

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

Supervisor Marren called the regular meeting to order @ 7:01PM.

Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off and any private conversations or interviews to be conducted in the hallway or outside. Emergency exits were pointed out. The meeting was also live streamed via YouTube with text commenting available.

Flag Salute

PRESENT:	Supervisor Jack Marren	Councilman Dave Condon
	Councilman Guinan	Councilman Kahovec
	Councilman Cusimano	Town Clerk Karen Bodine

ALSO PRESENT: Kevin Overton- Attorney; Mark Years-Highway Superintendent; Rich O'Donnell – Finance Director; Suzy Mandrino-IT; Wes Pettee- LaBella Associates; Scott Martin; David Nankin; Nicholas Herman.

SUPERVISOR'S ANNOUNCEMENTS:

- Employee Birthdays for the month of June
- Early Voting at the Town Hall begins June 18th - June 26th
- First Town Board Meeting of the month on June 13th will be pay bills only at 8:00am in the Supervisor's Conference Room with Zoom as an option.
- All Town Facilities will be closed on May 30th for Memorial Day
- Memorial Day Parade is Monday May 30th
- Pancake Breakfast from 7-9am and car show 11am-4pm at Twin Elders Brewery

APPROVAL OF MINUTES

On motion of Councilman Condon, seconded by Councilman Kahovec, the May 9, 2022, Town Board meeting minutes were approved as presented. Motion Carried.

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

PAYMENT OF BILLS

On motion of Councilman Cusimano, seconded by Councilman Guinan, Manifest #10 in the amount of \$226,212.04 was approved. Motion carried.

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

Documentation for these expenditures can be found on vouchers filed by numbers #20220929- 20221045.

General Townwide	\$ 150,516.01
General Outside Village	16,800.46
Highway Townwide	58,152.33
Trust & Agency	743.24

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

Supervisor Marren reviewed the following expenditures for Manifest #10 that were in the range or exceeded \$5,000.00.

B & M International LLC – June Rent Courts facility

Bluestone Creek Develop. – June Rent Parks/Rec. facility

Guardian Insurance – June Employee/Retiree Dental

LandPro Equipment – Parks Lawnmower

Mengal, Metzger Barr – Town & Court Annual Audit Charges

MVP Health – June Healthcare Employees/Retirees

Nocco Energy – Fuel for April/May

Tracey Equipment – Highway Truck Repairs

PRIVILEGE OF THE FLOOR:

- **Nicholas Herman** 1070 Azzano Circle addressed the Board regarding approval for a Hold Harmless Agreement to put a fence in a drainage easement. Wes Pettee suggested that the Stormwater Program Manager make a site visit with the Code Enforcement Officer to verify that the proposed alignment of the fence post would avoid the stormwater pipe. The Board and Counsel agreed having Keith Maynard and the Code Officer go to the property to execute the placement of the fence. Supervisor Marren asked Wes to follow-up with Keith Maynard and Kim Kinsella on this.
- **Scott Martin** 6734 Falcons Point followed up with the Conservation Board to get their feedback on the adjustment to the existing conservation easement. The Conservation Board gave their approval for the land swap. Counsel noted that the land surveyor would need to show the area coming out of the conservation easement is going to be the exact same size area as going in. Also, needed is an updated legal description of the conservation easement.

Councilman Kahovec noted the Conservation Board was glad to have the input and approve the plan.

No Public Comments or Concerns

Report of Town Officials:

- Highway/Update from recycle and transfer station
- IT
- Town Clerk asked the Board for any objection to the amended liquor license from Homewood Suites. No objections.

Supervisor's Verbal Report:

- Supervisor thanked the Board members for attending the Business Awards Luncheon.
- Thursday May 26th – all day open house in the Clerk's Office for Renee McConnell celebrating 20 years of service to the Town of Victor.
- Supervisor had previously mentioned that the Victor Travel Plaza was closing June 1st. The timeline has been pushed back to August 8th.

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

- On May 11th recognition of Mark Eifert State Police Investigator and Victor Fire Chief at Ravenwood for Law Enforcement Awards. Three Ontario County Deputies who serve at Eastview Mall were also recognized.
- Diesel Fuel jumped from \$3.88 to \$5.21 in one month.
- Thank you to Councilman Guinan for attending the groundbreaking ceremony at Pet Pride over the weekend.

Councilman Cusimano reported that he attended the kid friendly bike fest on May 14th at the Parks & Recreation facility. He thanked Brian Emelson and his staff and the CAC along with the PTA, Sheriffs Department, Fishers Fire Department.

Supervisor Marren mentioned the Victor Hiking Trails Event that will take place on June 4th on National Trails Day.

BUSINESS:

RESOLUTION NO. 179 AUTHORIZE APPLICATION TO THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) AND COMMIT TO LOCAL SHARE OF PROJECT COSTS FOR INSTALLATION OF BACKUP GENERATORS AT WASTEWATER PUMP STATIONS

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, funding is available through the DR-4480 Coronavirus (COVID-19) Pandemic Hazard Mitigation Grant Program (HMGP) administered by the NYS Division of Homeland Security and Emergency Services (DHSES) for projects that support long-term hazard mitigation measures that enhance the State's resiliency posture, avoid loss of life, and reduce damages to improved property; and

WHEREAS, installing backup generators at four wastewater pump stations that currently have no backup generators on site will mitigate damages resulting from power outages caused by severe storms; and

WHEREAS, the total cost of installing four generators and managing the HMGP grant is estimated at Six Hundred Thousand dollars (\$600,000.00), and the DR-4480 HMGP program would provide 90% of the costs to projects awarded grants; now, therefore, be it

RESOLVED that the Town of Victor commits to providing at least 10% of the total project cost in cash if this project is selected for funding and that such funds are or will be available in the Town's operating budget; and further

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

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

RESOLUTION NO.180 AUTHORIZE APPLICATION TO THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) AND COMMIT TO LOCAL SHARE OF PROJECT COSTS FOR ENGINEERING AND REMEDIATION OF THE BOUGHTON PARK DAMS

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, funding is available through the DR-4480 Coronavirus (COVID-19) Pandemic Hazard Mitigation Grant Program (HMGP) administered by the NYS Division of Homeland Security and Emergency Services (DHSES) for projects that support long-term hazard mitigation measures that enhance the State's resiliency posture, avoid loss of life, and reduce damages to improved property; and

WHEREAS, remediation of the Boughton Park Dams is needed, as documented in the recent Engineering Assessment, to avoid loss of life and damages to property; and

WHEREAS, additional scoping and engineering analysis is needed to determine the most beneficial and cost-effective course of action; and

WHEREAS, the Town of Victor is a member of the Boughton Park Commission and is working with the other members to advance efforts to remediate the dam; and

WHEREAS, the cost of additional engineering investigation and scoping is estimated at up to Six Hundred Thousand dollars (\$600,000.00); and the cost of remediation is estimated at up to Six Million dollars (\$6,000,000.00), such cost to be determined following the engineering and scoping; now, therefore, be it

RESOLVED that the Town of Victor is authorized to apply for DR-4480 HMGP funding as a phased project; and further

RESOLVED that the Town of Victor commits to providing at least 10% of the total project cost in cash if this project is selected for funding and that such funds are or will be available in the Town's operating budget.

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

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

RESOLUTION NO.181 APPOINT WESLEY DOW - HIGHWAY MOTOR EQUIPMENT OPERATOR

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, a Motor Equipment Operator position vacancy exists in the Highway Department; and

WHEREAS, the interview committee has found Wesley Dow as having the necessary skills and possess a Class A CDL for the Motor Equipment Operator position; now, therefore be it

RESOLVED that Wesley Dow be appointed to the Motor Equipment Operator position for the Highway Department beginning on June 1, 2022 at a Grade 5C, Step A salary rate of Twenty-Five dollars and Fifty-Five cents (\$25.55)/hour to be paid from the 2022 Budget Line Item #DB.5110.100 General Repairs.Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Wesley Dow, Highway Superintendent, Finance Department, Town Clerk, and Human Resources.

RESOLUTION NO.182 PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION - EVALUATE THE SPEED LIMIT ON LANE ROAD

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, the Highway Superintendent has concerns regarding pedestrian crossings, school bus traffic, and vehicular traffic due to school activities on Lane Road between High Street and Taylor Rise; now, therefore, be it

RESOLVED the Town Clerk proceed with petitioning the NYS State Department of Transportation to evaluate Lane Road between High Street and Taylor Rise; and further

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

RESOLUTION NO.183 AUTHORIZATION TO SELL MISCELLANEOUS HIGHWAY DEPARTMENT EQUIPMENT AT AUCTION

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, the Town of Victor Highway Superintendent has reviewed its equipment inventory; and

WHEREAS, the following items are no longer needed:

1. 2001 Racemaster trailer Vin#1R9BA1625Z0321965
2. Hobart Welder
3. Old style road work zone traffic control signs, bases, flags and spare parts
4. Stop/Slow paddles that show excessive wear
5. Free standing flood light
6. Pipe crimping tool
7. Homelite Generator

RESOLVED that the Town Board declare the equipment as surplus equipment and authorizes the sale of this equipment at online auction; and further

RESOLVED that copy of this resolution be forwarded to the Highway Superintendent, the Finance Department and the Town Clerk.

RESOLUTION NO.184 AGREEMENT - MARY CAPOZZI

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mary Capozzi (the Contractor) to provide yoga instruction; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement, now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Mary Capozzi 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

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

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

RESOLVED that a copy of this resolution will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Mary Capozzi.

RESOLUTION NO.185 LIMITED PERMISSION ALCOHOLIC BEVERAGE PERMIT

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, the Town has a Limited Permission Alcohol Use Policy and Permit relating to the Consumption and/or Dispensing of Alcoholic Beverages in certain Town of Victor parks during special events; and

WHEREAS, the Department of Parks and Recreation will be hosting the annual Sid Partington Memorial Summer Concert in the Parks series at the Victor Municipal Park on Thursdays, June 16th, 23rd, 30th, July 7th, 14th, 21st, and 28th 6:00 pm – 8:30 pm; and Taco Tuesday at Dryer Road Park, June 21st, July 19th, August 16th, and September 20th 5:30- 8:30pm; and

WHEREAS, it is the desire of the Department of Parks and Recreation to have Brewery Services Inc. dba Twin Elder Brewery on site to dispense alcohol at the eleven events and they have applied for a Special Events – Temporary Bar and Wine Permit through the New York State Liquor Authority; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the issuance of a Limited Permission Alcoholic Beverage Permit by the Town of Victor Department of Parks and Recreation to Twin Elder Brewery to dispense alcohol at the Sid Partington Memorial Summer Concert in the Park series and Taco Tuesday at Dryer Road Park conditioned upon 1) approval of the Special Events – Temporary Bar and Wine Permit Application by the New York State Liquor Authority to Twin Elder Brewery for dispensing alcohol at the summer concerts, and 2) the issuance of a Certificate of Insurance from Twin Elder naming the Town of Victor as an Additional Insured, and complies with the requirements of the Town Code and Policy for Dispensing and Consumption of Alcohol; and be it further

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Director of Economic Development, Town Clerk, and Chris Thomas, Brewery Services Inc. dba Twin Elder Brewery.

RESOLUTION NO. 186 DECLARE 2014 FORD F-150 XLT SUPER CAB PICK UP TRUCK AS SURPLUS

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, a new vehicle was purchased for the Planning & Building/Stormwater Department; now, therefore be it

RESOLVED that the 2014 Ford F-150 XLT Super Cab pick up truck with VIN# 1FTFX1EF9EFB48595 be declared as surplus; and further

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

RESOLUTION NO.187 SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 180 STREETS AND SIDEWALKS

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, the Town Board has identified the need to amend Chapter 180 Streets and Sidewalks in order to update the Sidewalk Policy and add a section regarding enforcement; and

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

RESOLVED that a Public Hearing regarding the Local Law being proposed to amend Chapter 180 Streets and Sidewalks shall be held on June 27, 2022, at 7:00 p.m., at the Victor Town Hall located at 85 E. Main Street, Victor, NY and live streamed via YouTube; and be it further

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

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

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

RESOLUTION NO.188 LICENSE AND HOLD HARMLESS AGREEMENT – 1070 AZZANO CIRCLE TO ALLOW ENCROACHMENT INTO DRAINAGE EASEMENT

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, Nicholas M. Herman is the record owner (the "Owner") of the premises at 1070 Azzano Circle, Tax Map #16.04-1-21.000, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a drainage easement, as shown in Book 1322 of Deeds at page 193 in the Ontario County Clerk's Office, which drainage easement is situated running in a north-south direction along the eastern side of the Property approximately thirty (30) feet wide as shown on the Subdivision Plot Plan Project No. 12-00134 filed in the Ontario County Clerk's Office ("Drainage Easement"); and

WHEREAS, the Owner of the property proposes to install a fence (the "Fence") on the eastern side in the Drainage Easement; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Fence to encroach onto the Drainage Easement, said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Fence to be constructed, but would require the Owner to remove and/or repair said Fence, hold the Town harmless, and return the Property within the Drainage Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Drainage Easement in a manner which would require removal of the Fence, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed Fence and have indicated that the aforementioned proposed encroachment into the Drainage Easement would not materially adversely affect the integrity, purpose, or function of the Drainage Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the Drainage Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Nicholas M. Herman, in a form approved by the Attorney for the Town, to

VICTOR TOWN BOARD MEETING MONDAY MAY 23, 2022

allow the proposed Fence to encroach into the Drainage Easement, and any other document reasonably necessary to effect said Agreement; and

RESOLVED that upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with Nicholas M. Herman will be provided to the Town Clerk; and further

RESOLVED that a copy of this Resolution be provided to the Town Planning and Building Department, the Town Clerk, and the Owner.

RESOLUTION NO.189 ACCEPT SURETY - SCOUT PATH SUBDIVISION

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

WHEREAS, DeHollander Design received Planning Board approval for Scout Path Subdivision, with the condition that a form of surety be submitted to cover the cost of infrastructure, some of which may be dedicated to the town; and

WHEREAS, the Town Engineer reviewed the developer's estimate of construction costs which includes contingencies, developer's assurance, and Town Engineering fees, and in his letter dated May 11, 2022, recommends a surety in the amount of \$110,860.21; now, therefore, be it

RESOLVED that the Town Board accepts as Surety a check in the amount of \$110,860.21 as prescribed for in Section 184-14 Section C (9)(b)(c) of the Town of Victor Subdivision Regulations in lieu of a letter of credit; and further

RESOLVED that a copy of this resolution be forwarded to Codes & Development, the Town Engineer, and DeHollander Design.

No Public Comments or Concerns at this time.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Guinan, seconded by Councilman Condon to adjourn the regular Town Board meeting at 7:30PM

Respectfully submitted,

Karen C. Bodine, Town Clerk