

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

A Special Meeting of the Victor Town Board was held on August 22, 2022, at 6:30PM in the Supervisor’s Conference Room at the Victor Town Hall.

Special Meeting called to order at 6:30PM

PRESENT: Supervisor Marren, Councilman Guinan, Councilman Kahovec, Councilman Cusimano; Marlene Murnan-Assessor; and Sheila Chalifoux-Attorney.

ABSENT: Councilman Condon

MOTION TO OPEN EXECUTIVE SESSION

Time: 6:30PM

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

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

RESOLVED that the Victor Town Board move to Executive Session for proposed, pending or current litigation.

MOTION TO CLOSE EXECUTIVE SESSION

Time: 6:47PM

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

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

RESOLVED that the Executive Session closed, and the Board continued with the regularly scheduled Town Board meeting.

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

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 Marren Councilman Cusimano
Councilman Guinan Councilman Kahovec

ABSENT: Councilman Condon

ALSO PRESENT: Karen Bodine- Town Clerk; Frank Pavia- Attorney; Mark Years- Highway Superintendent; Rich O’Donnell – Finance Director; Marlene Murnan – Assessor; Suzy Mandrino-IT; Wes Pettee - LaBella Associates; David Nankin; Ira & Barbara Knickerbocker; Kim Kinsella; David Knapp; Fred Salsburg; Diane Robbins; Jerry Robbins; Cheryl Jones Richter; Joel

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

Richter; Susan Stehling; Kathy Rayburn; Glen Teeple; Chris Holtz; Henry Pink; Bernie Beikircs; Paul Johnson; Dominic Dardano; Margaret Underhill; Gary Hadden; Jaret Knickerbocker; Megan and Randy Jones.

Public Hearings

Town Clerk read aloud the Public Hearing Notices

- **Southgate Hills 1 & 2 Town of Victor Drainage Improvement Area**
- **Proposed Local Law to Amend Chapters 90 Dogs and 148 Parks**

Email from resident:

Please accept this email as my written comments in response to the upcoming hearing on August 22, 2022, regarding the change to sections 90 Dogs and 148 Parks of Victor Local Law.

I am strongly in favor of the proposed changes. As a frequent user of Victor trails, I think the requirement that all dogs in public spaces be leashed is absolutely in the best interest of public safety and civility, and therefore the definition of "Leash....." in Section 90-7 should be rewritten to exclude voice command as an acceptable circumstance under the law.

I would like to thank the Town for the nice, new signs that have been posted at the Auburn trailheads. Assuming that the proposed change is made to the code, I would also like to suggest that the Town post the leash law on the NextDoor website. There are frequent discussions/disagreements on that site about Victor's leash law, particularly regarding the trails, and I think it would be very helpful if the Town posted a clear and unambiguous statement defining the law.

Thanks very much Debbie Russell

- **Proposed Change to Local Law Chapter 188, Article I Senior Citizens Exemption**
- **Proposed Change to Local Law Chapter 188, Article IV Disabled Persons with Limited Income Exemption**

MOTION TO CLOSE THE PUBLIC HEARINGS @7:05PM

On motion of Councilman Kahovec, seconded by Councilman Cusimano the Public Hearings were closed and the regular Town Board meeting reconvened.

SUPERVISOR'S ANNOUNCEMENTS:

- ✓ Declare Councilman Condon necessarily absent
- ✓ Employee Birthdays for the month of September
- ✓ Primary Election Day August 23rd 6am - 9pm
- ✓ All Town Facilities will be closed on September 5th for Labor Day

APPROVAL OF MINUTES

On motion of Councilman Cusimano, seconded by Councilman Guinan, the July 25, 2022, and the August 9, 2022, Town Board meeting minutes were approved as presented. Motion Carried.

3 Ayes 0 Nays (Marren, Cusimano, Guinan)

1 Abstain for the July 25th Meeting (Kahovec)

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

On motion of Councilman Kahovec, seconded by Councilman Cusimano, the August 8, 2022, Town Board meeting minutes were approved as presented. Motion Carried.

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

PAYMENT OF BILLS

On motion of Councilman Kahovec, seconded by Councilman Cusimano, Manifest #16 in the amount of \$481,744.00 was approved. Motion carried.

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

Documentation for these expenditures can be found on vouchers filed by numbers #20221620-1729.

| | |
|-------------------------|---------------|
| General Townwide | \$ 142,547.50 |
| General Outside Village | 37,893.38 |
| Highway Townwide | 296,171.71 |

Supervisor Marren reviewed the following expenditures for Manifest #16 that were in the range or exceeded \$5,000.00.

- B & M International LLC – Sept. Rent Courts facility - \$10,275.00
- Bluestone Creek Develop. – Sept. Rent Parks/Rec. facility - \$13,750.00
- Genesee Valley Ford – New Vehicle Building dept. - \$22,600.00
- JD Rogers - Electric Repair Veterans Memorial - \$5,783.25
- Integrated Systems- New security camera's, video equipment and VMR upgrades - \$26,698.02
- Lehigh Hansen – Road Paving Materials - \$246,369.62
- MVP Health – Sept. Healthcare Employees/Retirees - \$67,964.73
- New York State Controller – July Court Fines - \$13,223.00
- Villager Construction – Paving Equipment/Operator - \$20,183.30

PRIVILEGE OF THE FLOOR: Ira Knickerbocker, CEO of Victor Insulators addressed the Board and gave a brief overview of Victor insulators, the birthplace of electrical porcelain. Fred Locke in the 19th Century recognized a need for better products to insulate electric lines and keep the electric power from being lost when sent over long distances. He started manufacturing insulator products in Victor in 1893. Mr. Knickerbocker expressed to the Board the need for his company's materials to be delivered by rail. He noted the trucking solution failed on many levels. He asked the Town and Village leadership to reconsider their position regarding Ontario County and specifically Victor's future need for rail transportation.

Public Comments or Concerns:

Several residents spoke with concerns about the abandonment of the railroad.

Diane Robbins commented on the connectivity project and the decision about the abandonment of the railway. She noted that the Finger Lakes railway is supposed to provide the service which they do not want to do anymore because it is unprofitable. Ontario County owns the land, tracks, and related materials, so the County must agree whether the tracks can be taken up. Finger Lakes Railway and the County need to get approval from the Federal

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

Service Transportation Board. She feels we should be applying for grants that are available for improving railroads that would help with the cost of the repairs and maintenance of the line. She asked about the Environmental Study that was to be completed by the end of August.

Henry Pink spoke in support of Mr. Knickerbocker. He feels everyone needs to stand up for small businesses and support them.

Cheryl Jones Richter asked when the environmental report and the feasibility study would be completed. She commented on the role of the LDC and how are they helping to sustain businesses in Victor. She noted there was a recommendation made to the LDC for potential tourism business with rail bikes brought forward for review and turned down. She is in support of ensuring that the Town strongly considers tearing up the rails.

Supervisor Marren answered some of the concerns expressed by the residents. The feasibility and environmental study are anticipated to be available in 30-45 days and will be presented to the Village and Town Board.

In 2017, the village and town hired TY Lynn to do a study for the Route 96 Corridor Strategic Plan. Priority #1 was this potential road between Route 251 to the railroad spur that goes to Victor Insulator. He had a copy that he was more than willing to pass around and from day one, it showed hike and bike, two lanes of traffic, and on the left side, the railroad, the existing tracks so there would be rail. The railroad said, we no longer use it. Storing cars with profanity on it, is not a good use of the rail. The owners of E-Waste are 100% committed to tractor trailer service and they have no use for the rail. The railroad can still provide transportation up to the spur. It is the railroad who has made the decision to transload. If the Town and Village Board said tonight that they are not going to put this road in, would there be rail service tomorrow? That would be the Transportation Board's decision.

Ira Knickerbocker stated the railroad's position is there is no federal or state money available for fixing the railroad.

Councilman Guinan commented that nobody in this room or on this Board wants to see anything happen to force Victor Insulator out of business. Regarding connectivity management, the LDC cannot get a grant for anything they do not own. A grant for this would come from the County, not from a town that owns four ½ miles by 120 ft. of ground.

He explained the access management plan is for the whole village and town, not just tearing up a set of railroad tracks and putting a piece of road in. It is for future development, for business and to attract businesses to this town. The number one problem that people express concerns about is the traffic on Route 96, so a grant was applied for the Route 96 Corridor Project plan. He sympathizes with everyone here and loves the history of the Victor Insulators. The Board is in a bind and not trying to put someone out of business to build a road.

Megan Jones asked where the spur is located. There is a spur that goes back to the Victor Insulators if you are coming from the East. She spoke about the parallel road to Main Street. Wanted to know if there was going to be a meeting in September and if a decision will be made on the first phase of this project.

Councilman Guinan explained that with all the traffic studies that have been done through the years, 80% of the traffic going through Victor is from out of town. If an access road, a parallel road was done, it would benefit the people in the town.

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

Mayor Hadden explained that the committee will get the report on the public input from the July 13th meeting on August 30th. Then sometime in September or October the committee will come to the Village and Town Board for a final report, combined with the survey that was done in January.

Kathy Rayburn clarified there are two things going on. Adams Street is a feasibility study to give concept level plans along with cost estimates. This has morphed into the connectivity plan because it has a lot to do with this. It will not come to the Village and Town Boards to build the road.

Paul Johnson wanted to know why we do not entertain the idea of rail biking and at least use what we have at this time and possibly help Victor Insulators.

Councilman Guinan noted that the Finger Lakes Rail has said no personal use. He did go to Penn Yan and looked at the rail bikes.

Joel Richter President of the Friends of the Railroad and has been involved with the organization since the beginning in 2008. He gave a bit of background of what the organization does and highlights of the many events they have hosted. He asked if the Town would provide a public statement of support for rail service and not abandonment.

Cheryl Jones Richter asked why would businesses come to Victor if the tracks were going to be taken out. She feels a statement of support needs to go on the books so local businesses would consider this as an option.

Randy Jones wanted clarification on the connectivity project. Wanted a little more information on the three phases and maybe an opinion from the Board on whether the progression of phases will help with the traffic issue downtown.

Supervisor Marren noted that phases one and two go up to the spur. Phase three was heading East. Supervisor Marren is not in support of phase three.

Report of Town Officials:

| | | |
|-----------|------------------------|-----------------------|
| Finance | Parks & Recreation | Victor Traffic Report |
| Historian | Planning & Building | |
| Highway | Town Clerk | |
| IT | Victor Fire Department | |

SUPERVISOR'S VERBAL REPORT:

- ✓ A copy of the Victor/Farmington Volunteer Ambulance update
- ✓ Sid Pardington Concert Series has ended with a very successful season, thanks to the Parks and Recreation staff and sponsors for their support.
- ✓ August Comment Card – compliments from residents to the Clerk's office, highway and the parks and recreation department.
- ✓ September 1st – Director of Finance and Supervisor registered for a Zoom Meeting through the AOT -Doing More with Less in preparation for the Town Budget.
- ✓ Marlene Murnan is now a State Certified Assessor.

COMMITTEE REPORTS

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

Councilman Kahovec noted that tomorrow's Planning Board Meeting will be Virtual only due to the building being used for Primary Voting.

The Veterans Memorial Garden Project has reached a stopping point for this season. He thanked John Turner and his staff for the work they did on this. The electrician took out old conduit that was rotted and new lighting has been installed. The monument will be placed on another granite marker and raised up higher, but it is not available right now due to some supply chain issues. One flag pole has been put back up and the secondary flag pole will go up once the project is complete. There will be additional lights and smaller flags as well.

Councilman Cusimano noted that a Victor resident on Strong Road commented what a great job the Highway Department does keeping the roads clean in the winter time and asked Mark to pass this along to his crew.

Climb Aboard Victor Event on September 3rd- recognized Kathy and Gina from Economic Development and Suzy Mandrino for their keeping the community informed with social media.

Councilman Kahovec noted great event and turn out for the Victor Music Festival. Kudos to Mayor Hadden, Kathy Rayburn, and John Turner for a well-run event.

Mayor Hadden thanked the Town Board for the cooperation the Village received through Kathy and the LDC. He noted this is a great example that the Village and the Town can work together. Appreciates Councilman Kahovec 's leadership on the Veterans Memorial Garden Project.

BUSINESS:

RESOLUTION NO. 226 ACCEPTANCE OF THE RESIGNATION OF TRAVIS THOMAS FROM THE PARKS MOTOR EQUIPMENT OPERATOR POSITION

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

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

WHEREAS, Travis Thomas has been a member of the Town of Victor Parks Department since 2019, and

WHEREAS, Travis Thomas has submitted his letter of resignation from his position as a Parks Motor Equipment Operator, effective August 26, 2022; now, therefore be it

RESOLVED that the Town Board acknowledges the resignation of Travis Thomas, Parks Motor Equipment Operator, from the Town of Victor Parks Department effective August 26, 2022, and be it further

RESOLVED that the Victor Town Board thanks Travis Thomas for his service and dedication to the residents of Victor over the past 2.7 years, and wishes him all the best in his new adventures, and be it further

RESOLVED that a copy of this resolution be sent to Travis Thomas, Director of Parks & Recreation, Finance Director, and Human Resources.

RESOLUTION NO. 227 ACKNOWLEDGEMENT OF THE APPOINTMENT OF CHAD BROWN TO THE POSITION OF FOREMAN FOR THE HIGHWAY DEPARTMENT

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

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

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

WHEREAS, David Knapp, resigned his position as Foreman for the Highway Department effective August 31, 2022, and

WHEREAS, Chad Brown, who has been a Motor Equipment Operator for the Highway Department for the past 18 years, possesses the skills identified for the Foreman position and is being recommended for this position by both the Highway Superintendent and the Deputy Highway Superintendent; now, therefore be it

RESOLVED that Chad Brown be appointed to the position of Foreman for the Town of Victor Highway Department at a Grade 5c, step F hourly rate salary of \$30.06 (thirty dollars and six cents) to be funded from the 2022 Town Budget Line Item #DB.5110.100 – General Repairs. Personal Services, with a starting date of September 1, 2022, and be it further

RESOLVED that a copy of this resolution be forwarded to Chad Brown, Highway Superintendent, Human Resources & Finance Director.

RESOLUTION NO. 228 ACCEPTANCE OF THE RESIGNATION OF DAVID KNAPP FROM THE POSITION OF FOREMAN/MOTOR EQUIPMENT OPERATOR FOR THE TOWN OF VICTOR HIGHWAY DEPARTMENT

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

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

WHEREAS, David Knapp has been a Motor Equipment Operator for the Town of Victor Highway Department for the past 19 years, and

WHEREAS, David Knapp has also been a Foreman in the Town of Victor Highway Department since 2013, and

WHEREAS, David Knapp has qualified for the position of Parks Motor Equipment Operator for the Town of Victor, but must resign from his current position to be appointed to his new title and responsibilities; now, therefore be it

RESOLVED that David Knapp resigns from his position of Foreman/Motor Equipment Operator for the Town of Victor Highway Department effective August 31, 2022, and be it further

RESOLVED that a copy of this resolution be sent to David Knapp, Highway Superintendent, Finance Director & Human Resources.

RESOLUTION NO. 229 APPOINTMENT OF DAVID KNAPP TO THE PARKS MOTOR EQUIPMENT OPERATOR POSITION FOR THE PARKS DEPARTMENT

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

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

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

WHEREAS, David Knapp, who is currently a Motor Equipment Operator for the Highway Department, possesses the skills identified for the Parks Motor Equipment Operator position and is being recommended for this position, and

WHEREAS, there is no exam required for this position, and

WHEREAS, David Knapp has applied for the position and has been approved by Ontario County Human Resources as having the qualifications necessary for this position; now, therefore be it

RESOLVED that David Knapp be appointed to the position of Parks Motor Equipment Operator for the Town of Victor Parks Department at a Grade 5c, step F hourly rate salary of \$30.06 (thirty dollars and six cents) to be funded from the 2022 Town Budget Line Item #A.7110.100 – Parks.Personal Services, with a starting date of September 1, 2022, and be it further

RESOLVED that a copy of this resolution be forwarded to David Knapp, Highway Superintendent, Director of Parks & Recreation, Human Resources & Finance Director.

RESOLUTION NO. 230 ALLOCATION OF FUNDS – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

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

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

WHEREAS, the Town of Victor was awarded a Community Development Block Grant (CDBG) in the amount of \$500,000 from the NYS Office of Community Renewal to assist local businesses impacted by COVID-19 (CDBG Project #1179CVSB25-21); and

WHEREAS, the funds awarded to qualifying businesses are for the purpose of providing financial assistance, in the form of grants to local businesses in the Town and Village of Victor; and

WHEREAS, thirteen businesses will be funded through this program at \$35,000 each: and

WHEREAS, the CDBG committee is requesting additional funds in the amount of \$29,153 be allocated for project delivery to be able to provide current and future business support to the small businesses that have applications in the CDBG CARES grant program; and

WHEREAS, these funds will come from the grant award pending approval of a budget modification submitted to New York State and will offset unexpected project delivery administrative costs incurred by Labella Associates and the Economic Development Department. These costs are associated with assisting the businesses through the program and for on-going monitoring requirements after the grants are dispersed.

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

Attached is the breakdown of the funding recap including the proposed adjusted project delivery costs.

RESOLVED that the Town Board accepts the allocation of \$29,153 for project delivery costs associated with the CDBG Grant.

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

RESOLUTION NO. 231 TOWN OF VICTOR AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CAPITAL SEWER 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 Cusimano, seconded by Councilman Kahovec, the following resolution was adopted.

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

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 May 9, 2022, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, pursuant to a duly promulgated consent order, the Department of Environmental Conservation has mandated that the Town of Victor, New York (hereinafter referred to as the "Town") undertake work in connection with the Town of Victor Sanitary Sewer District; 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 May 9, 2022, has duly adopted a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefor, 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 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, various pump station improvements, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

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 \$4,022,000 of the Town are hereby authorized to be issued to finance said purpose, 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 \$4,022,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

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

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

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 a copy of this Resolution be forwarded to the Stormwater Program Manager, Finance Director, Town Attorney, Town Engineer, Bond Council and Town Clerk.

**RESOLUTION NO. 232 AFTER PUBLIC HEARING – ADOPT LOCAL LAW – AMEND
CHAPTER 180 STREETS AND SIDEWALKS**

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

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

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

WHEREAS, a resolution was duly adopted by the Town Board on May 23, 2022 calling for a Public Hearing to be held by the Town Board on June 27, 2022 at the Town Hall at 7:00 PM to hear all interested parties on proposed local law to amend Chapter 180 Streets and Sidewalks in order to update the Sidewalk Policy and add a section regarding enforcement; and

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

WHEREAS, said Public Hearing was duly held at the Town Hall on June 27, 2022, at 7:00 PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and be it

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

LOCAL LAW TO AMEND CHAPTER 180 STREETS AND SIDEWALKS

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 New York 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. 3-2022 to amend Chapter 180 Streets and Sidewalks at Section 180-5 Sidewalk Policy and 180-6 Sidewalk Policy Enforcement. The purpose of this Local Law is to update the sidewalk policy and its enforcement.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the definition of Off-Road Vehicle needs to be updated.

Section IV. Amendment

Chapter 180 Streets and Sidewalks shall be amended as follows:

Section 180-5 Sidewalk policy.

The Town is responsible for maintaining safe and adequate sidewalks for pedestrian use by regulating the manner of construction, reconstruction, repair and maintenance of sidewalks

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

and the materials to be used and the grades and widths thereof. Every owner of any real property shall keep the sidewalks their full width in front of or by the side of such house or other building and lot or vacant lot free from ice, snow, dirt, rubbish, or other obstruction. No vehicle shall be permitted to be parked in such a manner as to block or interfere with the use of any sidewalk within the town.

Section 180-6 Sidewalk policy enforcement

The provisions of this chapter may be enforced by any officer of the Town of Victor appointed to carry out such duties by the Victor Town Board.

A. Commencement of proceedings. Any owner of real property which is found to be in violation of this chapter may be issued an appearance ticket for such violation and shall be prosecuted in the manner herein provided.

B. Appearance tickets and process. Any person authorized to enforce this chapter may issue appearance tickets therefor and is hereby authorized to serve any process relating to any proceeding pursuant to this chapter. In the event that an appearance ticket is unanswered, the Justice Court shall permit the filing of an information from the appropriate enforcement officer and issue a warrant of arrest for the alleged violator.

C. Prosecution of violations. A violation of this chapter shall be punishable by a fine of not more than \$25, except that for a second violation of this chapter the fine shall be not more than \$50 and for a third or subsequent violation of this chapter the fine shall be not more than \$100. Each day during which a property shall be found not in compliance with the posting standards set forth herein shall be deemed a separate and distinct violation of this chapter.

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.

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

RESOLVED that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

RESOLUTION NO. 233 SET PUBLIC HEARING FOR SEPTEMBER 12, 2022, 7:00 PM TO INTRODUCE LOCAL LAW – EXPAND USE OF VIDEOCONFERENCING

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

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

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law authorizing the Town Board and other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, this Local Law would adopt amendments to the New York State Public Officer's Law §103, expanding the use of videoconferencing at public meetings; now therefore be it

RESOLVED that a public hearing to be held on September 12, 2022, at 7:00 PM at the Victor Town Hall, 85 East Main Street, Victor, New York to hear all interested parties; and be it further

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

RESOLUTION NO. 234 APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH WIDEWATERS RT 96 CO LLC

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

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor (the "Town") and Widewaters Rt 96 Co LLC ("Widewaters") before the New York State Supreme Court, County of Ontario (Index Numbers 125451-2019, 127438-2020, 129933-2021 and 133257-2022) for the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 tax years entitled *Widewaters Rt 96 Co LLC v. The Assessor, et al.*, relating to commercial property owned by Widewaters located at 7637 State Route 96 (the "Subject Property") in the Town of Victor (collectively referred to as the "Actions"); and

WHEREAS, a settlement agreement has been tentatively reached between the Town and Widewaters discontinuing the Actions with prejudice; and

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

WHEREAS, after obtaining a preliminary appraisal and reviewing all necessary documentation, including a proposed court order, the assessor and the attorney for the Town, Chalifoux Law, PC, further recommend to the Town Board that the 2019-2020, 2020-2021 and 2021-2022 assessments for the Subject Property remain the same, that the 2022-2023 assessment for the Subject Property be reduced, and that the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions be settled and discontinued; and

WHEREAS, Widewaters is entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced 2022-2023 property tax assessment for the Subject Property; it is therefore

RESOLVED that the Town Board approves a settlement and discontinuance of the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions, as well as further approves that the property assessments for the Subject Property for the 2019-2020, 2020-2021 and 2021-2022 tax years shall remain the same and that the property assessment for the Subject Property for the 2022-2023 tax year shall be reduced and Widewaters will be entitled to collect refunds of taxes paid that were in excess of the taxes that would have been due on the agreed-upon 2022-2023 reduced property assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the New York State Supreme Court, the Actions will therefore be discontinued, with prejudice; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor, the Victor Central School District, the Ontario County Department of Real Property Tax Services, the Town Attorney, and Town Clerk.

RESOLUTION NO. 235 APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH SERITAGE SRC FINANCE LLC

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

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor (the "Town") and Seritage SRC Finance LLC ("Seritage") before the New York State Supreme Court, County of Ontario (Index Numbers 125466-2019, 127437-2020, 129932-2021 and 133256-2022) for the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 tax years entitled *Seritage SRC Finance LLC v. The Assessor, et al.*, relating to commercial property owned by Seritage located at 200 Eastview Mall (the "Subject Property") in the Town of Victor (collectively referred to as the "Actions"); and

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

WHEREAS, a settlement agreement has been tentatively reached between the Town and Seritage discontinuing the Actions for the tax years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 for the Subject Property, with prejudice; and

WHEREAS, after reviewing all necessary documentation, including a proposed court order, the assessor and the attorney for the Town, Chalifoux Law, PC, further recommend to the Town Board that the 2019-2020, 2021-2022 and 2022-2023 assessments for the Subject Property remain the same, that the 2020-2021 assessment for the Subject Property be reduced, and that the Actions be settled and discontinued; and

WHEREAS, Seritage is entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced 2020-2021 property tax assessment for the Subject Property; it is therefore

RESOLVED that the Town Board approves a settlement and discontinuance of the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions, as well as further approves that the property assessments for the Subject Property for the 2019-2020, 2021-2022 and 2022-2023 tax years shall remain the same and that the property assessment for the Subject Property for the 2020-2021 tax year shall be reduced and Seritage will be entitled to collect refunds of taxes paid that were in excess of the taxes that would have been due on the agreed-upon 2020-2021 reduced property assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the New York State Supreme Court, the Actions will therefore be discontinued, with prejudice; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor, the Victor Central School District, the Ontario County Department of Real Property Tax Services, the Town Attorney, and Town Clerk.

RESOLUTION NO. 236 APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH GMRI, INC., AND HIGH POINT RETAIL LLC

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

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor (the "Town") and GMRI, Inc., and High Point Retail LLC (collectively, "Petitioners") before the New York State Supreme Court, County of Ontario (Index Numbers 125453-2019, 127436-

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

2020, 129930-2021 and 133255-2022) for the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 tax years entitled *GMRI, Inc. v. The Assessor, et al.*, and *High Point Retail LLC v. The Assessor, et al.*, relating to commercial property owned by Petitioners located at 200-204 High Point Drive (the "Subject Property") in the Town of Victor (collectively referred to as the "Actions"); and

WHEREAS, a settlement agreement has been tentatively reached between the Town and Petitioners discontinuing the Actions for the tax years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 for the Subject Property, with prejudice; and

WHEREAS, after obtaining a preliminary appraisal and reviewing all necessary documentation, including a proposed court order, the assessor and the attorney for the Town, Chalifoux Law, PC, further recommend to the Town Board that the 2019-2020, 2020-2021 and 2021-2022 assessments for the Subject Property remain the same, that the 2022-2023 assessment for the Subject Property be reduced, and that the Actions be settled and discontinued; and

WHEREAS, Petitioners are entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced 2022-2023 property tax assessment for the Subject Property; it is therefore

RESOLVED that the Town Board approves a settlement and discontinuance of the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions, as well as further approves that the property assessments for the Subject Property for the 2019-2020, 2020-2021 and 2021-2022 tax years shall remain the same and that the property assessment for the Subject Property for the 2022-2023 tax year shall be reduced and Petitioners will be entitled to collect refunds of taxes paid that were in excess of the taxes that would have been due on the agreed-upon 2022-2023 reduced property assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the New York State Supreme Court, the Actions will therefore be discontinued, with prejudice; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor, the Victor Central School District, the Ontario County Department of Real Property Tax Services, the Town Attorney, and Town Clerk.

RESOLUTION NO. 237 SNOWPLOW AGREEMENTS FOR 2022-2023 SEASON (LIABILITY WAIVERS)

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

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

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

RESOLVED that pursuant to Resolution No. 320 adopted on October 15, 1996 and amended by Resolution No. 61 adopted on January 11, 1999; Resolution No. 419-12 adopted on December 7, 2012; and Resolution No. 314 adopted on August 8, 2016, the Supervisor is hereby authorized to enter into the additional Snow Plow Agreements (Liability Waivers) as follows:

| DEVELOPER | SUBDIVISION | STREET NAME | 2022 | Response | LF |
|------------------------------|------------------------------|---------------------|-----------------|---------------------|------------------|
| S & J Morrell, Inc. | Piper Meadows | Piper Meadows Drive | 3 rd | Yes | 1100 (.87/lf) |
| S & J Morrell, Inc. | Piper Meadows | Cassidy Court | 3 rd | Yes | 960 (.87/lf) |
| 7203 Rawson Road, LLC | Drumlins, Section 3, Phase 3 | Chapelhill Drive | 6 th | Requests dedication | 715 |
| Antonelli Development LLC | Anton Valley | Valley Court | 3 rd | Yes | 750 (.97/lf) |
| Fairview Ponds LLC | The Fairways Phase III | Championship Drive | 1 st | Yes | 1600 – No charge |
| Southgate Hills | Phase II | | 1 st | Yes | 550 – No charge |
| Woodstone Custom Homes, Inc. | Blumont Rise | Claremont Court | 1 st | Yes | 950 – No charge |
| Woodstone Custom Homes, Inc. | Blumont Rise | Beaumont Way | 1 st | Yes | 1500 – No charge |
| Woodstone Custom Homes, Inc. | Willis Hill Estates | Walden Hollow | 1 st | Yes | 1100 – No charge |

And further

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Town Clerk, Highway Superintendent, Woodstone Custom Homes, Inc., S & J Morrell, Inc, 7203 Rawson Road LLC, Fairview Ponds LLC, BRW of Greece LLC and Antonelli Development LLC.

RESOLUTION NO. 238 DRUMLINS TOWNHOME SUBDIVISION, SECTION 3, PHASE 3 - ACCEPTANCE OF DEDICATION

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

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

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

WHEREAS, 7203 Rawson Road LLC, developer of Drumlins Townhouses, Section 3, Phase 3, has offered to dedicate to the Town of Victor the portion of Chapelhill Drive constructed in Drumlins Townhouses, Section 3, Phase 3, as described in the right-of-way description, and the associated sanitary sewer system and storm sewer system as set forth in the Town Engineer's letter of August 9, 2022; and

WHEREAS, the Engineer for the Town has indicated by letter dated August 9, 2022, that Chapelhill Drive constructed in Drumlins Townhouses, Section 3, Phase 3, as described in the right-of-way description and the associated sanitary sewer system and storm sewer system are acceptable to be dedicated to the Town; and

WHEREAS, 7203 Rawson Road LLC has agreed to post a Maintenance Bond in the amount of \$28,672.50 as recommended by the Town Engineer in a letter dated August 9, 2022, to be held for two (2) years after the acceptance of the dedicated facilities and roadway; now, therefore, be it

RESOLVED AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of approximately 715LF of Chapelhill Drive roadway constructed in Drumlins Townhouses, Section 3, Phase 3, as the same is known and is described in deeds of dedication to be executed by 7203 Rawson Road LLC, a copy of which is on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of Drumlins Townhouses, Section 3, Phase 3, as described in the right-of-way description and the associated sanitary sewer system and storm sewer system located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
3. That the dedication of the said roadway and systems shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.
4. That upon the acceptance of the dedication of the portion of Chapelhill Drive, the Official Map of the Town of Victor shall be amended; and be it further

RESOLVED that a copy of this resolution be forwarded to the Building & Planning Department, Highway Superintendent, Town Engineer, Town Clerk, and 7203 Rawson Road LLC.

ORDER OF SUPERINTENDENT OF HIGHWAYS

IN THE MATTER OF THE DEDICATION OF
A PORTION OF ROADWAY AND SIDEWALKS AS PUBLIC HIGHWAYS IN DRUMLINS
SUBDIVISION SECTION 3 PHASE 3, KNOWN AS CHAPELHILL DRIVE IN THE TOWN OF VICTOR,
COUNTY OF ONTARIO, STATE OF NEW YORK

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

A deed of dedication for highway purposes dated August 22, 2022, of certain lands described therein in the Town of Victor, County of Ontario, State of New York, having been filed with the Town Clerk, together with the written consent of the Town Board of the Town of Victor, being endorsed thereon and attached thereto,

NOW, THEREFORE, I, as the Superintendent of Highways of the Town of Victor, County of Ontario, do hereby

ORDER that the lands hereinafter described to me, and that the same hereby are, laid out and accepted as public highways of the Town of Victor, County of Ontario, New York.

RESOLUTION NO. 239 AUTHORIZATION TO OPEN CHECKING ACCOUNT FOR COLLECTION OF PITTSFORD SCHOOL TAXES

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

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

WHEREAS, the Town Clerk, as Tax Receiver has been collecting Pittsford School Taxes for the properties within the limits of the Town of Victor since 2006; and

WHEREAS, the Town Clerk feels it is necessary to keep a separate checking account to keep records solely for this purpose; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Clerk to open a Canandaigua National Bank account for the receipt of only Pittsford School taxes; and further

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

Public Comments or Concerns: None

MOTION TO MOVE TO EXECUTIVE SESSION

Attendees: Town Board and Frank Pavia

Time: 8:17PM

VICTOR TOWN BOARD MEETING MONDAY AUGUST 22, 2022

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

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

RESOLVED that the Victor Town Board move to Executive Session for proposed, pending or current litigation.

MOTION TO CLOSE EXECUTIVE SESSION

Time: 8:52PM

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

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

RESOLVED that the Executive Session ended with no action taken.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Kahovec, seconded by Councilman Cusimano to adjourn the regular Town Board meeting at 8:52PM

Respectfully submitted,

Karen C. Bodine, Town Clerk