

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

A Special Meeting of the Victor Town Board was held on September 12, 2022, at 6:00PM in the Supervisor’s Conference Room at the Victor Town Hall.

Special Meeting called to order at 6:00PM

PRESENT: Supervisor Marren, Councilman Cusimano; Councilman Condon, Councilman Kahovec, Kevin Overton, and Justin Miller- Harris Beach; Rich O’Donnell- Finance Director

ABSENT: Councilman Guinan

MOTION TO OPEN EXECUTIVE SESSION

Time: 6:00PM

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

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

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

MOTION TO CLOSE EXECUTIVE SESSION

Time: 6:30PM

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

4 Ayes 0 Nays (Marren, Kahovec, Condon, 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 @ 7:04PM.

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 Guinan

ALSO PRESENT: Karen Bodine- Town Clerk; Kevin Overton- Attorney; Mark Years- Highway Superintendent; Rich O’Donnell – Finance Director; Brian Emelson- Parks Director; Suzy Mandrino-IT; Mary Steblein- LaBella Associates; David Nankin; George Beckinghausen; Ira Knickerbocker; Linc Swedrock- BME Associates and Jerry Watkins-BRW of Greece, LLC.

Public Hearings

Town Clerk read aloud the Public Hearing Notice

➤ **Proposed Local Law to Expand Use of Videoconferencing**

Supervisor Marren explained the need for this proposed local law. Since the beginning of the pandemic the boards were acting under the Governor’s Executive Orders which allowed board members to attend meetings virtually. Governor Hochul is not expected to extend these orders, so towns must develop a local law and procedures. Tonight, the town board is taking public comments on the local law. All of the Town of Victor boards are included in this proposed local law, which follows public law #103 that there must be extraordinary circumstances to attend a meeting virtually instead of in person.

There were no comments from the public for or against the local law.

MOTION TO CLOSE THE PUBLIC HEARINGS @7:08PM

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 Guinan necessarily absent
- ✓ Welcomed Mary Steblein to the meeting tonight

APPROVAL OF MINUTES

On motion of Councilman Cusimano, seconded by Councilman Kahovec, the August 22, 2022 Town Board meeting minutes were approved as presented. Motion Carried.

3 Ayes 0 Nays (Marren, Cusimano, Kahovec)
 1 Abstain Councilman Condon

PAYMENT OF BILLS

On motion of Councilman Kahovec, seconded by Councilman Cusimano, Manifest #17 in the amount of \$781,073.77 was approved. Motion carried.

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

Documentation for these expenditures can be found on vouchers filed by numbers #20221730-1888.

General Townwide	\$ 75,636.84
General Outside Village	18,568.85
Highway Townwide	621,867.75
Park Land Trust Fund	2,000.00
Lighting Districts	5,708.85
SS Consolidated Sewer Fund	28,950.17
Central Water District	.06
Trust and Agency	28,341.25

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

Supervisor Marren reviewed the following expenditures for Manifest #17 that were in the range or exceeded \$5,000.00.

- CP Ward – Final payment Break of Day repair - \$11,272.48
- D. Clark Distributing – Tack Coat for Paving Projects - \$11,717.60
- Harris Beach – August Legal Services (Chargeback \$475.00) - \$9,552.75
- Hometown Energy – August Fuel billing - \$9,237.39
- Integrated Systems – August Hosting - \$4,743.48
- Labella Associates PC – Professional Services for August – \$105,453.00
(Chargeback to developers \$28,341.25 cost to the Town \$77,111.75)
- Lehigh Hanson – Paving Materials for road projects - \$70,862.40
- Macedon Excavating & Paving – Racoon Run and Deer Crossing Paving Projects - \$439,249.43
- Nocco Energy – Diesel Fuel for August - \$8,775.87
- RGE – August utilities - \$7,357.91
- Siteone Landscaping – Deer Crossing Restoration - \$5,481.77
- Village of Victor – Reimbursement for paving and Veterans Memorial materials - \$13,952.62
- Villager Construction – Milling for Paving Projects - \$15,500.00

PRIVILEGE OF THE FLOOR:

- Linc Swedrock, BME Associates and Jerry Watkins, BRW of Greece, LLC (Riedman) addressed the Board to discuss the open space area for Southgate Hills, Section 3.

Riedman is in the planning process for Southgate 3 to get approval for the subdivision. There is a piece of land that was targeted to be dedicated to the town for parking and access the Auburn Trail. The parcel is 2.8 acres, to the north of Southgate 3 on the eastside of East Victor Road, adjacent to Auburn Trail. Also, there is a conservation easement around the entire area except the parking area. The pond is not included; it will be on a lot instead. The town would have an easement over the pond, but it will be owned by a resident. They are before the board tonight to get feedback before going to the planning board on September 13.

Mr. Emelson, Director of Parks & Recreation asked the difference between town land versus town park owned land and who would be responsible for maintaining this land.

Councilman Cusimano confirmed with Mr. Emelson that the parks and recreation fee would still be issued to new homeowners. (Yes)

Supervisor Marren and Councilman Condon do not see the value. Also, the town runs the risk of litigation.

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

Mr. Emelson stated this was not a parcel that was identified in the master plan. There are currently no plans for it now, except open space.

Councilman Cusimano thought it would be a worthwhile endeavor if the parking outweighs the risk.

Councilman Kahovec liked the idea, as long as Brian (Emelson) feels he can maintain it.

Mr. Emelson asked if the area could be made smaller and used just for the parking area. Supervisor Marren asked that Mr. Watkins and Mr. Swedrock work with Mr. Emelson and come back to the board.

Public Comments or Concerns: None

Report of Town Officials:

- Finance Victor Fire Department
- Historian Victor Traffic
- Parks & Recreation

SUPERVISOR'S VERBAL REPORT:

- Joint Meeting with Town of Farmington and Town of Victor for the Victor/Farmington Ambulance
- Robotics Recycle event will be held on October 1st from 9am-1pm at the Victor Central School Campus.

Town Clerk reported in August the clerk's office issued 47 Boughton Park Permits and 45 Handicap Permits. Year to date 70 Marriage Licenses have been issued.

BUSINESS:

RESOLUTION NO. 240 PURCHASE 2022 CAT M318 WHEELED EXCAVATOR - HIGHWAY DEPARTMENT

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

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

WHEREAS, the Highway Department has the need to purchase a 2022 CAT M318 Wheeled Excavator and trading in the 2018 M318 Milton CAT Excavator; and

WHEREAS, the purchase of the new 2022 CAT M318 Excavator was not part of the 2022 budget expenditures, a 2020 model was included for purchase in 2023 as part of the long-term Capital Plan; however, a new 2022 model became available at a lower cost in 2022, and

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

WHEREAS, under New York State contract #PC69406 the 2022 CAT M318 Wheeled Excavator is available for purchase through Milton Cat. and offered a trade in amount of \$185,000.00; and

WHEREAS, available funds have been identified in the line DB.5110.400, General Repairs, Contractual, in the amount of Ninety-Seven Thousand Ninety dollars (\$97,090.00) now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase the 2022 CAT M318 Wheeled Excavator for Ninety-Seven Thousand Ninety dollars (\$97,090.00) including freight to be paid from the 2022 Budget Line-item DB.5130.200 Machinery.Equipment; and further

RESOLVED the Town Board authorize a budget transfer in the amount of Ninety-Seven Thousand Ninety dollars (\$97,090.00) from DB.5110.400, General Repairs.Contractual, to DB.5130.200 Highway Machinery.Equipment for the purchase of the 2022 CAT M318 Excavator, and

RESOLVED that a copy of this resolution be forwarded to the Highway Superintendent, Finance Director, Town Clerk, and Milton Cat, 4610 E. Saile Drive, Batavia, New York 14020.

RESOLUTION NO. 241 BUDGET TRANSFER TO FUND NEW EQUIPMENT PURCHASE FOR THE HIGHWAY DEPARTMENT

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

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

WHEREAS, the Highway Department has requested approval from Town Board to purchase a new 2022 CAT M318 Excavator per resolution 241 dated September 12, 2022, and

WHEREAS, the purchase of the new 2022 CAT 3M318 Excavator was not part of the 2022 budget expenditures, a 2018 model was included for purchase in 2023 as part of the long-term Capital Plan; however, a new 2022 model became available at a lower cost in 2022, and

WHEREAS, available funds have been identified in the line DB.5110.400, General Repairs. Contractual, in the amount of Ninety-Seven Thousand Ninety dollars (\$97,090.00) now, therefore, be it

RESOLVED that the Town Board authorize a budget transfer in the amount of Ninety-Seven Thousand Ninety dollars (\$97,090.00) from DB.5110.400, General Repairs.Contractual, to DB.5130.200 Highway Machinery.Equipment for the purchase of the 2022 CAT M318 Excavator, and

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

RESOLVED that all entries to achieve the above-mentioned budget transfers be completed upon Town Board approval of this resolution, and

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

RESOLUTION NO. 242 AUTHORIZATION FOR SUPERVISOR TO EXTEND EXISTING AGREEMENT WITH EMPIRE ACCESS FOR PHONE AND INTERNET SERVICES

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

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

WHEREAS, the Town Board passed Resolution #428-19 on November 25, 2019 and entered into an Agreement with Empire Access for phone and internet services for the Town of Victor, and

WHEREAS, this contract will expire on September 30, 2022, and

WHEREAS, the Town Board wishes to extend the Agreement with Empire Access for phone and internet services for the Town of Victor until September 30, 2025, and

WHEREAS, Empire Access has agreed to provide the Town with a three (3) year pricing contract at a cost of Two Thousand Five Hundred Forty-One dollars and Seventy-Five cents (\$2,541.75) per month; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to extend the agreement for phone and internet services for three (3) years with Empire Access, at a cost of Two Thousand Five Hundred Forty-One dollars and Seventy-Five cents (\$2,541.75) per month, plus applicable taxes and fees, to be charged to the following Budget Line items:

- A.1650.400 – Central Communications.Repairs.Contractual
- A.7021.400 – Parks & Recreation.Contractual
- DB.5110.400 – Highway General Repairs.Contractual
- A.1110.400 – Justice.Contractual

and be it further

RESOLVED that the Empire Access agreement will be for a limited term of three (3) years, beginning on October 1, 2022, under the terms and conditions as provided in the original 2019 contract; and be it further

RESOLVED that a copy of this Resolution be forwarded to Empire Access – Daye Parsons, Human Resources, Town Clerk, IT, and the Finance Department.

RESOLUTION NO. 243 AUTHORIZATION FOR THE PURCHASE OF FISHER HEAVY-DUTY SNOWPLOW FOR PICKUP TRUCK FOR PARKS AND TRAILS OPERATIONS

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

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

WHEREAS, the Department of Parks and Recreation has the need to purchase an 8’ wide, front-end snowplow for its 2021 F-250 pickup truck for parks and trails operations; and

WHEREAS, the Director of Parks and Recreation has received the following quotes

VENDOR	PRICE PROPOSAL
Thru-Way Spring	\$6,300.00
All County Lawn Tractor & Trailer Center	\$6,900.00
Cyncon	\$7,010.00

And

WHEREAS, funds are available in the 2022 Budget line item A7110.400 Parks - Contractual for the purchase of an 8’ wide, Fisher heavy-duty, front-end snowplow; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase an 8’ wide, Fisher heavy-duty, front-end snowplow for parks and trails operations from Thru-Way Spring at a cost of Six Thousand Three Hundred dollars (\$6,300.00), and said funds are available in the 2022 Budget line item A7110.400 Parks.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant, Director of Parks and Recreation; Town Clerk, Director of Finance; and Frank Buscemi, Thru-Way Spring.

RESOLUTION NO. 244 AUTHORIZATION FOR THE PURCHASE OF HONDA GX160 WALK BEHIND VIBRATORY PLATE COMPACTOR WITH WATER TANK FOR PARKS AND TRAILS OPERATIONS

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

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

WHEREAS, the Department of Parks and Recreation has the need to purchase an 18” wide, walk behind vibratory plate compactor with water tank for parks and trails operations; and

WHEREAS, this equipment is available for purchase from Multiquip Incorporated at a cost of One Thousand Nine Hundred Thirty-Eight dollars and Eighty-Five cents (\$1,938.85); and

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

WHEREAS, funds are available in the 2022 Budget line item A7110.400 Parks.Equipment for the purchase of a 18" wide, Honda GX160 Walk Behind Vibratory Plate Compactor with water tank; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase an 18" wide, Honda GX160 Walk Behind Vibratory Plate Compactor with water tank for parks and trails operations from Multiquip Incorporated at a cost of One Thousand Nine Hundred Thirty-Eight dollars and Eighty-Five cents (\$1,938.85), and said funds are available in the 2022 Budget line item A7110.400 Parks.Equipment; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant, Trails Motor Equipment Operator, Director of Parks and Recreation, Town Clerk, Director of Finance; and Multiquip Incorporated.

RESOLUTION NO. 245 AFTER PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTERS 90 DOGS & 148 PARKS

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

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

WHEREAS, a resolution was duly adopted by the Town Board on July 25, 2022, calling for a Public Hearing to be held by the Town Board on August 22, 2022, at the Town Hall at 7:00 PM, to hear all interested parties on a proposed local law to amend Chapters 90 Dogs & 148 Parks; and

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

WHEREAS, said Public Hearing was duly held at the Town Hall on the 22nd of August 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; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law; now, therefore be it

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

LOCAL LAW TO AMEND CHAPTERS 90 DOGS & 148 PARKS

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

Section I. Authorization

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

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. 4-2022 to amend Chapters 90 Dogs & 148 Parks. The purpose of this Local Law is to amend Chapter 90 Dogs and Chapter 148 Parks; and

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines the need to update Chapters 90 Dogs and 148 Parks.

Section IV. Amendment

Section 90-7. Definitions.

LEASH, LEASHED or RESTRAINED BY A LEASH – That when the dog is off the premises of the owner, the dog is equipped with a collar or harness to which is attached a leash of sufficient strength to restrain the dog.

Section 148-7. Domestic animals.

Domestic animals, including dogs and cats, must be on a Leash or Leashed. Horses are not allowed in parks or on trails at any time. Dogs must be in compliance with the Town of Victor Dog Code at Chapter 90 of 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

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

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.

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. 246 AFTER PUBLIC HEARING – PROPOSED CHANGE TO LOCAL LAW CHAPTER 188, ARTICLE I SENIOR CITIZENS EXEMPTION & ARTICLE IV DISABLED PERSONS WITH LIMITED INCOME EXEMPTION

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

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

WHEREAS, resolutions were duly adopted by the Town Board on July 25 and August 8, 2022 calling for a public hearing to be held by the Town Board on August 22, 2022 at the Town Hall at 7:00 PM to hear all interested parties on proposed change to Local Law Chapter 188, Article I Senior Citizens Exemption and Article IV Disabled Persons with Limited Income Exemption; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with the law; and said Public Hearing was duly held at the Town Hall on August 22, 2022, at 7:00 PM and all interested parties 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 CHAPTER 188, ARTICLE I SENIOR CITIZENS EXEMPTION

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. 5-2022 to Amend Chapter 188, Article I Senior Citizens Exemption & Article IV Disabled Persons with Limited Income Exemption.

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines the Town Assessor has informed the Town Board of a series of changes taking place in the New York State Legislature affecting property tax-related bills; and

The Town Board currently allows for senior citizen exemptions based on income, medical expenses, veterans' disability payments, a sliding tax scale for residents who are age 65 before 12/31, late filings up to and including on Grievance Day, and provides the highest current exemption rate in Ontario County and currently allows for exemptions for disabled persons based on income, medical and prescription drug expenses and provides the highest current exemption rate in Ontario County.

Section IV. Amendment

Chapter 188.Taxation, Article I. Senior Citizens Exemption, §188-2 Exemptions Granted to read that the "exemptions for senior citizen ownership status, residency, occupancy and income as set forth in §467 of the New York State Real Property Tax Law, as amended from time to time, *at the discretion of the Town Board*"; and

Chapter 188.Taxation, Article IV Disabled Persons with Limited Income §188-11 Exemptions Granted to read that the "exemptions for persons with disabilities and low-income ownership status, residency, occupancy and income as set for in §459-c of the New York State Real Property Tax Law, as amended from time to time, *at the discretion of the Town Board*"; and

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. 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.

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

RESOLUTION NO. 247 DRAINAGE IMPROVEMENT AREA EXTENSION – SOUTHGATE HILLS SECTION 1 & 2

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

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

WHEREAS, the Town Board of the Town of Victor (the "Town Board") on May 9, 2016 approved the establishment of the Town of Victor Drainage Improvement Area (the "VDIA"); and

WHEREAS, on March 28, 2022, the Town Board received an application, a Drainage Improvement Area Report ("DIR"), and a petition from Riedman Acquisitions LLC (the "Petitioner") seeking to extend the VDIA to include East Victor Road, north of Boughton Hill Road, as more specifically described in the DIR; and

WHEREAS, the boundaries of the Southgate Hills Section 1 residential drainage area comprises of parcels of real property beginning at the intersection of the westerly right-of-way line of East Victor Road (60' right-of-way) with the southerly boundary line of lands now or formerly of David and Mary Lentine, Tax Map Number 28.01-01-27.11, the metes and bounds description of which is set forth in the DIR; and the boundaries of the Southgate Hills Section 2 residential drainage area comprises of parcels of real property beginning at the intersection of the northerly boundary line of lands now or formerly of Shaun and Diedra Kirk (T.A. No. 28.04-1-47) with the southwesterly right-of-way line of East Victor Road (Right-of-Way Width Varies), said point being 722.68 feet northwesterly from the north right-of-way line of County Road 41, the metes and bounds description of which is set forth in the DIR;

WHEREAS, the proposed drainage improvements include the creation of a Stormwater Management Facility and the maintenance of the stormwater drainage system for the residential subdivision, all of which have been approved by the Town of Victor Planning Board; and

WHEREAS, the capital cost of Southgate Hills Section 1 & 2 Drainage District will be paid solely by the Petitioner; and

WHEREAS, since the Town of Victor will not incur any capital cost for the extension of the VDIA, no financing will be employed, and therefore it is unnecessary to obtain the approval of the New York State Comptroller's Office or to apportion costs of the proposed extension of the VDIA; and

WHEREAS, the Town Board, as required by the New York State Environmental Quality Review Act, Article 8 of the NY Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), have completed a Short Environmental Assessment Form ("SEAF") for the purpose of assessing the potential significant adverse environmental impacts associated with the proposed extension of the VDIA; and

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

WHEREAS, the Town Board duly held a public hearing in accordance with Article 12-c of the New York Town Law at the Town Hall, 85 East Main Street, Victor, New York on the 22nd day of August, 2022 at 7:00 pm, for the purpose of hearing from any and all members of the public interested in the proposed extension of the VDIA and no public comment was made opposing the extension of the VDIA to include the Southgate Hills Section 1 & 2 residential subdivision; now, therefore, be it

RESOLVED that the Town Board has taken a comprehensive and thorough review of the SEAF and the potential adverse environmental impacts associated with the proposed extension of the VDIA for the Southgate Hills Section 1 & 2 residential subdivision, and in conjunction with the criteria set forth in Section 617.7 of the SEQRA regulations, hereby issues a Negative Declaration pursuant to SEQRA finding that the proposed extension of the VDIA does not present a potential significant adverse environmental impact; and be it further

RESOLVED that notice of the public hearing conducted by the Town Board on August 22, 2022 was duly provided; and be it further

RESOLVED that the extension of the VDIA to include the Southgate Hills Section 1 & 2 residential subdivision is in the public interest of the Town of Victor since a properly functioning stormwater management system for that area of the Town benefits all that live and work in the Town in that such a system will protect Town residents from potential flooding and other drainage-related emergencies; and be it further

RESOLVED that the Town Board does hereby approve and authorize the extension of the VDIA to include the Southgate Hills Section 1 & 2 residential subdivision, as herein described and more specifically set forth in the DIR; and be it further

RESOLVED that the Town of Victor Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the Office of the Clerk of Ontario County, as well as file a certified copy of the recorded Resolution with the New York State Comptroller's Office, within ten (10) days of the adoption of this Resolution; and be it further

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

**RESOLUTION NO. 248 LETTER OF CREDIT – SOUTHGATE HILLS 2 (UTILITY ONLY) -
RELEASE 1**

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

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

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

WHEREAS, upon Riedman Acquisitions LLC (BRW of Greece LLC) receiving Planning Board approval for the Southgate Hills 2 Subdivision, a Tompkins Community Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and,

WHEREAS, in their September 2, 2022 letter, the Town Engineer recommended that Eighty-Two Thousand One Hundred Twenty-Nine dollars and Forty-six cents (\$82,129.46) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release **No. 1** on the Tompkins Community Bank Irrevocable Letter of Credit in the amount of Eighty-Two Thousand One Hundred Twenty-Nine dollars and Forty-six cents (\$82,129.46) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Four Hundred Ninety-Four Thousand Eight Hundred Seventy-Seven dollars and Sixty-six cents (\$494,877.66) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Riedman Acquisitions LLC (BRW of Greece LLC), and Town Clerk.

Public Comments or Concerns: None

MOTION TO MOVE TO EXECUTIVE SESSION

Attendees: Town Board and Rich O'Donnell

Time: 7:39PM

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

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

RESOLVED that the Victor Town Board move to Executive Session to discuss medical, financial, credit or employment history.

MOTION TO CLOSE EXECUTIVE SESSION

Time: 8:57PM

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

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

RESOLVED that the Executive Session ended with no action taken.

VICTOR TOWN BOARD MEETING MONDAY SEPTEMBER 12, 2022

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 8:57PM

Respectfully submitted,

Karen C. Bodine, Town Clerk