968.00 with Voucher numbers 20220532-20220434 as documentation for these expenditures.

**Supervisor Marren** reviewed the following expenditures for Manifest #4A & 4B that were in the range or exceeded \$5,000.00.

**Manifest #4A**

Guardian Life Insurance – March Dental payment \$ 4,800.26

**Manifest #4B**

American Rock Salt – Road salt – \$54,214.96

Bluestone Creek Develop. – March rent Parks/Rec. facility - \$13,750.00

Labella Associates PC – Professional Services for January – \$28,751.25

(Chargeback to developers \$10,010.00, cost to the Town \$18,741.25)

MVP Health – March Healthcare employees/retirees - \$75,207.16

Noco Energy – Diesel Fuel - \$8,645.09

RG&E – February Gas & Electric - \$9,701.33

**No Privilege of the Floor****Public Comments:**

**Supervisor Marren** made a couple comments with regards to the Public Comment section of the meeting. Each speaker is allowed 3 minutes to speak and please be respectful and mindful of everyone's thoughts, you may agree or disagree. If you have written material to hand out, please give them to the Town Clerk.

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**Randy Shea** addressed the Board with concerns about sexually explicit materials that are available to children at the Victor/Farmington Public Library. With the expansion of a new library he raised the question should there be age restrictions on books, movies, and pamphlets that are available at the library? He handed out information on the materials in the library that he is concerned about to each Board member and the Town Clerk.

**Supervisor Marren** thanked Randy and wanted to make the public aware of the fact the Town government use to fund the library and now they are their own taxing jurisdiction.

**Keith Shields** gave background on what the game of pickleball means to him and all the members who play. He noted members play for the exercise and to make friends and memories. With the insight from Jerry Colyer and help from Brian Emelson the courts in Fishers Park have been completely redone and the numbers of players has grown from 12 to 347 members. Keith explained that he has respect for Carole and Larry Fisher and understands their frustration living next door to the pickleball courts and hopes they can find a middle ground for everyone to be somewhat happy.

**Supervisor Marren** commented the town has made a commitment to our senior population. Our community has beautiful amenities such as hiking trails, parks, fields at the schools, and we are all about wellness and exercise. No one would dispute the trend now with pickleball and the points about friendships and memories are very valuable. The Board has listened to several residents in the hamlet of Fishers that are impacted by the noise and understands that it wears on folks. The Board felt this was a great investment after the pandemic and still feels it is a great investment. We need to find middle ground with cutting down the hours that the courts will be open and possibly fees. He asked for patience while trying to find a resolution to this. The Board has asked Brian Emelson to investigate the cost of enclosing the courts at Fishers Park.

**Brian Emelson** noted that the challenge is that one organization has dominated the use of the Fishers tennis/pickleball courts and like all of our public facilities we need to make sure its used by all of our people, so they can drop in and play. Brian explained we need to find a way to control one private organization that we do not govern the communication from dominating the use of one of the facilities that has become a challenge for residents living near that facility. Brian noted the goal is to find a balance and a blend of hours that meet folks needs.

Residents spoke in support of the Farmington/Victor pickleball group:

**Audrey & Michael Gavin**

**Mark Shaver**

**Cindy Whitcomb**

**Town Clerk** -received letters from the following people in support of pickleball:

Linda Dunsmoor, Chauncy Young, and Jane Grace Taylor

**Keith Shields** explained why the group became a 501C to protect the officers in the group.

Residents spoke with concerns about the location of the pickleball courts:

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**Dulcie Fisher** stated she loved the game of pickleball but feels the courts need to be in a more appropriate area away from residential homes.

**Carole Fisher** read part of a letter from Tim Kinsella with concerns about the noise of pickleball and the number of parked cars and players at the Fishers courts.

**Carol Zimmerman** read part of a letter from Linda Dunsmore that could not attend.

**Councilman Condon** has tremendous respect for Keith Shields and the work he and Jerry Coyler have done on these courts at a time during the pandemic when people needed socialization. He noted this is about finding a balance of using the park for our residents for other things besides pickleball.

**Councilman Guinan** noted this is Victor being Victor. We start something and have passionate people like Keith and Jerry who grab hold and build it into something unbelievable. Nothing has taken on the scope and the speed of pickleball that has caught us off guard. We must make it fair for everyone and we know there has to be more dialogue.

**Supervisor Marren** requested the Board to table only the tennis/pickleball fees from the amended fee schedule in Resolution No. 9 until there can be a schedule of hours that will reduce the impact on both sides.

**Councilman Cusimano** asked Mr. Shields how many of the 347 members are Town of Victor residents.

#### **Reports of Town Officials**

- Highway
- IT
- Parks & Recreation- Brian will check with Dewey at the school about the fee for the use of the pool for the aquatics program at VCS.

#### **Supervisor Verbal Report**

- Letters of thank you from Pet Pride and Friends of Ganondagan for employee donations
- Employee recognition – 13 employees totaling 180 years of service
- Victor Travel plaza set to close on June 1, 2022 and will reopen in January 2023

**Town Clerk** asked the Board if they had any objection for a liquor license renewal for Homewood Suites as they have a new owner. The Board had no objections.

#### **Resolutions:**

##### **RESOLUTION NO. 98 2022 PURCHASE 2022 CHEVROLET SILVERADO**

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

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

WHEREAS, the Planning & Building/Stormwater Department has the need to purchase a 2022 Chevrolet Silverado Double Cab 4X4 Custom for Stormwater operations; and

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WHEREAS, this vehicle is available for purchase under NYS Office of General Services Vehicle Marketplace Mini-Bid #9160, OGS Contract #PC68975SB through Jim Barnard Chevrolet; now therefore be it

RESOLVED that the Town Board authorizes the Planning & Building Department to purchase a 2022 Chevrolet Silverado from the NYS Office of General Services Vehicle Marketplace Mini-Bid #9160, Contract #PC68975SB and additional options through Jim Barnard Chevrolet at a cost of Thirty Five Thousand Five Hundred Thirty Two dollars and Sixty Four cents (\$35,532.64) to be paid from the 2022 Budget line item B.3620.200 Building-Safety Inspection.Equipment; and further

RESOLVED that a copy of this resolution be forwarded to the Project Coordinator, Town Clerk, Finance Department, and Allyn Barnard, Jim Barnard Chevrolet.

**RESOLUTION NO.99-2022 AGREEMENT - ESI – EMPLOYMENT SERVICES EMPLOYEE ASSISTANCE PROGRAM**

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

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

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services, including but not limited to contracts for legal, consulting, accounting, and engineering services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103-b and the Town's Procurement Policy, the Town Board may direct a policy for the acquisition of the Town's professional services; and

WHEREAS, ESI has been identified by the Human Resources Department as having appropriate assistance programs and services for the Town of Victor, and has been providing assistance program services to Town of Victor employees; and

WHEREAS, the Town's contract with ESI expired on December 31, 2021, and the renewal agreement will be in effect from January 1, 2022 to December 31, 2022; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with ESI Employee Services Employee Assistance Program for a limited term of one year under the terms and conditions as provided in the 2022 contract at an annual fee not to exceed One Thousand One Hundred Fifty Nine dollars and Twenty cents (\$1,159.20) to be paid from the 2022 Budget Line item A.1989.400 Other General Government.Contractual; and further be it

RESOLVED that a copy of this Resolution be forwarded to ESI Employee Services Employee Assistance Program, Finance Director, Town Clerk, and the Human Resources Department.

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**RESOLUTION NO.100-2022 REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVER**

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

4 Ayes 0 Nays (Marren, Cusimano, Condon, 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 vendor, who is 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>
Matthew Parris (Soul Express)	Summer Concert	Victor Municipal Park	\$1,200.00	December 31, 2022	Insufficient Coverage

Now, therefore, be it

RESOLVED that the Town Board grants the Certificate of Liability Insurance Waiver for the following service provider:

<u>Vendor</u>	<u>Activity / Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Matthew Parris (Soul Express)	Summer Concert	Victor Municipal Park	\$1,200.00	December 31, 2022	Insufficient Coverage

And further

RESOLVED that a copy of this resolution be sent to the Director of Parks and Recreation, Town Clerk, and Matthew Parris, Soul Express..

**RESOLUTION NO. 101-2022 AGREEMENT - MATTHEW PARRIS (SOUL EXPRESS)**

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

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

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WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Matthew Parris (Soul Express) 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 Director of Parks and Recreation to enter into agreement with Alex Parris (Soul Express) 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 One Thousand Two Hundred Dollars (\$1,200.00) to be paid from the 2022 Budget Line item A.7550.400 Celebrations.Contractual; and further

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

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

**RESOLUTION NO.102-2022 AGREEMENT - MELISSA MCCABE**

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

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

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Melissa McCabe to provide instruction in running for youth; 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 too enter into agreement with Melissa McCabe 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 A.7020.400 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 attorney for the Town; and further

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RESOLVED that a copy of this resolution be forwarded to Director of Parks and Recreation, Finance Director, Town Clerk, and Melissa McCabe.

**RESOLUTION NO.103-2022 PURCHASE 2021 FORD F-250 XL SUPERCAB PICK UP TRUCK AND DECLARE 2012 FORD F-350 SUPERDUTY PICK UP TRUCK SURPLUS**

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

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

WHEREAS, the Department of Parks and Recreation has the need to purchase a 2021 Ford F-250, XL supercab, pick-up truck and declare the 2012 Ford F-350 superduty, pick-up truck with VIN# 1FTRF3B67CEC99843 as surplus; and

WHEREAS, this vehicle is available for purchase from Van Bortel Ford by piggybacking off of Board of Cooperative Educational Services (BOCES) Bid (F Lot 13A) Contract at a cost of Thirty Four Thousand Two Hundred Sixty One dollars and Forty cents (\$34,261.40); now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a 2021 Ford F-250, XL supercab, pick-up truck from Van Bortel Ford by piggybacking off of Board of Cooperative Educational Services (BOCES) Bid (F Lot 13A) Contract at a cost of Thirty Four Thousand Two Hundred Sixty One dollars and Forty cents (\$34,261.40) to be paid from the 2022 Budget Line item A.7110.200 Parks.Equipment and declare the 2012 Ford F-350 superduty, pick-up truck with VIN# 1FTRF3B67CEC99843 as surplus; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant, Director of Parks and Recreation, Town Clerk, Finance Director, and Joshua Relyea, Van Bortel Ford.

\*Brian noted that the Town has a responsibility for maintenance at the round-about.

**RESOLUTION NO.104-2022 PURCHASE FLOWERS AND PLANT MATERIAL**

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

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

WHEREAS, the Department of Parks and Recreation is responsible for the care and maintenance of the flower and shrub beds at the Town Hall, the Park Maintenance / Highway / Recycle Center Complex, and the intersection of New York State Route 96, County Road 42 and Rowley Road in Victor; and

WHEREAS, the Director of Parks and Recreation and President of the Victor Garden Club have obtained a written quotation for the purchase of said flowers and plant material from Bundschuh Greenhouses; now, therefore, be it

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RESOLVED that the Town Board authorizes the Director of Parks and Recreation to order and purchase flowers and plant material for the Town Hall, the Park Maintenance / Highway / Recycle Center Complex, and the intersection of New York State Route 96, County Road 42 and Rowley Road in Victor in a total amount not to exceed Two Thousand One Hundred Sixty Six dollars (\$2,166.00) to be paid from the 2022 Budget Line item A.7110.400 Parks.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Town Clerk, Victor Garden Club, Finance Director, and Bob Bundschuh, Bundschuh Greenhouses.

**RESOLUTION NO.105-2022 REJECT BIDS – PUMP STATION PS-11 REPLACEMENT PROJECT**

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

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

WHEREAS, the Engineer identified the need to replace Pump Station 11; and

WHEREAS, the Town Clerk advertised an invitation to bid on the Pump Station 11 Replacement Project and on Wednesday, January 12, 2022 at 9:00 AM all bids were opened and read publicly; now, therefore, be it

RESOLVED that due to the bids exceeding the projects budgeted amount all bids are hereby rejected; and be it further

RESOLVED that the Town Clerk shall notify all bidders; and further

RESOLVED that a copy of this resolution be forwarded to all bidders, Town Engineers, Finance Director, and the Town Clerk.

***\*Noted to remove tennis/pickleball fees for further research. Thanked everyone for their comments concerning this.***

**RESOLUTION NO.106-2022 AMEND FEE SCHEDULE**

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

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

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

WHEREAS, the changes are as follows:

S. Park rentals; all reservations must be made through the Parks and Recreation Department.

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	Resident	Non-Resident	
Mary Francis Bluebird Haven Cottage	\$80.00 Half Day/\$150.00 Full Day	\$90.00 Half Day/\$170.00 Full Day	
Victor Municipal Park Lodge	\$105.00 Half Day/\$200.00 Full Day	\$130.00 Half Day/\$250.00 Full Day	
Victor Municipal Park Pavilion	\$50.00 Full Day ONLY	\$60.00 Full Day ONLY	
Dryer Road Park Pavilion	\$50.00 Full Day ONLY	\$60.00 Full Day ONLY	
Athletic Fields	\$25.00 (Victor Sports Organization)	\$35.00 (Non-Res./Private)	
Victor Recreation 7891 Lehigh Crossing	Capacity	FEE: Resident	FEE: Non-Resident
FULL Gymnasium	400	\$55.00 per hour	\$65.00 per hour
HALF Gymnasium	200	\$30.00 per hour	\$40.00 per hour
FULL Multipurpose rm.	100	\$35.00 per hour	\$45.00 per hour
HALF Multipurpose rm.	50	\$20.00 per hour	\$30.00 per hour
Cancellation fee – A \$25.00 fee will be charged for a cancellation of a Facility Rental made up to eight (8) days prior to rental date. No refunds of Facility Rental fees will be issued seven (7) days or less prior to rental date.			
Date Change fee – A \$25.00 fee will be charged for any date change of a Facility Rental			

Facility Type	Resident Use	Non-Resident Use
Rectangular Field	\$25.00 per hour	\$35.00 per hour
Box Rink	\$25.00 per hour	\$35.00 per hour
<p><u>Payment Schedule is as Follows:</u> Payment in full for your reserved field or court space is due at the time of reserving the athletic facility. Cancellations due to weather related issues or the closure of a facility will be refunded in full.</p> <p><u>Facility Cancellation Policy:</u> All cancellations must be received ten (10) days prior to use, otherwise you will be charged. If you send an e-mail or leave a message, you must receive confirmation from the scheduler that it has been received, or you will be charged. All accounts must be paid in full prior to any further use of athletic fields or facilities in subsequent seasons.</p>		

RESOLVED that the Town Board approves the amendment to the Fee Schedule dated April 27, 2020, effective 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.

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**\*Councilman Condon** expressed thoughts about fees in general in terms of the school charging the parks and Recreation for the use of their facility. Maybe look at charging the school for using Dryer Road Park for school programs and possibly Boughton Park for the use of their park.

**RESOLUTION NO.107-2022 ORDER PUBLIC HEARING - ESTABLISH THE BLUMONT RISE DRAINAGE IMPROVEMENT AREA**

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

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

WHEREAS, the Town Board of the Town of Victor ("the Town") has received a petition to extend the Town of Victor Drainage Improvement Area ("VDIA") and a Drainage Improvement Area Report ("DIR") from Woodstone Custom Homes (the "Petitioner") requesting the extension of the VDIA to include the Blumont Rise residential subdivision located at 6300 County Road 41 on the south side of County Road 41, west of the Town of Victor / Town of Farmington Town Line as more specifically described in the DIR; and

WHEREAS, the boundaries of the Blumont Rise Drainage District comprise a parcel at 6300 County Road 41, tax map #40.00-1-28.100, the metes and bounds description of which is set forth in the MPR referred to herein and available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, the proposed drainage improvements include the creation of a Stormwater Management Facility and the maintenance of the stormwater drainage system for the residential subdivision; and

WHEREAS, the capital cost of Blumont Rise Drainage District will be paid by the Petitioner and the maintenance of which shall be assessed, levied, and collected annually from the property owners within the VDIA in proportion as nearly as may be to the benefit which each lot or parcel of land in the VDIA shall benefit from; and

WHEREAS, since there will be no capital cost to the Town for the extension, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office; now, therefore be it

RESOLVED that the Town Board shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 28<sup>th</sup> day of March, 2022 at 7:00 p.m. for the purpose of conducting a public hearing on the petition to extend the VDIA to include the Blumont Rise residential subdivision, at which time and place all persons interested in the subjects thereof may be heard; and be it further

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ORDERED and RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to duly publish and post a copy of this Order in the official Town newspaper, on the bulletin board in the office of said Town Clerk, and on the Town website not less than ten (10) days before and not more than twenty (20) days before the public hearing date as is required by Town Law and complete or arrange for the securing of Affidavits of Publication of Notice and Affidavits of Posting Notice of Public Hearing.

**RESOLUTION NO. 108-2022                      LETTER OF CREDIT - ANTON VALLEY SUBDIVISION -  
RELEASE 6**

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

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

WHEREAS, upon Antonelli Development, LLC, receiving Planning Board approval for Anton Valley Subdivision a Genesee National Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and

WHEREAS, in their February 23, 2022 letter, the Town Engineer recommended that \$26,994.23 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. 6 on the Genesee National Bank Irrevocable Letter of Credit in the amount of \$26,994.23 conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$171,760.82 in said Letter of Credit; and further

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

**Public Comments and Concerns: None**

**ADJOURNMENT:**

With no further business to come before the Board tonight, motion was made by Councilman Condon, seconded by Councilman Guinan to adjourn the regular Town Board meeting at 8:29PM.

Respectfully submitted,

Karen C. Bodine  
Town Clerk