

SPECIAL MEETING - Town Board Executive Session was held to discuss pending litigation.

Special Meeting called to order at 6:00 PM.

PRESENT: Supervisor Marren, Councilman Condon, Councilman Kahovec, Councilman Guinan, Councilman Tantillo, Mark Years, Steve Metzger, Brian Emelson and Vince Pettrone.

RESOLUTION #157

MOVE TO EXECUTIVE SESSION

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Condon, Guinan, Kahovec, Tantillo) NAYS 0

RESOLVED that the Victor Town Board enter into Executive Session for discussion of pending litigation. No Town Board action to take place following the Executive Session

Time: 6:00 PM

RESOLUTION #158

RE-OPEN OPEN MEETING

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Condon, Guinan, Kahovec, Tantillo) NAYS 0

RESOLVED that the open meeting of the Victor Town Board be reconvened. Time: 6:57 PM.

A regular meeting of the Victor Town Board was held on April 23, 2018 starting at 7:05 PM with the following members present:

PRESENT:

| | |
|------------|----------------|
| Supervisor | Jack Marren |
| Councilman | David Condon |
| Councilman | David Tantillo |
| Councilman | Mike Guinan |
| Councilman | Ed Kahovec |

OTHERS PRESENT: Kimberly Heuer, Deputy Town Clerk; Frank Pavia, Town Attorney; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; Wayne Pickering, Assessor; Barb Cole, Finance Director; Steve Metzger, Town Engineer; Lee Wagner, David Nankin, James E. Mayer, Neil Stein, Tim Brown and Jerry Colyer.

Supervisor Marren called the meeting to order at 7:00 PM, and made the following announcements:

- 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 exit locations were pointed out to the left and right sides of the Main Meeting Room.
- Birthdays for employees in the month of May
- Karen Bodine necessarily absent. Deputy Town Clerk Kim Heuer filling in.

The flag was saluted.

RESOLUTION #159

APPROVAL OF MINUTES

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the minutes of the regular meeting of March 26, 2018 be approved.

RESOLUTION #160
PAYMENT OF BILLS

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was
 ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the bills be paid on Manifest #8 in the amount of \$449,831.23.
 These expenditures can be found on vouchers filed by numbers: # 20180676-20180800.

| | |
|------------------------------|--------------|
| A -General Townwide | \$304,950.66 |
| B - General Outside Village | \$29,257.96 |
| DB – Highway Townwide | \$75,128.60 |
| SL1 –Fishers Light | \$12.02 |
| SL2 –Brookwood Meadows Light | \$10.33 |
| SL3 –High Point Light | \$71.27 |
| SL4 –Cobblestone Light | \$132.04 |
| SL5 –Quail Ridge Light | \$24.11 |
| SL6 –Rolling Meadows Light | \$29.86 |
| SL7 –Legacy at Fairways | \$26.41 |
| SL8 –Stoneleigh Light | \$9.97 |
| SS – Consolidated Sewer | \$19,442.50 |
| TA –Trust & Agency | \$20,735.50 |

Supervisor Marren reviewed each of the nine large expenses that were in the range of, or exceeded \$10,000 included in Manifest #8.

PRIVILEGE OF THE FLOOR

Tom Zuber, Raymond F. Wager Town Auditor –presented 2017 Financial Statements for the Town of Victor including the internal control communication as well as the Court and Town Clerk’s Audits. An unqualified opinion was issued that no material witnesses or significant deficiencies were found during the audit.

Reviewed some of the key financial findings in the major funds. From a long time financial plan the ending balance of 2017 was very positive as it relates to future development within the Town. Fund balances increased over last year and there was a positive budget variance. Part Town Fund ended the year with an increase primarily from transfers that relate to the Water Fund. With additional funds, the Town Board approved transferring funds to pay off a bond on past purchased equipment. Reviewed the status of additional non major funds, operating funds and capital projects, consistent with last year. Reviewed that the Town has done a good job controlling benefits for the net position and total OPEB obligation.

The Town implemented five recommendations from last year’s audit. There were only a few minor procedural recommendations from this year’s. Overall a very positive report for the Town continuing to improve the financial condition.

Supervisor Marren questioned what the Town should expect from a tax-cap standpoint moving forward, are there incentives/rebate check programs still available and what provisions are made for mathematical errors.

Tom Zuber reviewed that the tax cap is effected by the growth factor, inflation and adjustments for PILOT payments. He anticipates an increase in the tax cap going forward. There is still a property tax rebate check program but that is tied directly to the school district. When the tax cap was created there was a provision added for errors in here the error amount is set aside in a reserve account and applied in the next year.

Supervisor Marren thanked Tom and Finance Director Barb Cole for their efforts.

RESOLUTION #161

MOVE TO SCHEDULED PUBLIC HEARING

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was
ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the regular meeting of the Victor Town Board be interrupted to hold the scheduled Public Hearing.

PUBLIC HEARING

LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 27 FEES, SECTION 27-8 FEES ENUMERATED RELATING TO THE TRANSFER STATION

Public Hearing was opened at 7:31 PM.

Legal Notice was read into the record by the Deputy Town Clerk.

Supervisor Marren called for comments.

No one wished to comment.

Public Hearing closed 7:32 PM

PUBLIC HEARING

LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 188 TAXATION AT SECTION 188-19 OPT-OUT OF EXEMPTIONS PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

Public Hearing was opened at 7:32 PM.

Legal Notice was read into the record by the Deputy Town Clerk.

Supervisor Marren called for comments.

No one wished to comment.

Public Hearing closed 7:33 PM

RESOLUTION #162

RE-OPEN REGULAR MEETING OF THE VICTOR TOWN BOARD

On motion of Councilman Guinan, seconded by Councilman Crowley, the following resolution was
ADOPTED AYES 5 (Marren, Condon, Crowley, Guinan, Tantillo) NAYS 0

RESOLVED that the regular meeting of the Victor Town Board be reconvened.

PUBLIC CONCERNS & COMMENTS:

Lee Wager, Beauchamp Way –questioned what efforts are being make to collect overdue amounts from developers and if there are any consequences with overdue amounts.

Supervisor Marren reviewed that there is leverage with stop work orders, no issuing of permits, not taking dedication of roadways or sewers and letters of credit.

Supervisor Marren read the following:

PROCLAMATION

DECLARING MAY 4TH THROUGH MAY 11TH AS WEEK FOR HONOR FLIGHT ROCHESTER

WHEREAS, World War II represented the largest military mobilization in the history of the United States, with more than 16.1 million Americans fighting in the war, and countless more mobilized on the Homefront; and,

WHEREAS, thanks to our service members, and all of those at home who contributed to the war effort, the world was made safer for liberty and freedom, the rights of people everywhere; and,

WHEREAS, in May of 2004 the World War II Memorial in Washington, D.C. was completed and dedicated in honor of the 16 million who served in the armed forces of the U.S., the more than 400,000 who died, and all who supported the war effort from home; and,

WHEREAS, as of 2009, it was estimated that just under 2 million World War II veterans survive, and that number dwindles with each passing day; and,

WHEREAS, with time being of the essence to make certain that these members of our Greatest Generation are recognized for their service, the National Honor Flight Network was established to ensure that World War II veterans were able to visit the National World War II Memorial in safety and comfort and at no cost to the veteran; and,

WHEREAS, through fund-raising and donations, the Veterans' mission trip to Washington, D.C. free roundtrip airfare, deluxe bus transportation, meals and other amenities needed to travel comfortably with a team of well-trained volunteers and guardians. The volunteers pay their own way ensuring that 100% of donations go to the Veterans and their trip; and

WHEREAS, since 2005, the National Honor Flight Network has transported over 63,000 veterans to Washington, D.C. free of charge for a day of honor and gratitude; and,

WHEREAS, week for Honor Flight Rochester through its' efforts in Victor, NY has raised over \$95,000 since 2012 which has enabled over 190 veterans to see their memorials in Washington DC;

NOW, THEREFORE, BE IT PROCLAIMED that the Victor Town Board does hereby declare the period May 4th through May 11th, 2018 as Week for Honor Flight Rochester and encourage all its citizens to generously support this initiative by providing financial assistance to honor America's greatest generation.

SUPERVISOR'S REPORT

Supervisor Marren distributed information in a submitted report to Town Board members, and discussed the following verbal items:

- Reported on incidents of road rage on Gillis and Strong Roads. Have asked road patrol to take a look at Gillis, Strong and other areas as well.
- Received positive feedback on Victor Patrol.
- Had an opportunity to view the dehydrating toilets at Parkview Golf. Looking into the possibility of using these to overtime cut down on the rental cost of portable toilets.
- Town Board Meeting Changes –May 29th and June 11th meetings cancelled. Meeting held on June 4th at 7:00 PM to replace those meetings.
- High Point Workshop will be held on May 14th.
- Ontario County filed an opioid lawsuit against the pharmaceutical companies in the state.

- Mark Years, Highway Superintendent's son was elected 2nd Lieutenant of the Victor Fire Department.

REPORTS FROM TOWN OFFICIALS SUBMITTED:

Attorney
Finance Manager
Parks and Recreation

TOWN BOARD LIASION COMMITTEE REPORTS:

Councilman Kahovec

- Commended the Zoning Board of Appeals for their help guiding a resident through the zoning process.
- Attended a Fishers Fire Department meeting and learned a lot.

Supervisor Marren commended the Zoning Board as well and suggested residents take the time to attend meetings to watch the process for a better understanding.

Councilman Tantillo

- Parks and Recreation Advisory Committee will be drafting a survey to gather public input to update the Parks and Recreation Master Plan. Findings will be presented to the Town Board and then published.
- Last Rotation on Planning Board this week, would like to communicate as to who will be taking over. Councilman Condon is next in the rotation.

Councilman Guinan

- He and Councilman Kahovec attended an open forum for the Gullace Project. Felt there was forward motion on both sides and that the forum was a great idea.

Supervisor Marren commented that Wes and Joe did a good job facilitating the forum and Planning Board members had an opportunity to speak and voice any concerns they had.

Councilman Condon felt that this tied into the Conservation Board in regards to codes for greenspace. Have developers recognize that 3ft between buildings is not the type of greenspace they are looking for. As the code becomes clearer, he felt there will be less conflict between residents and developers.

Councilman Condon

- Went to the Ontario County Hazmat Facility in Flint. Disposed of old paint safely.
- Thanked Tim Brown for his efforts with Honor Flight. Visited the National World War II Museum in New Orleans.

BUSINESS

RESOLUTION #163

ACCEPTANCE OF LETTER OF CREDIT, SILVERTON GLENN LOT 118

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, S & J Morrell, Inc. received Planning Board approval for Silverton Glenn Lot 118 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, the Engineer for the Town reviewed the developer’s estimate of construction costs which includes 10% contingencies, 10% developer’s assurance and 4% Town Engineering fees in his letter dated March 23, 2018 and has recommended a Letter of Credit totaling \$163,037.00; and,

WHEREAS, S & J Morrell, Inc. has submitted Five Star Bank Irrevocable Letter of Credit No. 7002064533 in favor of the Town of Victor in the amount of \$163,037.00 as recommended by the Town Engineer and is due to expire May 1, 2019; now, therefore, be it

RESOLVED that the Victor Town Board does hereby accept Five Star Bank Irrevocable Letter of Credit No. 7002064533 in the amount of \$163,037.00 with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to its expiration date of May 1, 2019, the Town Clerk is authorized to draw the balance of this Letter of Credit and place said funds in an Escrow Account in the Town official depository until such time as the Engineer for the Town recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Codes and Development, LaBella, Marathon Engineering and S & J Morrell, Inc.

RESOLUTION #164

AUTHORIZATION TO ACCEPT SPECIAL EVENTS SPONSORSHIP DONATIONS

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

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

WHEREAS, the activities have realized recent donations from 2018 sponsors and partners in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) as follows from:

| | |
|-----------------------------|------------|
| Eastview Mall | \$1,000.00 |
| Van Bortel Motorcars | \$2,500.00 |
| VB Brewery | \$750.00 |
| OrangeTheory Fitness Victor | \$500.00 |
| LaBella Associates | \$750.00 |

And

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

RESOLVED that the Town Board accepts the above sponsorship donations in the amount of Five-Thousand and Five-Hundred Dollars (\$5,500.00) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Five-Thousand and Five-Hundred Dollars (\$5,500.00) in the 2018 Budget in addition to an offsetting increase in the expense line A7550.4 Celebrations Contractual of Five Thousand Five Hundred Dollars (\$5,500.00). All budget entries to be done upon board approval; and further

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

Discussion of Resolution #131 – Victor Community Connectivity Project Bid Rejection

Brian Emelson, Parks and Recreation Director –the project is to construct a shared use path on Lane Road from Taylor Rise to Canterbury Trail and a portion of High Street with a Federal Grant of \$247,000.00 along with Town and Village funds. The anticipated budget for the project was \$230,000.00 and the lowest base bid came in at \$324,000.00. Felt the project could be re-bid with some cost effective measures:

- Lane Road section of path width could be reduced to 8ft and still meet the guidelines from the NYSDOT for a shared use path saving approx. \$30,000.00.
- Review the possibility of pushing the construction of the project till late June early July and shutting down a section of Lane Road from Taylor Rise to Canterbury Trail during the work time from of 7-3 pm. Would require public outreach and rental of electronic signs. This would result in savings for work zone and traffic control portion that came in at \$41,000.00 for set up, take down and flaggers if the road was to be kept open during construction time. Approximate savings of \$27,000.00.
- Suggested contractors use barrels along the guide rail when taken down and left instead of reassembling the sections of that guide rail every day.

Councilman Condon suggested when bidding it out, to close the road for the entire time of the project. Felt it could be more cost effective and expedite the project.

- Handling the roadside mowing and landscaping in house. Materials would need to be purchased but mowing, irrigation and hydro seeding equipment is available. Approx. cost savings of \$23,000.00.
- Felt line item bid for potential field changes was not necessary because the project was straight forward and no changes would need to be made saving approx. \$19,000.00.
- Felt the four mailboxes that would need to be replace on Lane Road could be done in house.

Brian clarified what options they could take at this time: fund the overage and award the apparent low bid at \$324,000.00 or re-bid with the suggested measures. Reviewed that you can't go back to the three original bidders at this point because the project is considered a major change. Per NYSDOT the project would need to be re-bid.

RESOLUTION #165

REJECTION OF BIDS RECEIVED AND AUTHORIZATION TO REBID VICTOR COMMUNITY CONNECTIVITY PROJECT (PIN 4755.95)

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, on February 12, 2018 the Victor Town Board authorized the Director of Parks and Recreation to expend funds and to see competitive bids for the construction of the Victor Community Connectivity project (Resolution #80); and

WHEREAS, the Town Clerk advertised in the Town designated newspaper an invitation to bid on the project which includes a shared use path on Lane Road and a sidewalk on High Street; and

WHEREAS, on Friday, March 9, 2018 at 10:00 AM, all bids were opened and read publicly with the following results;

| Bidder | Base Bid | Alt. Bid #1 | Total |
|-----------------------|--------------|-------------|--------------|
| Hewitt Young | \$324,139.50 | \$22,445.00 | \$346,584.50 |
| Villager Construction | \$351,090.00 | \$23,450.00 | \$374,540.00 |

| | | | |
|------------------|--------------|------------|--------------|
| David E. Stanton | \$376,095.70 | \$8,502.30 | \$384,598.00 |
|------------------|--------------|------------|--------------|

and

WHEREAS, on Wednesday, March 28, 2018, the Director of Parks and Recreation and Emily Smith, Project Engineer from Fisher Associates reviewed the bids with the Director of Finance and Town Supervisor and proposed revising the scope of the project for cost saving options; and

WHEREAS, on Wednesday, April 4, 2018 the Director of Parks and Recreation received communication from the New York State Department of Transportation indicating that rejecting the bids and revising the plans and scope and rebidding the project was an option to the Town; and

WHEREAS, all bids are no longer valid; now, therefore, be it

RESOLVED that all bids are hereby rejected; and be it further

RESOLVED that the Town Clerk shall notify all bidders of the outcome of the March 9, 2018 bid opening; and be it further

RESOLVED that the Director of Parks and Recreation and Project Engineer are hereby authorized to make appropriate changes in the bid criteria per the New York State Department of Transportation guidelines and expectations for this project and have the Town Clerk advertise for bids on the new specifications; and further

RESOLVED that a copy of this resolution be forwarded to the Brian Emelson, Director of Parks and Recreation; Emily Smith, Project Engineer, Fisher Associates; Jay Reisinger, Local Projects Liaison, NYSDOT; Barbara Cole, Director of Finance; and Karen Bodine, Town Clerk.

RESOLUTION #166

AUTHORIZATION FOR PURCHASE OF 2019 FORD F-250 REGULAR CAB XL PICK UP TRUCK AND SNOWPLOW PACKAGE FROM WEBSTER FORD INC. (dba HENDERSON FORD) PER NEW YORK STATE CONTRACT PC66744 BASED ON MINI-BID #18030069 RESULTS

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Department of Parks and Recreation has the need to purchase an 2019 Ford F-250, regular cab, XL pick-up truck with snowplow package; and

WHEREAS, said item was placed on a New York State vehicle Mini-Bid #18030069, Award 22898 with the following results:

| Rank | Bidder | NYS Contract Price for Bid |
|-----------|---|----------------------------|
| 1. | Camody Ford Inc. | \$32,592.00 |
| 2. | Webster Ford Inc. (dba Henderson Ford) | \$32,621.78 |
| 3. | NYE Automotive Group | \$33,118.32 |
| 4. | Genesee Valley Ford LLC | \$33,303.00 |
| 5. | Van Bortel Ford, Inc | \$33,591.23 |
| 6. | Beyer Ford LLC | \$33,654.33 |

and

WHEREAS, the Director of Parks and Recreation recommends that we purchase this vehicle through New York State Contract PC66744 from Webster Ford (dba Henderson Ford) based on the results of the Mini-Bid #18030069 and due to the location of the Town of Victor to the second lowest responsible bidder at a cost not to exceed of Thirty Two Thousand Six Hundred Twenty One dollars and Seventy Eight cents (\$32,621.78); and

WHEREAS, funds are available in the 2018 Budget line item A7110.2 Parks Equipment for the purchase of a pick-up truck with snowplow package for the Department of Parks and Recreation; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a (2019) Ford F-250 regular cab, XL pick-up truck with snowplow package in an amount not to exceed of Thirty Two Thousand Six Hundred Twenty One dollars and Seventy Eight cents (\$32,621.78) through New York State Contract PC66744 from Webster Ford (dba Henderson Ford) based on the results of the Mini-Bid #18030069, funds are available in the 2018 Budget line item A7110.2 Parks Equipment; and further

RESOLVED that a copy of this resolution be forwarded to Jeff Rader, Parks Maintenance Assistant; Kurt Dillman, Chief Mechanic; Brian Emelson, Director of Parks and Recreation; Karen Bodine, Town Clerk; Barbara Cole, Director of Finance; and Webster Ford.

RESOLUTION #167

AUTHORIZATION FOR THE PURCHASE OF 2018 FORD F150 XL FROM THE NYS OFFICE OF GENERAL SERVICES VEHICLE MARKETPLACE MINI-BID #18030068

On motion of Councilman Guinan, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Highway Department has the need to purchase a 2018 Ford F150 XL for highway operations; and

WHEREAS, this vehicle is available for purchase under NYS Office of General Services Vehicle Marketplace Mini-Bid #18030068 Contract #PC66688 through Van Bortel Ford at a cost not to exceed Twenty Seven Thousand Seven Hundred Sixty dollars and Fifty Eight cents (\$27,760.58); and,

WHEREAS, funds are available in the 2018 Budget line item DB.5130.200, Highway Equipment; now therefore be it

RESOLVED, that the Town Board authorizes the Highway Department to purchase a 2018 Ford F150 XL at a cost not to exceed Twenty Seven Thousand Seven Hundred Sixty dollars and Fifty Eight cents (\$27,760.58) from the NYS Office of General Services Vehicle Marketplace Mini-Bid #18030068, Contract #PC66688 through Van Bortel Ford, said funds are available in the 2018 Budget line item DB.5130.200, Highway Equipment; and further

RESOLVED, that copy of this resolution be forwarded to Mark Years, Town Clerk, Finance Department and Van Bortel Ford, Inc.

RESOLUTION #168

APPOINTMENT OF THOMAS POLSINELLI TO PART-TIME TRANSFER STATION LABORER

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Thomas Polsinelli was interviewed for the Part-Time Laborer position for the Transfer Station on April 3, 2018 by an interview committee consisting of Mark Years, Highway Superintendent; Casey Paige, Highway/Recycle Office Manager; and Tina Kolaczyk, Director of Human Resources; and

WHEREAS, the interview committee wishes to appoint Thomas Polsinelli to the Part-Time Laborer position for the Transfer Station with a starting date of April 13, 2018 at a rate of Fifteen dollars and Thirteen cents (\$15.13) /hour to be charged to the 2018 Budget line item A.8160.100 Refuse and Garbage Personal Services; now, therefore be it

RESOLVED that Thomas Polsinelli, Victor, NY, be appointed to the Part-Time Laborer position for the Transfer Station with a starting date of April 13, 2018 at a rate of Fifteen dollars and Thirteen cents

(\$15.13) /hour to be charged to the 2018 Budget line item A.8160.100 Refuse and Garbage Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Thomas Polsinelli, Mark Years, Casey Paige, Ken Wilson, Mary Lyng, Finance Department, Human Resources, and the Ontario County Department of Human Resources.

RESOLUTION #169

ACKNOWLEDGEMENT OF THE RESIGNATION OF BONNIE WATERS FROM THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE AND THE HISTORICAL ADVISORY COMMITTEE AND THE APPOINTMENT OF ROBERT KELLY TO THE CHAIR OF THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE

On motion of Councilman Kahovec, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Bonnie Waters submitted her letter of resignation from the Victor Cemetery Preservation and Restoration Committee and the Historical Advisory Committee; and

WHEREAS, the Victor Town Board and the Victor Cemetery Preservation and Restoration Committee and the Historical Advisory Committee wish to thank Bonnie for all of her hard work and dedication in preserving the Victor cemeteries and histories of our residents for years to come; and

WHEREAS, Bonnie Waters was the Chair of the Victor Cemetery Preservation and Restoration Committee; and

WHEREAS, the Victor Cemetery Preservation and Restoration Committee wishes to appoint Robert Kelly, an existing member of the Historical Advisory Committee, as the Chair of their committee; now, therefore be it

RESOLVED that Robert Kelly be appointed as Chair of the Victor Cemetery Preservation and Restoration Committee; and be it further

RESOLVED that a copy of this resolution be sent to Babette Huber, Bonnie Waters, Robert Kelly, Suzy Mandrino and Tina Kolaczyk.

RESOLUTION #170

AMEND RESOLUTION 153-18 - AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7955 BRAMWELL PARK TO ALLOW ENCROACHMENT ONTO DRAINAGE EASEMENT

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, on April 9, 2018 the Town Board approved Resolution #153 authorizing the Supervisor to enter into a License and Hold Harmless Agreement at 7955 Bramwell Park to allow encroachment into a Drainage Easement; and

WHEREAS, upon execution of the agreement there is no longer a need for an Area Variance from the Town Zoning Board of Appeals; now, therefore, be it

RESOLVED, that Resolution #153 be amended to read as follows:

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7955 BRAMWELL PARK TO ALLOW ENCROACHMENT ONTO DRAINAGE EASEMENT

WHEREAS, Marlies A. Sullivan is the record owner (the "Owner") of the premises at 7955 Bramwell Park, Tax Map # 14.02-1-19.100, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a utility easement ("Easement") on the Property, as shown in Book 1117 of Deeds at page 462 in the Ontario County Clerk's Office, which Easement runs north-south on the western portion of the Property; and

WHEREAS, the Owner of the Property desires to erect a fence ("Alterations") that encompasses the area around the southern and western portions of the home on the Property, and a portion of said proposed Alterations would encroach onto the Easement; and

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

WHEREAS, the Agreement would permit the Alterations to be constructed, but would require the Owners to remove said Alterations, hold the Town harmless, and return the Property within the Easement to its pre-Alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the Alterations, 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 Alterations and have indicated that the aforementioned proposed encroachment of the Alterations into the Easement would not materially adversely affect the integrity, purpose, or function of the Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the 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 Marlies A. Sullivan, in a form approved by the Attorney for the Town, to allow the proposed Alterations to encroach into the Easement, and any other document reasonably necessary to effect said Agreement; and

RESOLVED, that a copy of the filed License and Hold Harmless Agreement with Marlies A. Sullivan 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 #171

AMEND RESOLUTION No. 126-16 AUTHORIZATION TO AMEND LEASE BETWEEN THE TOWN OF VICTOR CENTRAL WATER DISTRICT AND THE MONROE COUNTY WATER AUTHORITY REGARDING WIRELESS COMMUNICATIONS RENTS

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Resolution #126-16 – Authorization to Amend Lease Between the Town of Victor Central Water District and the Monroe County Water Authority Regarding Wireless Communications Rents was passed on March 14, 2016; and

WHEREAS, the amount of money to be paid to the Town of Victor was incorrectly listed as one-third (1/3) of the net lease payments and needs to be amended to reflect Thirty Three percent (33%) as written in

the Retail Lease Agreement for Operation of Water Districts Town of Victor to Monroe County Water Authority; now therefore be it

RESOLVED that Resolution #126-16 - Authorization to Amend Lease Between the Town of Victor Central Water District and the Monroe County Water Authority Regarding Wireless Communications Rents be amended regarding the amount of money to be paid to the Town of Victor from one-third of the net lease payments to thirty-three percent as follows:

AUTHORIZATION TO AMEND LEASE BETWEEN THE TOWN OF VICTOR CENTRAL WATER DISTRICT AND THE MONROE COUNTY WATER AUTHORITY REGARDING WIRELESS COMMUNICATION RENTS

WHEREAS, by Resolution No.434 approved on December 17, 2012, the Victor Town Board leased the entire operating plant, hydrants, water pumping, storage and distribution system ("Water System") of the Town of Victor Central Water District ("Water District") to the Monroe County Water Authority ("Authority"); and

WHEREAS, pursuant to said Lease, the Town reserved the right to remove and relocate telecommunications facilities off of the water tanks that are leased to the Authority within a two-year period that ends on February 28, 2015; and

WHEREAS, by Resolution No. 82 approved on February 9, 2015, the Victor Town Board authorized Lease Addendum No. 1 pursuant to which the Authority granted the Town an additional three (3) year period ("Extension Period") to remove such telecommunication facilities from the water tanks and to receive lease payments in connection with such facilities during the Extension Period, provided that commencing on February 27, 2015, the Town agreed to pay the Authority 50% of any such lease payments received by the Town for any antennae remaining attached to such tanks during the Extension Period; and

WHEREAS, the Authority is now willing to provide the Town with the option of leaving such telecommunication facilities on the water tanks after the Extension Period with the understanding that (i) the Extension Period would be revised such that the Town's right to retain 50% of the lease payments would end on March 30, 2016; (ii) the Town would thereafter receive Thirty Three percent (33%) of the net lease payments (gross payments minus the Authority's cost for its cellular consultant) received by the Authority for any existing or new telecommunication leases on the tank sites or other water properties subject to the Lease; and (iii) the Town would agree not to construct new telecommunication towers within two (2) miles of the tank sites (other than for police, fire, 911 or similar emergency services on Town property); and

WHEREAS, pursuant to Public Authority Law §1096 (6-a), any amendment to the Lease is not subject to referendum, now, therefore be it

RESOLVED, that the Town Board of the Town of Victor hereby approves Addendum No. 2 to the Lease of the Water System in the form attached hereto and authorizes the Town Supervisor and the Town Councilmen to execute said Addendum on behalf of the Water District; and further

RESOLVED, that a copy of this resolution be forwarded to the Finance Department, Town Clerk, and Monroe County Water Authority.

RESOLUTION #172

HANSON AGGREGATES NEW YORK LLC SPECIAL USE PERMIT RENEWAL

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Town of Victor Zoning Section 211-21G, allows for the Victor Town Board to renew the Special Use Permit without a hearing if the operation is in compliance; and

WHEREAS, The Town Code of the Town of Victor requires an annual inspection that verifies continued compliance to all provisions of Town of Victor Zoning Code; and

WHEREAS, all required forms and paperwork have been submitted and reviewed by the Town Code Enforcement Officer and on December 5, 2017, Hanson Aggregates New York LLC at 1370 Malone Road was found to be in substantial compliance by the Town of Victor Code Enforcement Officer; and

WHEREAS, on March 26, 2018 the New York State Department of Environmental Conservation issued a permit to the Hanson Aggregates New York LLC; now, therefore, be it

RESOLVED that the Victor Town Board hereby renews the Special Use Permit for the conducting of mining operations to Hanson Aggregates New York LLC at 1370 Malone Road for an additional five (5) years effective March 23, 2018, expiring on March 22, 2023 running concurrent with the DEC Permit; and further

RESOLVED that a copy of this resolution be forwarded to Hanson Aggregates New York, LLC, Town Clerk and the Planning & Building Department.

RESOLUTION #173

SET PUBLIC HEARING - LOCAL LAW NO. ____ -2018 TO AMEND CHAPTER 198 VEHICLES AND TRAFFIC, SECTION 198-1 SPEED LIMITS ESTABLISHED AND SECTION 198-18 STOP INTERSECTIONS DESIGNATED

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, it is necessary for the Town Code to be updated when speed limits on Town roads are changed by the New York State Department of Transportation, stop intersections are added and yield signs are changed; and

WHEREAS, the Town Clerk has submitted to the Town Board a draft Local Law to amend Chapter 198; said draft Local Law is on file with the Town Clerk; now, therefore, be it

RESOLVED, by the Town Board that a public hearing to be had on the 14th day of May, 2018 at 7:30 p.m. at the Victor Town Hall, 85 East Main Street, Victor, New York for the purpose of adopting a Local Law to amend Chapter 198 Vehicles and Traffic, Section 198-1 Speed Limits Established and Section 198-18 Stop Intersections Designated of the Victor Town Code; and be it further

RESOLVED, that the Town Clerk be directed to advertise for said public hearing in manner consistent with law; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Highway Superintendent.

RESOLUTION #174

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 27 FEES, SECTION 27-8 FEES ENUMERATED RELATING TO THE TRANSFER STATION

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Marren Aye Councilman Condon Aye Councilman Guinan Aye
Councilman Kahovec Aye Councilman Tantillo Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 9th day of April, 2018, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 23rd day of April, 2018 to hear all interested parties on a proposed Local Law to clarify that the various permits available at the Transfer Station are non-refundable and/or non-transferable; and

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

WHEREAS, said Public Hearings were duly held at the Victor Town Hall on the 23rd day of April, 2018 at 7:30 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

WHEREAS, the Victor Town Board finds and hereby determines that Chapter 27 Fees be amended; and

WHEREAS, the Victor Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law amendment; now, therefore, be it

RESOLVED that Victor Town Board hereby adopts said Local Law No. ___-2018, as follows:

LOCAL LAW NO. ___ - 2018 TO AMEND CHAPTER 27 FEES, SECTION 27-8 FEES ENUMERATED RELATING TO THE TRANSFER STATION

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

Section I. Authorization

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ___ - 2018 to amend Chapter 27 Fees, Section 27-8 Fees Enumerated. The purpose of this amendment is to clarify that the various permits available at the Transfer Station are non-refundable and/or non-transferable.

Section III. Legislative Finding

The Town Board finds that it is necessary to clarify that the various permits are non-refundable and/or non-transferable.

Section IV. Amendment

Chapter 27 Fees, Section 27-8 shall be amended to read as follows:

27-8 AA. Transfer Station permit and Swap Shop only permit; permits available for purchase at Highway office only.

(1) Swap Shop only permit. Upon providing proper proof, residents and property owners within the Town of Victor, not including business entities, may obtain a permit that entitles them to use the Victor Swap Shop only at no charge. The Town of Victor reserves the right to revoke this permit at any time for the misuse or violation of any Swap Shop and Transfer Station rule or regulation. **Swap Shop only permits are non-transferable.**

(2) Residential permit/**punch card**. All acceptable items, rules and regulations of the Transfer Station may be revised as necessary by the Highway Superintendent or the Town Board. The Town of Victor reserves the right to revoke any permit or punch card, without reimbursement, for the misuse or violation of any Transfer Station rule or regulation. **All Residential permits/punch cards are non-transferable and non-refundable.**

(a) Upon providing proper proof, residents and property owners within the Town of Victor, not including business entities, may obtain a permit that shall entitle the holder thereof to dispose of refuse, recyclable materials, brush and tree debris, and to obtain mulch at the Victor Transfer Station. The permit shall also entitle the holder to the use of the Town of Victor Swap Shop. An annual permit shall cost One Hundred Twenty dollars (\$120.00).

(b) Individual residents and property owners within the Town aged 65 years or older, upon providing proper proof of age, may obtain an annual permit for One Hundred Eight dollars (\$108.00).

(c) Upon providing proper proof, residents and property owners within the Town of Victor, not including business entities, may obtain a Transfer Station punch card that shall entitle the holder thereof to dispose of large items and remodeling/construction debris. A non-expiring punch card shall cost One Hundred dollars (\$100.00) for five (5) punches. **The punch card is non-transferable and the fee is non-refundable.**

(3) Commercial permit. Upon providing proper proof, businesses in the Town of Victor may obtain a commercial permit that shall entitle the holder thereof to the disposal of recyclable materials only at the Transfer Station. An annual permit shall cost One Hundred Twenty dollars (\$120.00). **Commercial permits are non-transferable and non-refundable.**

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other Ordinances or Local Laws of the Town of Victor which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York; and further

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

RESOLUTION #175

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. ____-2018 TO AMEND CHAPTER 188
TAXATION AT SECTION 188-19 OPT-OUT OF EXEMPTIONS PURSUANT TO REAL PROPERTY TAX
LAW SECTION 487

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Marren Aye Councilman Condon Aye Councilman Guinan Aye
 Councilman Kahovec Aye Councilman Tantillo Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor for a public hearing to be held by said Town Board on April 23, 2018 at 7:30 p.m. at the Victor Town Hall, 85 East Main Street, Victor, New York, to hear all interested parties on a proposed Local Law to amend Chapter 188 by amending the opt-out of exemption for solar, wind or farm waste energy systems pursuant to Real Property Tax Law section 487; and

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

WHEREAS, said public hearing was duly held on April 23, 2018, at 7:30 p.m. at the Victor Town Hall, 85 East Main Street, Victor, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, New York Real Property Tax Law Section 487 automatically provides a real property tax exemption on all solar, wind and farm waste energy systems but allows a municipality to require a property owner of such energy systems to enter into a payment-in-lieu-of-taxes agreement with the municipality. Alternatively, a municipality may choose to opt-out of granting the aforementioned exemption; and

WHEREAS, by local Law 5-2016 the Town Board, after due deliberation, formally opted-out of this exemption rather than enacting a requirement that the property owners of such energy systems enter into payment-in-lieu-of-tax agreements; and

WHEREAS, Chapter 336 of the New York State Laws of 2017 amended RPTL Section 487 to add a tax exemption for real property which includes a micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system; and

WHEREAS, the Town Board, after due deliberation, formally hereby enacts this local law, in accordance with New York State Real Property Tax Law Section 487, subsection 8, to opt-out of the tax exemption provision added to RPTL Section 487 by Chapter 336 of the New York State Laws of 2017 rather than enacting a requirement that the property owners of such energy systems enter into payment-in-lieu-of-tax agreements; now, therefore, be it

RESOLVED, that the Victor Town Board hereby adopts said Local Law No. ____ of 2018 as follows:
LOCAL LAW NO. ____-2018 TO AMEND CHAPTER 188 TAXATION, AT SECTION 188-19 OPT-OUT OF
EXEMPTIONS PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

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 Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. _____-2018, to amend the Victor Town Code at Chapter 188. The purpose of this Local Law is to amend Article VII in order to add the provision of exemption for micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system pursuant to real property tax law section 487 shall not be applicable within the Town of Victor.

Section III. Legislative Findings

The Town Board of the Town of Victor finds and hereby determines that Chapter 336 of the New York State Laws of 2017 amended RPTL Section 487 to add a tax exemption for real property which includes a micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system. Rather than enacting a requirement that the property owners of such energy systems enter into PILOT agreements, which agreements would still equate to payments in total to the exemption amounts, that opting-out of the tax exemption would be in the best interests of the Town.

Section IV. Amendment

Chapter 188 entitled "Taxation" Article VII entitled "Opt-Out of Exemption for Solar, Wind or Farm Waste Energy Systems shall be amended as follows:

Article VII title shall be amended to: Article VII Opt-Out of Exemptions for ~~Exemption for Solar, Wind or Farm Waste Energy Systems~~ Certain Energy Systems

Section 188-19 Opt-out of exemption

A. The Town Board of the Town of Victor, County of Ontario, hereby formally opts out of granting the tax exemption for solar, wind, and farm waste energy systems pursuant to NY RPTL Section 487(8)(a)(i), and therefore no tax exemption shall be applicable for such energy systems within the Town as of the effective date of this local law.

B. The Town Board of the Town of Victor, County of Ontario, hereby formally opts out of granting the tax exemption for micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system pursuant to NY RPTL Section 487(8)(a)(ii), and therefore no tax exemption shall be applicable for such energy systems within the Town as of the effective date of this local law.

Section IV. 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 V. 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 VI. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

And be it further RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said local law to the Town Assessor, Secretary of State of New York, the Commissioner of Taxation and Finance and to the president of the New York State Energy Research and Development Authority.

RESOLUTION #176

AFTER PUBLIC HEARING - LOCAL LAW # _____ -2018 TO IMPLEMENT A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS WITHIN THE TOWN OF VICTOR

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Marren Aye Councilman Condon Aye Councilman Guinan Aye
 Councilman Kahovec Aye Councilman Tantillo Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 26th day of February, 2018, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 12th day of March, 2018 at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed local law for a Moratorium on and Prohibition of Large Scale Solar Installations within the Town of Victor; and

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

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 12th day of March, 2018 at 7:30 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

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said local law as the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of large scale solar installations. The Town Board has formally requested the Planning and Building Department of the Town of Victor to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate large scale solar installations; and

WHEREAS, the Town Board of the Town of Victor finds and hereby determines that Local Law No. _____ - 2018 to Extend Temporary Rezoning Moratorium shall be adopted; now therefore be it

RESOLVED, by the Town Board of the Town of Victor, that the Town Board hereby adopts said Local Law No. _____ -2018 to Implement a Temporary Land Use Moratorium prohibiting large Scale Solar Installations within the Town of Victor as follows:

LOCAL LAW # _____ -2018 TO IMPLEMENT A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS WITHIN THE TOWN OF VICTOR

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

Section 1. Title

This Local Law shall be known as the "Moratorium on and Prohibition of Large Scale Solar Installations within the Town of Victor."

Section 2. Statutory Authority; Purpose and Intent.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Victor under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statute of Local Governments § 10(1), (6), and (7); Town Law § 64 (17-a); Town Law § 130(3) and (15); Town Law § 135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law § 3-0301(1)(b), 3-0301(2)(m) and 8-0113, as well as 6 N.Y.C.R.R. Part 617.

This Local Law is hereby declared to address a matter of local concern that relates to the broad area of land use planning and the physical use of land and property located within the Town.

This Local Law shall temporarily supersede and suspend those provisions of the Zoning Code of the Town of Victor which require the Planning Board and/or the Town Code Enforcement Officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the siting of large scale solar power installations (as herein later defined) within the Town of Victor for a period of up to twelve (12) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of large scale solar installations. The Town Board has formally requested the Planning and Building Department of the Town of Victor to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate large scale solar installations.

The Town Board also recognizes the need to review and examine its existing ordinances, local laws and Zoning Code provisions insofar as they may be affected by the adoption of such local law(s) regulating the creation and/or siting of large scale solar power installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium the Town of Victor shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Code.

At this time, there are no pending applications for the location, development or site plan approval of a large scale solar installation.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape. At present, the Zoning Code of the Town of Victor may not adequately regulate such land use. If the community allows such development during that time, the goals of the Town Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Victor, thus protecting and furthering the public interest, health and safety.

Section 3. Definitions.

For purposes of this Local Law, the following term shall have the meaning respectively set forth below:

Large Scale Solar Installation(s) - Any installation of solar panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid solely to off-set their own energy consumption). Large Scale Solar Installations specifically do not include any solar panel collection system or array undertaken by individual landowners, householders or farmers for their own personal use or the use of a business owned by them.

Section 4. Temporary Moratorium and Prohibition.

A. From and after the date of this Local Law, no application for a permit, zoning permit, special use permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Victor for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town of Victor for any Large Scale Solar Installation.

B. From and after the date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town of Victor for any Large Scale Solar Installation.

C. The prohibitions set forth above in Clauses A. and B. of this Section 4. are not intended, and shall not be construed, to prevent or prohibit the use and development of solar panel arrays or collections systems for any personal or individual use on or about any residence or place of business, or any farm operation, so long as such use does not produce energy for the purpose of resale to or by any third party. The term "resale to or by any third party" as used immediately above shall not be construed to include any individual or business that directs such produced energy back into the public grid solely to off-set their own energy consumption.

D. This moratorium shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of: (i) that date which is twelve (12) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium no longer exists.

E. This moratorium shall apply to all real property and all land use applications for the siting or creation of Large Scale Solar Installations within the Town of Victor, excluding real properties within the boundaries of the incorporated Village of Victor and those owned by Victor Central School District.

F. Under no circumstances shall the failure of the Town Board of the Town of Victor, the Zoning Board of Appeals of the Town of Victor, the Planning Board of the Town of Victor, or the Code Enforcement Officer for the Town of Victor to take any action upon any application for a permit, zoning permit, special use permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 5. Penalties.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a

three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment for a period of not more than 30 days, or both. For purposes of this paragraph, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property (ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 6. Conflicts.

For and during the stated term of this moratorium, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence and control over any contradictory local law, ordinance, regulation, or Code provision.

Section 7. Validity and Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law.

Section 8. 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.

PUBLIC COMMENT

Lee Wager, Beauchamp Way –expressed concern regarding the trash left at the construction site in Drumlins II and the unlicensed trailer. Felt the Town Board needs to get involved.

Supervisor Marren meeting with Department Heads scheduled and will discuss if this is something that falls under the Codes Department or possibly DEC in regards to the wetlands.

RESOLUTION #177

MOVE TO EXECUTIVE SESSION

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Condon, Guinan, Kahovec) NAYS 0

RESOLVED that the Victor Town Board enter into Executive Session for discussion of employment history of a particular person(s). The Town Attorney and Deputy Town Clerk were excused. No Town Board action to take place following the Executive Session

Time: 8:15 PM

RESOLUTION #178

RE-OPEN OPEN MEETING

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Condon, Guinan, Kahovec) NAYS 0

RESOLVED that the open meeting of the Victor Town Board be reconvened. Time: 8:37 PM.

On motion of Councilman Guinan, seconded by Councilman Kahovec, the meeting was adjourned at 8:37 PM.

Respectfully submitted, _____ Kimberly A. Heuer, Deputy Town Clerk