

SPECIAL MEETING- Town Board Executive was held to discuss proposed, pending or current litigation and the proposed acquisition/sale/lease of real property when publicity might affect value.

Special Meeting called to order at 6:30PM

PRESENT: Supervisor Marren, Councilman Condon, Councilman Kahovec, Councilman Guinan, Councilman Tantillo, and Frank Pavia.

RESOLUTION #144
MOVE TO EXECUTIVE SESSION

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

5 Ayes: Marren, Condon, Tantillo, Guinan, Kahovec
Unanimously Approved

RESOLVED that the Victor Town Board enter into Executive Session proposed, pending or current litigation and the proposed acquisition/sale/lease of real property when publicity might affect value.

No Board Action Taken

RESOLUTION #145
MOTION TO CLOSE EXECUTIVE SESSION @ 6:57PM

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

5 Ayes: Marren, Condon, Tantillo, Guinan, Kahovec
Unanimously Approved

RESOLUTION #146
MOTION TO OPEN PUBLIC HEARINGS

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

5 Ayes: Marren, Condon, Tantillo, Kahovec, Guinan
Unanimously Approved

RESOLVED that the Public Hearings of the Victor Town Board open @ 7:06pm

The Clerk read aloud the following Public Hearing Notices:

- A. LOCAL LAW #___-2019 TO AMEND CHAPTER 211 ZONING IN ORDER TO ESTABLISH A PROGRAM OF INCENTIVE ZONING AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN**

Closed @ 7:07pm

Opened @7:08pm

- B. ESTABLISH THE BLUMONT RISE SUBDIVISION (BOUGHTON HILL ROAD) AND CONSOLIDATE IT INTO THE VICTOR CONSOLIDATED SEWER DISTRICT**

Bob Bringley from Marathon Engineering addressed the Town Board and thanked them for their time and careful consideration on this project. He commended Jeff Smith from Woodstone Custom Homes and noted he is a reputable builder and has

RESOLUTION #148

APPROVAL OF MINUTES

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

RESOLVED that the minutes of the regular meeting of *February 25, 2019* be approved.

RESOLUTION #149

PAYMENT OF BILLS

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

RESOLVED that the bills be approved for Manifest #6 in the amount of \$272,522.91.

Documentation for these expenditures can be found on vouchers filed by numbers #20190474-20190588.

General Townwide	\$121,207.83
General Outside Village	25,724.81
Special Revenue –SWMP	11,350.00
Park Land Trust Fund	20,891.36
Highway Townwide	50,379.16
Community Connectivity Capital	3,854.41
Route 96 Infrastructure Capital	112.50
Sanitary Conveyance Capital	20,557.00
Storm Sewer System Capital	1,560.00
Fishers Light	195.73
Brookwood Meadows Lighting	202.98
High Point Lighting	510.77
Cobblestone Lighting	2,865.12
Quail Ridge Lighting	557.77
Rolling Meadows Lighting	597.78
Legacy at the Fairways Lighting	737.47
Stoneleigh Lighting	40.72
SS Consolidated Sewer Fund	417.50
Trust & Agency Fund	10,760.00

Supervisor Marren reviewed the following ten expenditures that were in the range of or exceeded \$10,000.00.

- LaBella Associates- chargeback’s to developers, Sewer Capital Project costs, Fishers Run Rehabilitation engineering costs
- State Comptroller – fines and fees earned by Victor Town Courts for January 2019
- LaBella Associates – Access Management Phase 1
- Harris Beach Legal Fees
- B & M International – rental for Victor Town Courts for month of April, 2019
- Bayer Landscaping – Payment 3 P & R Master Plan
- American Rock Salt – road salt
- Griffith Energy – diesel fuel

PRIVILEGE OF THE FLOOR-

- Michael Ziegelmann- 980 Kensington Court addressed the Town Board requesting to install a fence in a utility easement. The Town Board had no objection. The Clerk's office will prepare a Hold Harmless Agreement.

PUBLIC COMMENTS AND CONCERNS: None

REPORTS OF TOWN OFFICIALS: None

SUPERVISOR REPORT

- American Legion Invitation Letter for Memorial Day Parade & Ceremony
- Assessment Letter from a Town resident
- State Mandate Monitor / Ontario County
- Transportation Improvement Project Application Summary
- March 20th Women of Excellence Awards
- Copy of letter of behavior toward Town employees sent to a resident has been forwarded on to Law Enforcement.
- Main Street Fishers Bridge Project will begin in 2019.
- County Easement needed by Victor Insulators for the Sewer Project
- Macedon Landscaping won bid for the Fishers Run Project
- Village residents voted to dissolve the Village Fire Department and create a new Fire District anticipated start date June 1, 2019.

Town Officials Reports: In packets

Park and Recreation Director
Economic Development - LDC
Attorney- Harris Beach
Engineer- LaBella Associates

Committee Reports:

Councilman Kahovec reported Conservation Board welcomed new member.

Councilman Tantillo reported the Victor Access Management is still on schedule and gave kudos to Lorenzo Rotoli for his work on this.

BUSINESS:

RESOLUTION #150

CORRECTION OF MANIFEST #4-2019

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS the Finance Dept. has submitted the following voided check to Monroe County Soil & Water due to no charge because of Town of Victor Hosting the Class in the Fall 2019 resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED, that the following Manifest be corrected:

2/25/2019 Manifest # 4-2019 total amount be corrected to \$249,640.47 voided check # 59661 (Voucher #20190359 in the amount of \$100.00)
--

and further

RESOLVED, that a copy of this resolution be forwarded to the Finance Department.

RESOLUTION #151

REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan
Unanimously Approved

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>
Timothy Potter	Summer Concert	Victor Municipal Park	\$700.00	July 11, 2019	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>
Timothy Potter	Summer Concert	Victor Municipal Park	\$700.00	July 11, 2019	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, Director of Parks and Recreation; Karen Bodine, Town Clerk; and Timothy Potter.

RESOLUTION #152

AUTHORIZATION TO ENTER INTO AGREEMENT - TIMOTHY POTTER AND THE DEAN’S LIST BAND FOR SUMMER CONCERT

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan
Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to offer a concert in the park; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with The Dean’s List Band to provide music and a sound system for a concert to be

held on Thursday, July 11, 2019 from 7:00 – 8:30 pm for a fixed fee of Seven Hundred dollars (\$700.00); and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7550.4 Celebrations Contractual; now, therefore, be it

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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with The Dean's List Band to provide music and a sound system for a concert to be held on Thursday, July 11, 2019 from 7:00 – 8:30 pm for a fixed fee of Seven Hundred dollars (\$700.00) and said funds are included and available in the 2019 Operating Budget line item A7550.4 Celebrations Contractual; and further

RESOLVED, that a copy will be forwarded to Michael Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Timothy Potter, The Dean's List Band.

RESOLUTION #153

AUTHORIZATION TO ENTER INTO AGREEMENT - PRIMAPOPOP LLC FOR POPCORN SALES AT SUMMER CONCERTS AND SPECIAL EVENTS

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to offer food concessions at our summer concerts and special events; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Primapop LLC to provide food concessions at summer concerts and special events to be held at a date and time that is mutually agreeable between the Town and the Contractor with the Town receiving Ten Percent (10%) of the gross sales from the event revenue; 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 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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Primapop LLC. to provide food concession at summer concerts and special events to be held at a date and time that is mutually agreeable between the Town and the Contractor with the Town receiving Ten Percent (10%) of the gross sales from the event revenue; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Amy DiPrima, Owner.

RESOLUTION #154

AUTHORIZATION TO ENTER INTO AGREEMENT - MARY CAPOZZI FOR YOGA INSTRUCTION

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to offer yoga classes for adults in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mary Capozzi to provide yoga instruction for adults to be held on various dates & times for Sixty Percent (60%) of the program registration net funds with the Town taking Forty Percent (40%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Mary Capozzi for yoga instruction for adults to be held at various dates & times for Sixty Percent (60%) of the program registration net funds with the Town taking Forty Percent (40%) of the program registration net funds, said funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Mary Capozzi.

RESOLUTION #155

AUTHORIZATION TO ENTER INTO AGREEMENT - STELLAR SOUND PRODUCTIONS FOR AUDIO TECHNICAL SERVICES

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation needs to retain an audio technician to operate sound equipment for concerts and events; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Stellar Sound Productions to operate sound equipment at various dates & times for Four Hundred Fifty dollars per event (\$450.00); and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7550.4 Celebrations - Contractual; now, therefore, be it

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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Stellar Sound Productions to operate sound equipment at various dates & times for Four Hundred Fifty dollars per event (\$450.00) and said funds are included and available in the 2019 Operating Budget line item A7550.4 Celebrations - Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Tom Bourgione, Stellar Sound Productions.

RESOLUTION #156

AUTHORIZATION TO ACCEPT SPECIAL EVENTS SPONSORSHIP DONATIONS

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation organizes a variety of seasonal and community-wide special events; and

WHEREAS, the activities have realized recent donations from 2019 sponsors and partners in the amount of Five Thousand Two Hundred Fifty dollars (\$5,250.00) as follow from:

The David H. Wager Agency LLC	\$1,000.00
Labella Associates	\$750.00
Wilkins Recreational Vehicles	\$1,500.00
Canandaigua National Bank	\$1,500.00
Monro Inc.	\$500.00

And

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit these donations in support of these community events which will incur costs and require expenditures within Budget Line A7550.4 Celebrations Contractual; now, therefore be it

RESOLVED that the Town Board accepts the above sponsorship donations in the amount of Five Thousand Two Hundred Fifty dollars (\$5,250.00) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Five Thousand Two Hundred Fifty

dollars (\$5,250.00) in the 2019 Budget in addition to an offsetting increase in the expense line A7550.4 Celebrations Contractual of Five Thousand Two Hundred Fifty dollars (\$5,250.00). All budget entries to be done upon board approval; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barbara Cole, Director of Finance; Peg Beaulieu, Finance Clerk; and Karen Bodine, Town Clerk.

RESOLUTION #157

AUTHORIZATION TO ACCEPT DONATION IN MEMORY OF MARGARET EMELSON

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation has received a donation of One Hundred dollars (\$100.00) from the Ledin Family in memory of Margaret Emelson; and

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit this donation; now, therefore be it

RESOLVED that the Town Board accepts the donation in the amount of One Hundred dollars (\$100.00) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by One Hundred dollars (\$100.00) in the 2019 Budget with the budget entry to be done upon Town Board approval; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barbara Cole, Director of Finance; Peg Beaulieu, Finance Clerk; and Karen Bodine, Town Clerk.

RESOLUTION #158

AUTHORIZATION TO ENTER INTO AGREEMENT - BREWERY SERVICES, INC. FOR BEER AND WINE SALES AT SUMMER CONCERTS AND SPECIAL EVENTS AND AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A LIMITED PERMISSION ALCOHOLIC BEVERAGE PERMIT

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to offer beer and wine sales at a summer concerts and special events; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Brewery Services, Inc. to provide beer and wine sales at a summer concerts and special events; and

WHEREAS, a Limited Permission Alcoholic Beverage Permit is required in accordance with Town Law for the dispensing of alcoholic beverages as well as the New York State Alcoholic Beverage Control Law 65, subdivision 1 and 2 as it relates to minors and intoxicated persons; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement and Limited Permission Alcoholic Beverage Permit application; now, therefore, be it

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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Brewery Services, Inc. to provide beer and wine sales at summer concerts and special events; and further

RESOLVED, that the Town Board authorizes the Town Supervisor to execute a Limited Permission Alcoholic Beverage Permit for dispensing alcoholic beverages at the concerts and special events; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Charles Lowrey, Owner / Brewery Services, Inc.

RESOLUTION #159

CREATION OF BOOKKEEPER POSITION FOR THE SUPERVISOR'S OFFICE

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, Mary Lyng will be retiring from the Finance Department on April 26, 2019 after 18 years of service to the Town of Victor and its residents; and

WHEREAS, the Town Supervisor wishes to create a Full-Time, Appointed, Exempt Bookkeeper position to replace the job duties being vacated by Mary Lyng in the Finance Department; and

WHEREAS, after the 2010 Census, the Town of Victor was classified as a town of the first class, and as such, according to Town Law Section 29, may create the position of a bookkeeper; and

WHEREAS, it is the Town Supervisor's wish to create a Full-Time, Appointed, Exempt Bookkeeper position, which has been approved and classified by the Ontario County Department of Human Resources; now, therefore be it

RESOLVED that the Victor Town Board authorizes the creation of a Full-Time, Appointed, Exempt Bookkeeper position for the Town of Victor, to be charged to the 2019 Budget Line Item A.1220.100 – Supervisor.Personal Services; and be it further

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

***Barb Cole-** Director of Finance addressed the Board with pleasure to recommend Debby Trillaud for the position of Bookkeeper. Debby has worked in the Building and Planning Department for over three years and has a knowledgeable background in bookkeeping from her position for the Town of Canandaigua. Interviews were conducted internally and externally and

with the support of Peg Beaulieu from the bookkeeper's office, the decision was made to offer the job to Debby. The interview committee felt Debby was the best candidate for the job. Mary Lyng will be retiring after more than eighteen years with the Town. **Councilman Condon** added he is very pleased with this appointment. **Supervisor Marren** described Debby as a real team player and willing to help out and noted she gave support to many departments while staff members were out. He also commended Debby for showing respect to Kim Kinsella by letting her know first that she was applying for this position.

RESOLUTION #160

APPOINTMENT OF DEBBY TRILLAUD TO FULLTIME APPOINTED, EXEMPT BOOKKEEPER POSTION

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, on March 25, 2019 the Town Board approved Resolution #160 Creation of Bookkeeper position for the Supervisor's Office; and

WHEREAS, candidate interviews were conducted on Friday, March 15, 2019 and on Thursday, March 21, 2019 by Supervisor Jack Marren, Councilman David Condon, Barb Cole, Peg Beaulieu – Finance Department, and Tina Kolaczyk – Human Resources Department; and

WHEREAS, Debby Trillaud was found to possess the skills and experience necessary to fulfill this position; now, therefore be it

RESOLVED that Debby Trillaud be appointed to the Full-Time, Appointed, Exempt Bookkeeper position for the Town of Victor, at an annual salary of Forty Three Thousand Three Hundred Forty Seven dollars and Twenty cents (\$43,347.20), which will be pro-rated based on the starting date of employment, to be charged to the 2019 Budget Line Item A.1220.100 – Supervisor.Personal Services; and be it further

RESOLVED, that a copy of this resolution be sent to Human Resources, Finance Department, Town Clerk, and the Ontario County Department of Human Resources

RESOLUTION #161

ABOLISHMENT OF OBSOLETE TOWN OF VICTOR POSITIONS

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Town of Victor has several positions on the Ontario County Human Resources List that are no longer needed by the Town; and

WHEREAS, the Victor Town Board wishes to abolish the following positions from this list:

- a) 26 Bus driver positions
- b) 2 Dog Control officers – Part Time
- c) 1 Electronic Work Station Operator
- d) 1 Landfill Attendant
- e) 2 Landfill Attendants – Part-Time
- f) 2 Student Aide, Sub.
- g) 3 Water Maintenance Assistants

- h) 1 Water Superintendent
- i) 1 Water System Attendant
- j) 1 Zoning Inspector (NC); now, therefore be it

RESOLVED, that the above positions be abolished by the Victor Town Board, and be it further

RESOLVED that a copy of this resolution be sent to Human Resources, Town Clerk, and Ontario County Human Resources – Victoria Titus.

RESOLUTION #162

AUTHORIZATION TO ENTER INTO A CONTRACT - MUTUAL OF OMAHA INSURANCE COMPANY FOR SHORT AND LONG TERM DISABILITY INSURANCE FOR TOWN OF VICTOR EMPLOYEES

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Town of Victor currently offers short and long term disability insurance to all full-time employees, per Resolution #108-14 “Abolishment of 2001 Town of Victor Employee Sick leave Policy and the Adoption of the 2014 Sick Leave, Short-Term and Long-term Disability Policy”; and

WHEREAS, the disability insurance contract with Mutual of Omaha Insurance Company is due to expire on March 31, 2019; and

WHEREAS, Brown & Brown of New York Inc., the Town’s health insurance broker, has assisted the Town in the search for competitive quotes regarding sick leave/disability benefits for full-time Town employees; and

WHEREAS, Brown & Brown has identified Mutual of Omaha Insurance Company as having both short term and long term disability policies which would be a benefit to Town, for both employees and Town financials; and; now, therefore be it

RESOLVED, that the Town Supervisor be authorized to enter into a two (2) year contract with Mutual of Omaha Insurance Company for **short-term** disability insurance coverage for all full-time Town employees, dated from April 1, 2019 through April 1, 2021 at an estimated cost of One Thousand Two Hundred Seventy Four dollars (\$1,274.00) per month (as a percentage of actual full-time employee salaries) to be charged to the 2019 Town Budget line items A.9055.800, B.9055.800, and DB.9055.800; and be it further

RESOLVED, that the Town Supervisor be authorized to enter into a two (2) year contract with Mutual of Omaha Insurance Company for **long-term** disability insurance coverage for all full-time Town employees, dated from April 1, 2019 through April 1, 2021 at an estimated cost of Seven Hundred Twenty Six dollars (\$726.00) per month (as a percentage of actual full-time employee salaries) to be charged to the 2019 Town Budget line items A.9055.800, B.9055.800, and DB.9055.800; and be it further

RESOLVED that these amounts are estimates, and will fluctuated with the number of full-time, benefit-eligible employees and pay rates throughout the term of this contract; and be it further

RESOLVED, that a copy of this resolution be sent to the Finance Manager, Human Resources, Town Clerk, Brown & Brown of New York, Inc., and Mutual of Omaha Insurance Company.

RESOLUTION #163

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON RAILROAD MILLS ROAD

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on Railroad Mills Road; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for Railroad Mills Road between Fisher Road and Probst Road; and further

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

RESOLUTION #164

AMENDED AND RESTATED BOND RESOLUTION DATED MARCH 25, 2019 OF THE TOWN BOARD OF THE TOWN OF VICTOR, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Town of Victor Consolidated Sewer District is a sewer District of the Town of Victor, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on November 27, 2017, the Town duly authorized additional facilities therein pursuant to §202-b of the Town Law and duly authorized financing therefor pursuant to a bond resolution dated December 11, 2017 and the maximum amount to be expended for such Town of Victor Consolidated Sewer District improvements was Eight Million One Hundred Thousand dollars (\$8,100,000.00); and

WHEREAS, actual project costs have proven to be approximately One Million Seventy Five Thousand dollars (\$1,075,000.00) higher than the maximum estimated project costs and the Town Board, pursuant to Section 202-b of the Town Law, on March 25, 2019, duly authorized an increase in the maximum amount to be expended for such Town of Victor Consolidated Sewer District by an additional One Million Seventy Five Thousand dollars (\$1,075,000.00), for a revised maximum amount of Nine Million One Hundred Seventy Five Thousand dollars (\$9,175,000.00); and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on September 12, 2016, and amended on October 23, 2017, duly

adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF VICTOR, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Victor shall undertake certain capital improvements consisting of the acquisition and construction of sewer Improvements for the Town of Victor Consolidated Sewer District, including, without limitation, the replacement and installation of new sanitary infrastructure that will enable sanitary flows to be redirected from Pump Station 28 (Wendy's), Pump Station 27 (Phillips Road) and Pump Station 29 (Hadley Circle) to Pump Station 30 (Lehigh Crossing) located on NYS Route 251, as well as replacement of Pump Station 18 (High Street) and Pump Station 14 (Cobblestone) including adding a new generator, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other ancillary, related and incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”) and general obligation serial bonds in an aggregate principal amount not to exceed Nine Million One Hundred Seventy Five Thousand dollars (\$9,175,000.00) of the Town are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Victor of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be Nine Million One Hundred Seventy Five Thousand dollars (\$9,175,000.00). The plan for financing of said purpose is to provide all of such maximum cost by the issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the

issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Victor.

Section 7. The faith and credit of the Town of Victor, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Victor together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

RESOLVED that copies of this resolution be forwarded by the Town Clerk to Bernard P. Donegan, Inc., Tim McGill, Esq., Town Attorney, Town Clerk, and to the Finance Director.

RESOLUTION #165

**THE TOWN BOARD OF THE TOWN OF VICTOR, ONTARIO COUNTY, NEW YORK
PURSUANT TO SECTION 202-b OF NEW YORK TOWN LAW DETERMINING THAT IT IS IN
THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF
VICTOR CONSOLIDATED SEWER DISTRICT CONSISTING OF THE INSTALLATION OF
SANITARY SEWER INFRASTRUCTURE**

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Town Board (the “Town Board”) of the Town of Victor (the “Town”) is considering authorizing certain improvements to the Town of Victor Consolidated Sewer District consisting of the replacement and installation of new sanitary sewer infrastructure that will enable sanitary flows to be redirected from Pump Station 28 (Wendy’s), Pump Station 27 (Phillips Road), and Pump Station 29 (Hadley Circle) to Pump Station 30 (Lehigh Crossing) located on NYS Route 251, as well as replacement of Pump Station 18 (High Street) and Pump Station 14 (Cobblestone) including adding a new generator at Pump Station 29, and all ancillary and related work required in connection therewith (collectively referred to as the “Project”); and

WHEREAS, the Town’s engineers have provided an amended estimate of the maximum cost of the Project as Nine Million One Hundred Seventy Five Thousand dollars (\$9,175,000.00); and

WHEREAS, by resolution adopted on March 11, 2019, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on an amended authorization of the Project, and to hear all persons interested in the subject thereof concerning the same on March 25, 2019 at 7:00 pm at the Town Hall, 85 East Main Street, Victor, New York 14564; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the Daily Messenger, the official newspaper of the Town, on March 15, 2019 and a copy of such notice was posted on March 12, 2019 on the signboard maintained by the Town Clerk, and on the Town’s website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF VICTOR, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. On October 23, 2017, the Town Board, pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder in 6 NYCRR Part 617 (collectively referred to as “SEQRA”), issued an Amended Negative Declaration for the Project determining that the Project did not present a potential significant adverse environmental impact.

SECTION 2. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of as Nine Million One Hundred Seventy Five Thousand dollars (\$9,175,000.00). The Project is therefore approved.

SECTION 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk of Ontario County, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 4. This resolution shall take effect immediately; and further

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

RESOLUTION #166

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. LOCAL LAW # 4-2019 TO AMEND CHAPTER 211 ZONING IN ORDER TO ESTABLISH A PROGRAM OF INCENTIVE ZONING AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN

Motion by Councilman Tantillo, seconded by Councilman Guinan, the following resolution was adopted:

Roll Call Vote:

	Supervisor Marren	aye		
Councilman Condon	aye		Councilman Tantillo	aye
Councilman Guinan	aye		Councilman Kahovec	aye

WHEREAS, in response to the identified need for improved preservation of open space, rural character and agriculture within the Town, the Town of Victor Comprehensive Plan update and complete restatement adopted in 2015 (the “Comprehensive Plan”) recommended implementation of an Incentive Zoning program that would facilitate the movement of development rights from areas where open space would be preferred to those where additional density would be appropriate; and

WHEREAS, the recommended program referenced in the Comprehensive Plan was described as one that would authorize the award of density bonuses in areas where additional density would be appropriate only to applicants providing a community amenity that reduced the density in another area where open space would be preferred by an equivalent number of units or, alternatively and in lieu thereof, providing a cash deposit, in an amount to be determined by the Town Board, to a trust fund to be used exclusively by the Town Board for density reductions in another area where open space would be preferred; and

WHEREAS, the areas identified in the Comprehensive Plan as being appropriate for additional density and to which the recommended program would therefore seek to move development rights includes areas within the Route 96 Corridor that are presently challenged by ongoing and increasing traffic congestion, which congestion could be exacerbated by the receipt of additional development rights; and

WHEREAS, the Town has recently completed the “Route 96 Transformative Corridor Strategic Infrastructure Plan” (the “Route 96 Plan”), which plan identifies six High Priority Projects (the “Six Projects”) that were not described in detail in the Comprehensive Plan but that are expected nonetheless to improve roadways in such ways as to yield significant improvements in traffic congestion within the Route 96 Corridor including within areas identified in the Comprehensive Plan as being appropriate for additional density; and

WHEREAS, the Town Board anticipates the potential need to raise funds and potentially contribute to one or more of the prioritized Six Projects so as to ensure that they will be undertaken and completed within a reasonable period of time; and

WHEREAS, given the manner in which traffic congestion within the Route 96 Corridor now impedes successful implementation of a program that would facilitate the movement of development rights from one area to another as recommended in the Comprehensive Plan, the Town Board anticipates that completion of one or more of the Six Projects would therefore make

possible a more effective implementation of a program to move development rights as described in the Comprehensive Plan, and

WHEREAS, the Town Board is now, therefore, considering implementation of such a program, generally as described in the Comprehensive Plan, but also expanded so that a cash deposit, in an amount to be determined by the Town Board, to a trust fund to be used exclusively by the Town Board to support of one or more of the Six Projects might also be considered a community amenity to be incentivized by the award of a density bonus; and

WHEREAS, the Town Board will therefore consider adoption of a Local Law that would amend the Town of Victor Zoning Code to establish a program of Incentive Zoning that would incentivize the movement of development rights as described in the Comprehensive Plan by the award of density bonuses to applicants providing one of the three aforementioned types of community amenities, which three include cash deposits to either of two trust funds, the first to be used exclusively for density reductions in another area where open space would be preferred and the second to be used exclusively for funding, in whole or in part, one or more of the Six Projects; and

WHEREAS, certain provisions of the program of Incentive Zoning that would be established by the proposed Local Law under consideration are inconsistent with certain less expansive recommendations now present in the Comprehensive Plan; and

WHEREAS, the Town Board intends, therefore, to also amend the Comprehensive Plan so as to reconcile the apparent inconsistencies between the present Comprehensive Plan recommendations and certain provisions of the program of Incentive Zoning that the proposed Local Law now being proposed would establish;

WHEREAS, the Town Board has referred these proposed amendments of the Comprehensive Plan and the Zoning Code to both the Ontario County and Town of Victor Planning Boards and received their reports and recommendations thereon; and

WHEREAS, the Town Board has scheduled, noticed, held and closed the Public Hearing(s) required relative to these proposed amendments to the Comprehensive Plan and the Zoning Code; and

WHEREAS, in order to comply with the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as “SEQRA”), the Town Board has initiated an environmental review of a proposed action and been established as the Lead Agency responsible under SEQRA for completing the required environmental review; and

WHEREAS, the Town Board has previously, received, reviewed and accepted a SEQRA Full Environmental Assessment Form Part 1 describing this action and prepared for its consideration by the Town Engineer, LaBella Associates, DPC; and

WHEREAS, the Town Board has now received and reviewed SEQRA Full Environmental Assessment Form Parts 2 and 3 describing this action prepared for its consideration by the Town Engineer, LaBella Associates, DPC; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the SEQRA Full Environmental Assessment Form Parts 2 and 3 prepared by LaBella Associates, DPC; and, be it further

RESOLVED, that the Town Board hereby finds that, as described more fully in the SEQRA Full EAF Parts 2 and 3 accepted by the Town Board, the proposed action will result in no significant adverse impacts on the environment, and that, therefore, no environmental impact statement need be prepared; and, be it further

RESOLVED, accordingly, that the Town Board hereby issues a negative declaration under SEQRA; and, be it further

RESOLVED, that the Town Board hereby amends the Comprehensive Plan of the Town of Victor, as it was most recently updated and restated in its entirety on August 24, 2015, and as it may have been amended more recently, as described in Exhibit 1, entitled “Amendments to the Town of Victor Comprehensive Plan Related To Establishment of a Program of Incentive Zoning,” which is kept in the subject file in the Town Clerk’s office; and, be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law No. 4-2019 to amend Chapter 211 Zoning to Establish a Program of Incentive Zoning as follows:

LOCAL LAW NO. 4-2019 TO AMEND CHAPTER 211 ZONING TO ESTABLISH A PROGRAM OF INCENTIVE ZONING

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

Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 4-2019 to amend Chapter 211 Zoning to establish a program of Incentive Zoning. The purpose of this Local Law is to offer incentives to applicants who provide amenities that assist the Town to implement specific physical, cultural and social policies in the Comprehensive Plan as supplemented by the local laws and ordinances adopted by the Town Board.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Local Law to establish the described program of Incentive Zoning and the amendments to the Comprehensive Plan to reconcile discrepancies between the present Comprehensive Plan provisions and the described program of Incentive Zoning being proposed is in the best interest of the Town.

Section IV. Amendment

Chapter 211 Zoning shall be amended as follows:

Section 211-46.1 Incentive Zoning

A. Purpose and intent. The general purpose and intent of this section is to offer incentives to applicants who provide amenities that assist the Town to implement specific physical, cultural and social policies in the Comprehensive Plan as supplemented by the local laws and ordinances adopted by the Town Board. Such amenities shall be limited to only those identified in Subsection F of this Section.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ANTICIPATED BUILD-OUT

Anticipated Build-out shall mean the total number of living units anticipated within the Town at a future time when all parcels within the Town zoned for residential use shall have been developed. The Anticipated Build-out shall be calculated by adding, for each vacant parcel within the Town that is zoned for residential use, the maximum number of living units permitted upon that parcel given both the acreage of the parcel and the number of units per acre permitted upon that parcel and then increasing that sum further by adding to it that number of living units presently within the Town. The Anticipated Build-out distinguishes between developed and vacant parcels and takes into account both the presence of existing living units and the number of living units per acre present on parcels already developed.

BONUS

Bonus shall mean an adjustment to the permissible population density, area, height, open space, use or other provisions of a zoning ordinance of local law for a specific purpose authorized by the Town Board. See also the definition herein of the terms “Density Bonus” and “Incentive”.

COMMUNITY AMENITY

Community amenity shall mean open space or other physical, social or cultural amenity, or cash in lieu thereof, of benefit to the residents of the Town of Victor. See also the definition herein of the term “Community Benefit”.

COMMUNITY BENEFIT

Community benefit shall mean open space or other physical, social or cultural amenity, or cash in lieu thereof, of benefit to the residents of the Town of Victor. See also the definition herein of the terms “Community Amenity”.

DENSITY BONUS

Density Bonus shall mean an adjustment to the maximum number of living units that could be approved under the Victor Town Code for development upon a specific parcel of land. See also the definition herein of the terms “Bonus” and “Incentive”.

DENSITY REDUCTION

Development Reduction shall mean a reduction in the total number of developable living units that could be approved for development upon a parcel.

DEVELOPABLE LIVING UNIT

Developable Living Unit shall mean the number of living units that could reasonably be developed upon a parcel under the Victor Town Code taking into account the acreage and frontage of the parcel, zoning district designations, other zoning or subdivision requirements, and the presence of applicable environmental constraints such as topography, surface waters, floodplains, and natural resources.

DEVELOPMENT UNIT

Development Unit shall mean a single living unit permitted upon a specific parcel of land.

HYPOTHETICAL BUILD-OUT

Hypothetical Build-Out shall mean the total number of living units permitted throughout the Town. The Hypothetical Build-out shall be calculated by adding, for each parcel within the Town that is zoned for residential use, the maximum number of living units permitted upon that parcel given the acreage of the parcel and the number of living units per acre permitted upon that parcel. The Hypothetical Build-out does not distinguish between developed and vacant parcels and does not take into account the presence of existing living units or the number of living units per acre present on parcels already developed.

INCENTIVE

Incentives shall mean an adjustment to the permissible population density, area, height, open space, use or other provisions of a zoning ordinance of local law for a specific purpose authorized by the town board. See also the definition herein of the terms “Bonus” and “Density Bonus”.

INCENTIVE ZONING

Incentive Zoning shall mean the system by which specific incentives or bonuses are granted, pursuant to this section, on condition that specific physical, social, or cultural benefits or amenities would inure to the community.

OFFSETTING DENSITY REDUCTION

Offsetting Density Reduction shall mean a Density Reduction upon a specific parcel or parcels of land in which the decrease in the number of developable living units equals the number of units by which the maximum number of living units approvable upon a different parcel or parcels of land would be adjusted by an associated Density Bonus.

TRUST FUND

Trust Fund shall mean a municipal fund in which cash contributed in lieu of providing some other community amenity is segregated and held in reserve for use in funding a specific municipal program or undertaking.

C. Districts designated for incentives. All zoning districts where residential uses are authorized as a permitted use or where the Planning Board may issue special use permits for residential uses are eligible for zoning incentives under this section. Incentives may be offered to applicants who offer an acceptable amenity to the Town in exchange for the incentive.

D. Incentives permitted under this section. An increase in residential unit density may be granted by the Town Board as an incentive to the applicant on a specific site determined by the Town Board to be appropriately located for a density increase. The Town Board shall consider relevant information and guidance in the Comprehensive Plan and in the Natural Resource Inventory in making this determination. In making this determination the Town Board shall consult with the Town Planning Board and may also consult with the Town Conservation Board.

E. Cash payment in lieu of amenity. Under this section, if the Town Board determines that a suitable community benefit or amenity is not immediately feasible, or is otherwise not practical, the Town Board may require, in lieu thereof, a payment to the Town of a sum to be determined by the Town Board. If cash is accepted in lieu of another community benefit or amenity,

provision shall be made for such sum to be deposited into a trust fund to be used by the Town Board exclusively for specific community benefits authorized by the Town Board.

F. Amenities for which incentives may be offered under this section.

(1) The following amenities may be either on or off the site of the subject application and shall be in addition to any mandated requirements pursuant to other provisions of the Victor Town Code or State Environmental Quality Review Act:

(a) An offsetting density reduction of a number of residential development units equivalent to the additional number of residential development units granted as an incentive. The offsetting reduction in residential density shall be on a site or sites determined by the Town Board to be in an area where preservation of open space, rural character and/or agriculture would be of benefit to the Town. The Town Board shall consider relevant information and guidance in the Comprehensive Plan, in the Natural Resource Inventory, and in the Open Space Index in making this determination. In making this determination the Town Board may also consult with the Town Planning Board and/or the Town Conservation Board.

(b) A payment to the town, in lieu thereof, of a sum determined by the board to be equivalent to the cost of the reduction in residential density described immediately above in subsection (a), but only if the Town Board has first determined that the reduction in residential density described immediately above in subsection (1)(a) is not immediately feasible, or is otherwise not practical. Such sum shall be deposited in a trust fund or funds to be used by the Town Board exclusively for the following community benefits:

[1] Reductions in residential density on a site or sites determined by the Town Board to be in an area where preservation of open space, rural character and/or agriculture would be of benefit to the Town; or,

[2] Infrastructure improvements in areas determined by the Town Board to be otherwise appropriate for increased residential density but where the Town Board is unable, after evaluating the effects of any potential incentives which are possible by virtue of the provision of community amenities, to find adequate public facilities, including adequate transportation, water supply, waste disposal and fire protection in the absence of such improvements.

G. Criteria and procedure for approval.

(1) Applications for incentives in exchange for amenities under this article shall be submitted to the Town Board, together with proof of payment of the application fee. The amount of such fee shall be set from time to time by resolution of the Town Board. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be provided by the applicant:

(a) The requested incentive.

(b) The proposed amenity that would reduce the residential density on another site or sites.

(c) The cash value of the proposed amenity.

(d) A narrative which:

[1] Describes the benefits to be provided to the community by the proposed amenity.

[2] Explains how the amenity helps implement the physical, social or cultural policies of the Comprehensive Plan as supplemented by the local laws and ordinances adopted by the Town Board.

[3] Gives preliminary indication that there is adequate sewer, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located to accommodate the additional demands the incentive and amenity, if it is an on-site amenity, may place on these facilities beyond the demand that would be placed on them as if the district were developed to its fullest potential.

[4] Gives preliminary information regarding features described in the Natural Resource Inventory as being present on the site(s) being proposed for utilization of the requested incentive.

[5] Gives preliminary indication whether circumstances exist that would suggest that the community benefit or amenity may not be immediately feasible or may otherwise be impractical.

(2) The Town Board shall review the applicant's proposal and inform the applicant whether or not the proposal is worthy of further consideration. If it is deemed worthy of further consideration, the applicant shall submit four sketch plans to the Town Board which shall then refer the same to the Town Planning Board for review and comment.

(a) Incentive Sketch Plan 1. Incentive Sketch Plan 1 shall show how the site(s) upon which the incentive would be utilized will be developed with the incentive and in compliance with all other applicable provisions of the Victor Town Code. The plan shall also show existing development, property owners' names and tax map numbers for all property within 200 feet of the property lines of the proposed project or such other distance as may be specified by the Town Board.

(b) Incentive Sketch Plan 2. Incentive Sketch Plan 2 shall also show how the site(s) upon which the incentive would be utilized would be developed in compliance with all applicable provisions of the Victor Town Code and shall also show existing development, property owners' names and tax map numbers for all property within 200 feet of the property lines of the proposed project or such other distance as may be specified by the Town Board. Incentive Sketch Plan 2, however, shall only show how the site would be developed exclusive of any incentive.

(c) Amenity Sketch Plan 1. Amenity Sketch Plan 1 shall show how the site(s) encompassing the proposed amenity would likely be developed with the proposed amenity and in compliance with all other applicable provisions of the Victor Town Code. The plan shall also show existing development, property owners' names and tax map numbers for all property within 200 feet of the property lines of the proposed project or such other distance as may be specified by the Town Board.

(d) Amenity Sketch Plan 2. Amenity Sketch Plan 2 shall show how the site(s) encompassing the proposed amenity would likely be developed without the proposed amenity and in compliance with all other applicable provisions of the Victor Town Code. The plan shall also show existing development, property owners' names and tax map numbers for all property within 200 feet of the property lines of the proposed project or such other distance as may be specified by the Town Board.

(e) The applicant shall also submit such additional information and plans as may be required by either the Town Board or the Planning Board which, in their judgment, are necessary in order to complete a thorough evaluation of the proposal.

(3) The Planning Board will review the proposal and report to the Town Board with its evaluation of the adequacy with which the incentive fits the site and how it relates to adjacent uses and structures. The Planning Board's review shall be limited to the planning design and layout considerations involved with project review or such other issues as may be specifically referred by the Town Board. The Planning Board's report shall be submitted to the Town Board within 70 days from the date of the Planning Board meeting at which the proposal first appears on the agenda. The time period may be extended or suspended for good cause by the Town Board.

(4) The Town Board will review the Planning Board's report. The Town Board will then notify the applicant as to whether it is willing to further consider the proposal and hold a public hearing thereon. For Town Board public hearings on Incentive Zoning requests, notice of the public hearing shall be given in the same manner and time as would be required were the request instead a petition to rezone property to a different district.

(5) All applicable requirements of the State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 shall be complied with as part of the review and hearing process. In addition to other information that may be required as part of an environmental assessment of the proposal, the assessment shall also include:

(a) Verifications that the zoning district in which the proposal is to be located has adequate sewer, water, transportation, waste disposal and fire protection facilities to:

[1] First, serve both the developed land as well as the remaining vacant land in the district as though it were developed to its fullest potential under the district regulations in effect at the time of the amenity/incentive proposal; and

[2] Second, serve the on-site incentive given the development scenario referenced immediately above in (5)(a)[1]; and

[3] Third, with respect to transportation in particular, serve those traveling within the district regardless of whether they have a direct association with land within the district.

(b) In instances where the Town Board is considering a determination that a suitable community benefit or amenity is not immediately feasible, or is otherwise not practical, and that the Town Board may therefore require, in lieu thereof, a payment to the Town of a sum to be determined by the Town Board, an evaluation of the adverse impacts of the density bonus to:

[1] Either the Anticipated Build-out or the Hypothetical Build-out; and

[2] The program goal of moving development units or rights from one area to another without increasing either the anticipated or hypothetical build-out; and

[3] The effectiveness of the Incentive Zoning program in general to facilitate such movements without increasing either the anticipated or hypothetical buildout.

(6) Following the hearing and in addition to compliance with all SEQRA requirements, the Town Board shall, before taking further action, refer the proposal for review and comment to other governmental agencies as may be required. In order to approve an amenity/incentive proposal, the Town Board shall determine that the proposed amenity provides sufficient public benefit to provide the requested incentive. Thereafter the Planning Board is authorized to act on such other applications as may be required. Both the Planning Board and the Code Enforcement Officer shall take the incentive approved by the Town Board into account in determining the project's compliance with the Victor Town Code.

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 are in 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; and be it further,

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.

PUBLIC COMMENTS: None

RESOLUTION #167
MOVE TO EXECUTIVE SESSION
Time: 7:45 PM

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan
Unanimously Approved

Attorney Frank Pavia was asked to stay.

RESOLVED that the Victor Town Board enter into Executive Session for:

- the proposed acquisition/sale of real property when publicity might affect the value
No Board Action Taken

RESOLUTION #168

MOVE TO CLOSE EXECUTIVE SESSION

On motion of Councilman Condon, seconded by Councilman Tantillo, the Executive session of the Victor Town Board was closed.

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan
Unanimously Approved

ADJOURNMENT:

With no further business to come before the Board, the regular Town Board meeting was adjourned at 8:46PM on motion by Councilman Kahovec, seconded by Councilman Guinan. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk