

The regular meeting of the Victor Town Board was held on February 11, 2019 starting at 7:00 PM opening with the Two Public Hearings that were held open with the following members present:

PRESENT:	Supervisor	Jack Marren
	Councilman	Mike Guinan
	Councilman	Ed Kahovec
	Councilman	Dave Tantillo
ABSENT:	Councilman	Dave Condon

OTHERS PRESENT: Karen Bodine-Town Clerk, Kevin Overton-Town Attorney, Mark Years-Highway Superintendent, Steve Metzger-Town Engineers, Barb Cole- Finance Director, Brian Emelson-Parks and Recreation Department, Casey Paige- Transfer Station, Michele Caruana Paul Fleig, Cheryl Fleig, Scott Morrell, Jeff Morrell, Bob Bringley, David Nankin, Lee Wager, Tim Brown, Neil Stein and another person who did not sign in.

The Clerk read aloud the following Public Hearing Notices beginning @ 7:03PM

A) LOCAL LAW NO. _____-2019 TO AMEND CHAPTER 131 LIGHTING
No public comment
Closed @ 7:05PM

B) LOCAL LAW NO. _____-2019 TO AMEND CHAPTER 83 CONSTRUCTION CODES UNIFORM
No public comment
Closed @ 7:06PM

RESOLUTION #88
MOTION TO CLOSE PUBLIC HEARINGS @ 7:07PM

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

RESOLVED to close the Public Hearings and open the regular meeting of the Victor Town Board.

Supervisor Marren called to order the regularly scheduled Town Board Meeting 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.
- Salute to the flag led by Town Clerk
- Supervisor Marren announced Councilman Condon necessarily absent
- Birthdays for the month of February 2019
- All Town facilities will be closed on February 18, 2019 in observance of Presidents Day
- February 27th – Employee Service Awards Luncheon
- February 25th prior to the Town Board Meeting there will be a workshop at 6:00PM with discussion regarding a Sewer Master Plan and Incentive Zoning

RESOLUTION #89**APPROVAL OF MINUTES**

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

RESOLVED that the minutes of the regular meeting of *January 7, 2019* be approved.

RESOLUTION #90**PAYMENT OF BILLS**

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

RESOLVED that the bills be approved for Manifest #3 (2019) in the amount of \$5,563,434.14. Documentation for these expenditures can be found on vouchers filed by numbers #20190158-20190260.

General Townwide	\$4,822,865.21
General Outside Village	2,092.01
Highway Townwide	101,900.58
Community Connectivity Project	6,502.92
Victor Fire Protection	545,695.00
Fishers Lighting	198.27
Brookwood Meadows Lighting	205.11
High Point Lighting	526.42
Cobblestone Lighting	2,892.94
Quail ridge Lighting	562.83
Rolling Meadows Lighting	604.00
Legacy at the Fairways Lighting	743.04
Stoneleigh Lighting	46.69
SS Consolidated Sewer Fund	78,299.12
Trust & Agency Lighting	300.00

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

- Computerized Inventory Concepts Services
- Village of Victor Sewer Relevy
- Town of Farmington – Unpaid Sewer Charges passed to Tax
- Village of Victor, Annual Fire Debt Service & Fire Protection
- Fishers Fire District Real Property Taxes we collect for them
- Bluestone Creek Development – Rental of Parks & Recreation for the month of March
- Southworth Milton – Backhoe recycling
- Griffith Energy – Diesel fuel and winter mix
- Isaac Heating- installation of 2 Reznor Gas Heaters
- American Rock Salt- road salt
- Ontario County Treasurer- Dog Control Services Contract for 2019

PRIVILEGE OF THE FLOOR-

- Bob Bringley – Marathon Engineering, Jeff and Scott Morrell – Morrell Builders

Jeff Morrell gave a presentation on the proposed Fishers Heights project located at 6752 Main Street Fishers. Jeff explained that this project was initiated from two key concepts. The first a need to respond to technology organizations specific needs in recruitment and retention and housing affordability. The second, identifying the traffic related issues in the Town of Victor and proposing something that would be much more complimentary to the parcel.

Jeff noted Morrell Builders have done a tremendous number of housing developments in Victor and are cognisant of the affordable housing mix, specifically for young professionals and also having a deeper understanding of the traffic of the Route 96 Corridor and Main Street Fishers. They wanted to propose a project that was actually a reduction in zoning and right now this parcel is zoned light industrial. In summary, Jeff explained this design concept has much more flexibility with single family homes, townhomes, and apartments all for rent, also noting this location is very conducive from a connectivity perspective with regards to walkability.

Supervisor Marren met prior with Morrell Builders, Kim Kinsella, and Bob Bringley. Several things, like lighting and maybe enhancing a buffer were discussed.

Councilman Tantillo asked Jeff to take a look at our Route 96 Corridor Plan which he explained identifies six key traffic projects and also look at the Victor Access Management Plan. Councilman Tantillo is in favor of the development noting that one of key points identified in the Comprehensive Plan was no affordable housing. He also asked for a ball park on the rent structure. Morrell Builders would own, manage and maintain the facility.

The Board was in support of the PDD and discussed the importance of the storm water management for this project.

PUBLIC COMMENTS: None

REPORTS OF TOWN OFFICIALS:

Parks & Recreation
Highway

Town Clerk
Fire Chief

Town Historian
Planning & Building

SUPERVISOR REPORT

- Victor Patrol for the month of January, 2019
- Public Sewer Meeting Letter – 02-27-19
- DEC Approval of the Victor Sanitary Sewer Extension
- Rochester Retail & Flex Market Outlook for 2019
- Kudos to Keith Maynard & Kevin Fleg for efforts to attend winter workshops
- Universal picnic tables donated from the Victor/Farmington Rotary
- Leaders Group Tour
- Daley Road Sewer extension- application pulled for project
- Victor Village Board by resolution provided the easement for Consolidated Sewer Project
- Proposal for legalizing marijuana presentation in Albany at Conference – potential in our county

Supervisor Marren complimented and thanked Mark and his team for installation of the fire hydrant markers and also working with Keith Maynard on identifying drainage issues. Thank you to Brian Emelson for attending a Planning Board meeting regarding Piper Meadows Projects and sidewalks.

Committee Reports:

Councilman Guinan reported that at the Organization meeting of LDC, Glenn Cooke stepped down as president and will remain as vice president with Rebecca Melton as new president. Brian Powers retired. Kathy Rayburn attended a class in grant writing.

Councilman Tantillo gave an update on the Parks and Recreation Advisory Committee.

Board discussion followed. It was noted that when the survey was sent out to the public 90% of the respondents wanted to pursue a Town owned facility. There are many factors to consider like the rendering high level detail and the profit and loss statement and what is included as part of the Master Plan.

Brian Emelson commented that the budget with Bayer Associates has collaterals. At any time in this process, moving forward with any type of facility plan or park plans, developments can be made in conjunction with the full Master Plan for all the park systems and recreation facilities, including what was communicated by the Victor Town residents.

Supervisor Marren would like to see a senior facility larger than the footprint we currently have and also the profit and loss statement to provide affordability.

BUSINESS:

RESOLUTION #91

AUTHORIZATION TO ENTER INTO AGREEMENT - ROCHESTER ACCESSIBLE ADVENTURES

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to enter into agreement with Rochester Accessible Adventures to support the Department in attaining its' goals outlined in the Strategic Inclusion Action Plan and to seek our grants to support physical and programmatic improvements for residents with developmental disabilities; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Rochester Accessible Adventures to provide seventy-five (75) hours of service support for Two Thousand Five Hundred Dollars (\$2,500.00); and

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

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7021.4 Recreation Administration - Contractual; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement Rochester Accessible Adventures to provide seventy-five hours of support to the Department to assist it in attaining its' goals outlined in the Strategic Inclusion Action Plan and to assist with seeking out grants to support physical and programmatic improvements for residents with developmental disabilities in the amount of Two Thousand Five Hundred Dollars (\$2,500.00), said funds are included and available in the 2019 Operating Budget line item A7021.4 Recreation Administration - Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Anita O'Brien, Rochester Accessible Adventures.

RESOLUTION #92**AUTHORIZATION FOR TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH THE ONTARIO COUNTY YOUTH BUREAU FOR FUNDING OF THE VICTOR PARKS AND RECREATION “COUNSELOR IN TRAINING” PROGRAM**

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Ontario County Youth Bureau has recommended the approval of the Victor Parks and Recreation’s “Counselor in Training” Program, which has also been approved by the New York State Office of Children and Family Services; and

WHEREAS, Ontario County wishes to enter into a one-year contract with the Town of Victor, from January 1, 2019 through December 31, 2019, to provide funding not to exceed One Thousand Five Hundred dollars (\$1,500.00) for the Victor Parks and Recreation’s Counselor in Training program; now, therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor to enter into a contract with Ontario County who will provide funding not to exceed One Thousand Five Hundred dollars (\$1,500.00) for the Victor Parks and Recreation’s Counselor in Training program; and be it further

RESOLVED that a copy of this resolution be sent to The Ontario County Youth Board, Brian Emelson, Director of Parks & Recreation; Town Clerk, Finance Office, and Human Resources.

RESOLUTION #93**AUTHORIZATION FOR PURCHASE OF 2019 FORD F-150 XL SUPER CAB PICK UP TRUCK FROM VAN BORTEL FORD PIGGYBACKING FROM THE ONONDAGA COUNTY BID #8771-2019 CONTRACT AND DECLARE 2013 FORD F-150 XL VIN# 1FTFX1EFXDKE89199 PICK UP TRUCK SURPLUS**

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation has the need to purchase a 2019 Ford F-150, XL super cab, pick-up truck and declare the 2013 Ford F-150 XL pick-up truck with VIN #1FTFX1EFXDKE89199 as surplus; and

WHEREAS, this vehicle is available for purchase from Van Bortel Ford piggybacking Onondaga County Bid #8771-2019 at a cost of Twenty Eight Thousand Six Hundred Forty Eight dollars and Seventy cents (\$28,648.70); and

WHEREAS, funds are available in the 2019 Budget line item A7110.2 Parks Equipment for the purchase of a pick-up truck for the Parks and Recreation Department to replace an existing vehicle which will be declared surplus and taken to auction; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a 2019 Ford F-150 XL super cab, pick-up truck from Van Bortel Ford piggybacking Onondaga County Bid #8771-2019 in an amount not to exceed Twenty Eight Thousand Six Hundred Forty Eight dollars and Seventy cents (\$28,648.70), said funds are available in the 2019 Budget line

item A7110.2 Parks Equipment and declare the 2013 Ford F-150 XL pick-up truck as surplus; 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 Joshua Relyea, Van Bortel Ford.

RESOLUTION #94

AUTHORIZATION FOR PURCHASE OF TORO 60" ZERO TURN MOWER FROM GRASSLAND EQUIPMENT AND IRRIGATION CORPORATION THROUGH NEW YORK STATE CONTRACT #PC66756 (GROUP #40625, AWARD # PGB-22792) AND DECLARE 2014 EXMARK 72" ZERO TURN MOWER SURPLUS

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation has the need to purchase an Toro 60" Zero Turn Mower and declare an existing Exmark 72" Zero Turn Mower as surplus; and

WHEREAS, this piece of equipment is available through New York State contract #PC66756 (Group #40625, Award #PGB-22792) at a cost of Eleven Thousand Eight Hundred Thirty Eight dollars and Ninety Six cents (\$11,838.96) from Grassland Equipment and Irrigation Corporation; and

WHEREAS, funds are available in the 2019 Budget line item A7110.2 Park Operations Equipment for the purchase of a 60" Zero Turn Mower for the Department of Parks and Recreation to replace an existing 72" Zero Turn Mower which will be declared surplus and taken to auction; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a Toro 60" Zero Turn Mower from Grassland Equipment and Irrigation Corporation through New York State contract #PC66756 (Group #40625, Award #PGB-22792) in an amount not to exceed Eleven Thousand Eight Hundred Thirty Eight dollars and Ninety Six cents (\$11,838.96), said funds are available in the 2019 Budget line item A7110.2 Park Operations Equipment and declare an existing Exmark 72" Zero Turn Mower as surplus; and further

RESOLVED that a copy of this resolution be forwarded to Jeff Rader, Parks Maintenance Assistant; Brian Emelson, Director of Parks and Recreation; Karen Bodine, Town Clerk; Barbara Cole, Director of Finance; and Brent Lewis, Grassland Equipment and Irrigation Corporation.

RESOLUTION #95

AUTHORIZATION TO ACCEPT SPECIAL EVENTS SPONSORSHIP DONATIONS

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan

Unanimously Approved

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

WHEREAS, the activities have realized recent donations from 2019 sponsors and partners in the amount of Seven-Thousand, Six-Hundred Dollars (\$7,600.00) as follow from:

Kiwanis Club of Farmington-Victor	\$100.00
Wegmans Food Markets	\$5,000.00
Generations Bank	\$1,500.00
GNC Victor	\$500.00
ESL Federal Credit Union	\$250.00
Mark DiMartino, DDS	\$250.00

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 Seven Thousand Six Hundred dollars (\$7,600.00) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Seven Thousand Six Hundred dollars (\$7,600.00) in the 2019 Budget in addition to an offsetting increase in the expense line A7550.4 Celebrations Contractual of Seven Thousand Six Hundred dollars (\$7,600.00). All budget entries to be done upon board approval; and further

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

RESOLUTION #96

AFFIRMING THE END OF TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE SOLAR INSTALLATIONS WITHIN THE TOWN OF VICTOR

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

WHEREAS, on April 23, 2018 the Town Board adopted Local Law No. 5 to implement a Temporary Land Use Moratorium prohibiting large scale solar installations within the Town of Victor; and

WHEREAS, said Moratorium was set to expire in April of 2019 or on the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium no longer exists; and

WHEREAS, on November 26, 2018 the Town Board adopted Local Law No. 13-2018 to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor; and

WHEREAS, notification from the New York State Department of State that Local Law No. 13 2018 to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor was filed on January 9, 2019 has been received; now, therefore, be it

RESOLVED, that the Town Board affirms that the need for the Moratorium no longer exists; and further

RESOLVED, that a copy of this resolution be forwarded to the Planning and Building Department.

RESOLUTION #97

AFTER PUBLIC HEARING – SEQR AND ADOPT LOCAL LAW NO. 2-2019 TO AMEND CHAPTER 131 LIGHTING

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

Roll Call Vote:

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

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 7th day of January, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 28th day of January, 2019 to hear all interested parties on a proposed Local Law to update the provisions related to Lighting in 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 28th day of January, 2019 at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Victor Town Board finds and hereby determines that Chapter 131 Lighting be amended; and

WHEREAS, the Victor Town Board finds that the proposed amendment to Chapter 131 is an Unlisted Action pursuant to SEQRA regulations, and Part I of the Short Environmental Assessment Form has been prepared by the Town Engineer for consideration by the Town Board; and

WHEREAS, the Victor Town Board has reviewed Part II of the Short Environmental Assessment Form, and has evaluated the Action using the criteria for determining significance identified in the SEQRA regulations; now, therefore, be it

RESOLVED, that the Victor Town Board finds that the Action will not result in any significant adverse environmental impacts, and hereby issues a Negative Declaration of environmental significance, thereby concluding the SEQRA process; and, be it further

RESOLVED, that the Victor Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law amendment, and the Victor Town Board hereby adopts said Local Law No.2-2019 to amend Chapter 131 Lighting as follows:

LOCAL LAW NO. 2-2019 TO AMEND CHAPTER 131 LIGHTING

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. 2-2019 to amend Chapter 131 Lighting. The purpose of this amendment is to update the provisions related to Lighting in the Town of Victor.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that it is necessary to update the Lighting Code.

Section IV. Amendment.

Chapter 131 Lighting shall be amended as follows:

Section 131-4 Applicability, shall be amended as follows:

E. Temporary lighting equipment and seasonal lighting equipment, provided that individual lamps are 130 lumens or less (10W Incandescent, 2.5W LED) and the lighting does not pose a visual hazard for drivers on public rights-of-way.

Section 131-5 Definitions, shall be amended to update or add the following:

COLOR RENDERING INDEX (CRI)

A measurement of the amount of color shift that objects undergo when illuminated by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values can range from 0 to 100. Natural sunlight at noon on a clear day is an example of a light source with a CRI of 100.

HARD-EDGED SHADOW

The shadow cast by a non-diffuse lighting point source. Hard shadows characteristically have crisply defined edges as opposed to soft shadows that gradually fade away towards the edges.

LED

Light Emitting Diode

LIGHT FIXTURE (LUMINAIRE)

A complete lighting unit consisting of a lamp, lamps or LED's, and ballasting or drivers (when applicable), together with parts (diffuser/reflector/refractor/lens/protective glass/plastic) designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

SUBSTANTIAL MODIFICATIONS

Modifications shall be considered substantial when lighting fixture additions, replacements, alterations, and relocations to a property's exterior lighting involve more than either 30% of the lighting fixtures or 10 lighting fixtures, or at the discretion of the Code Enforcement Officer if the number of fixtures is less than the established minimums.

Section 131-7 Lighting plans, shall be amended as follows:

A. Documentation requirements.

(1)(a) The layout/location/height, make/model, luminaire output lumens, light loss factor, additional shielding and aiming angle of each exterior light fixture.

(1)(b) Calculated exterior illumination contours and grid showing:

[1] Contour lines must be included for illumination values of 0.5, one, two, five, 10, and 20 footcandles, if there are illumination levels at those values.

[2] Illumination grid spacing must be no more than five feet for areas 10,000 sf and less, and no more than ten feet for areas over 10,000 sf.

[3] Table with the following data:

[a] The calculated maximum illumination

[b] The calculated minimum illumination

[c] Calculated minimum illumination to maximum illumination ratios of parking areas and roadways.

[d] Calculated maximum illumination along each property line at the ground in vertical and horizontal orientations.

(1)(d) Provide a written description of how the lighting design will address potential nuisance and disability glare.

(2) Proposals, plans, and applications for residential subdivisions must include site lighting plans that include all proposed street lighting and light post layouts along with the light fixture models and the associated lamps to be used (if applicable), the manufacturer's photometric data, including the manufacturer's catalog cuts, the manufacturer's illustrations, and all data that supports their classification as full cutoff fixtures. Exterior lighting to be under the control of its resident need not be included in the subdivision plans.

B. Certificate of occupancy requirements for new construction. The following documentation must be provided by owners and developers for newly-constructed, nonresidential properties located in all districts prior to obtaining a certificate of occupancy:

(1) Installed illumination measurement submission with the following information.

(a) Measured light levels along property line at 20 ft. increments.

(b) Measured light level grid for typical areas of the site in 10 ft. by 10 ft. grid.

(c) Date, time and weather conditions at time of measurements.

(d) Make and model of light meter used for measurements.

(2) Itemized list and description of every exterior light fixture and lamp (if applicable) actually installed, if different from the plans submitted.

Section 131-8 Prohibited uses for nonresidential properties, shall be amended as follows:

B. Roofs shall not be illuminated.

C. Luminance from windows must not originate from illuminated signs. Luminance from windows from neon, light-emitting diodes (LEDs), tubular lamps, luminous gas-filled tubes, and channel light fixtures is prohibited.

Exception: One sign is permitted with lettering that spells "open" and that occupies an area no larger than two square feet.

I. Seasonal Lighting illuminated more than 40 days in a calendar year, cumulatively for all seasons, unless approved by the Planning Board.

Section 131-9 General provisions, shall be amended as follows:

A. General provisions for residential uses in all districts:

(1)(a) For nonshielded or partly-shielded luminaries: 40 Watts, with a maximum of 1,200 lumens.

(1)(b) For fully shielded luminaries: 60 Watts, with a maximum of 1,800 lumens.

Exception: Outdoor illumination of recreational uses or installations as defined in § 131-9A (2).

(2)(c) Individual light fixture output for recreational uses in residential districts must not exceed 10,000 lumens.

(3) Light trespass to adjacent property must not exceed 0.2 foot-candles as measured, in all orientations, at the ground along property boundaries.

(4) Directional light fixtures (such as floodlights and spotlights) must be installed and aimed at an angle no higher than 45° above nadir and shall not shine directly onto neighboring properties, public rights-of-way, or distribute light skyward. Light trespass to adjacent property must not cast a hard-edged shadow on adjacent dwellings.

(5) Light fixture heights must not exceed 15 feet from the ground.

B. General provisions for nonresidential uses in all districts.

(3) Directional light fixtures (such as floodlights, spotlights, and external sign lights) must be installed and aimed at an angle no higher than 45° above nadir, unless otherwise specified in this chapter, so that they illuminate only the task and do not shine directly onto neighboring properties, public rights-of-way, or distribute light skyward. Light trespass to adjacent property must not cast a hard-edged shadow on adjacent dwellings.

(6) Light fixtures must be shielded so that direct luminance and illumination resulting from the light fixture does not result in light trespass to residential property that exceeds 0.2 foot-candles as measured, in all orientations, at the ground, along the residential property line and within adjacent residential property.

(7) Light fixtures must be shielded so that direct luminance and illumination resulting from the light fixture does not result in light trespass to commercial or industrial property that exceeds 0.75 foot-candles as measured, in all orientations, at the ground along the commercial or industrial property line, along public rights-of-way and along other municipal and Town of Victor boundaries.

Section 131-10 Time of day and hours of operation for nonresidential properties, shall be amended as follows:

B. Sign lighting, window lighting, architectural lighting, decorative lighting, and seasonal lighting may only be operated during the business hours of the business property being illuminated.

Exception: One sign is permitted with lettering that spells "open" and that occupies an area no larger than two square feet.

D. Public road, street, drive, and intersection lighting may be operated at all times. Private drive, driveway, and light post lighting may only be operated between 1/2 hour before sunset and 1/2 hour after sunrise, and when necessitated by adverse weather conditions. Lighting, if installed, must be from full cutoff light fixtures or controlled by photocell.

H. Temporary event lighting may only be operated as described in Chapter 135 (Mass Gatherings) and as approved by the Town Code Enforcement Officer or Town Planning Board.

Section 131-11 Provisions applicable to lighting in all districts, shall be amended as follows:

A. Security and safety lighting of nonresidential properties in all districts.

(1) Security lighting shall comply with § 131-9B (6) & § 131-9B (7).

(2) Security lighting is encouraged at all nonresidential building entrances and exits, on walkways and bikeways, and on pedestrian areas.

(3) Light fixture height must not exceed 25 feet from the ground and full cutoff light fixtures must be utilized. Residential property-side and public-rights-of-way-side shielding is required to prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties.

(4) Maximum illumination resulting from this lighting must not exceed five foot-candles measured in all orientations, at the ground, 20 feet from the fixture.

(5) Use of motion detectors and photocells is encouraged.

B. Parking lot area of residential use properties (i.e., apartment complex) in all districts.

(1) Parking lot lighting shall comply with §131-9B (6) & §131-9B (7).

(2) Light fixture height must not exceed 25 feet from the ground and full cutoff light fixtures must be utilized. Residential property-side and public-rights-of-way-side shielding is required to prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public-right-of-way and properties.

(3) Fixtures shall not exceed 12,500 lumens.

(4) Maximum illumination must not exceed 10 foot-candles as measured in all orientations, at the ground.

C. Parking lot area of nonresidential use properties in all districts.

(1) Parking lot lighting shall comply with § 131-9B (6) & § 131-9B (7).

(2) Light fixture height must not exceed 25 feet from the ground and full cutoff light fixtures must be utilized. Residential property-side and public-rights-of-way-side shielding is required to

prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties.

(3) Maximum illumination must not exceed 10 foot-candles as measured, in all orientations, at the ground.

(4) Light Fixtures must have good color rendition, with a color rendering index of greater than 70 and a color temperature between 3000k and 5000k.

(5) The minimum illumination to maximum illumination ratio must be kept between 1:1 and 1:20.

D. Road, street, intersection and drive lighting within nonresidential districts.

(1) Lighting, if installed, must be from full cutoff light fixtures controlled by a photocell.

(3) Maximum illumination must not exceed five foot-candles as measured, in all orientations, at the ground.

(4) Roadway and street lighting average-to-minimum ratio must not exceed 3.5:1 for non-residential districts.

E. Local road, street, drive, and intersection lighting within residential districts, not under the control of the resident, but where the lights are otherwise privately owned and operated.

(2) Light fixture height must not exceed 15 feet from the ground. Residential property-side and public-rights-of-way-side shielding is required to prevent obtrusive light nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties.

(3) Each light fixture output must not exceed 7,000 lumens.

(4) Light Fixtures must have good color rendition, with a color rendering index of greater than 70 and a color temperature between 3000k and 5000k.

(5) Roadway and street lighting average-to-minimum ratio must not exceed 6:1 for residential districts.

F. Canopies, islands and aprons.

(1) Maximum surrounding illumination resulting from the canopy, island, and apron lighting, must not exceed five foot-candles as measured, in all orientations, at the ground, 20 feet away from the canopy, island, and apron.

G. Outdoor retail sales and display lot area.

(1) Car Dealerships:

(a) Light fixture height must not exceed 25 feet from the ground. Light fixtures must be full cutoff light fixtures or flood light fixtures aimed at an angle no higher than 45° above nadir, and aimed away from the roadway. Residential property-side and public-rights-of-way-side shielding is required to prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties.

(b) Maximum Illuminance Levels and Uniformities:

Front Row: 10 fc maximum with 5:1 max to min ratio
Feature: 10 fc maximum with 5:1 max to min ratio
Other Rows: 5 fc maximum with 10:1 max to min ratio
Entrances: 5 fc maximum with 5:1 max to min ratio
Driveways: 2 fc maximum with 10:1 max to min ratio

(c) Lamps must be of good color rendition, with a color rendering index of greater than 60.

(2) All other outdoor retail sales and display lot areas:

(a) Light fixture height must not exceed 25 feet from the ground and must be full cutoff light fixtures. Residential property-side and public-rights-of-way-side shielding is required to prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties.

(b) Maximum illumination must not exceed 10 foot-candles as measured, in all orientations, at the ground. Illumination must not violate the light trespass provisions provided in §131-9B (6) and (7).

(c) Lamps must be of good color rendition, with a color rendering index of greater than 60.

H. Outdoor hospitality and eating areas.

(1) Light fixture height must not exceed 15 feet from the ground and must be full cutoff light fixtures. Residential property-side and public-rights-of-way-side shielding is required to prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties. *Exception: At the discretion of the Code Enforcement Officer, Shielding is not required for ambient lighting, including string lighting, which does not exceed 210 lumens per source.*

(2) Maximum illumination resulting from the area lighting must not exceed 15 foot-candles as measured, in all orientations, at the ground, 20 feet away from the area.

I. Playgrounds located in any district.

(2) Maximum illumination must not exceed 10 foot-candles as measured, in all orientations, at the ground. Illumination must not violate the light trespass provisions provided in § 131-9B (6) and (7).

J. Outdoor recreation, sports, athletic field and facility playing areas located in any district, except as provided for in § 131-41, as this chapter does not apply to lighting on Village of Victor, public school, Ontario County, New York State, and federal roads and properties.

(3) Maximum illumination of the play areas during times of play must not exceed 40 foot-candles as measured, in all orientations, at the ground. Illumination must not violate the light trespass provisions provided in § 131-9B (6) and (7).

(5) A low-level lighting system of the play areas shall be used during maintenance, setup, and cleanup before and after play. Maximum illumination during that time must not exceed 10 foot-candles as measured, in all orientations, at the ground.

(6) Outdoor sports lighting shall be limited to the following hours unless otherwise approved by

the Town Code Enforcement Officer, Town Planning Board or upon approval by the Town Board pertaining to § 135:

4 PM - 11 PM Sunday - Thursday
4 PM - 12 Midnight Friday & Saturday.

K. American flag lighting on nonresidential properties in all districts.

(2) Lighting, if installed, must consist of narrow beam spotlights or lamps, not floodlights. Lighting may be aimed upward toward the flag (downward is encouraged) and must only be of an intensity to respectfully light the flag, not exceeding a total of 5,500 lumens. Lamps must be of good color rendition, with a color rendering index of greater than 70.

L. Temporary seasonal outdoor sales and roadside stands located in all districts.

(2) Maximum illumination must not exceed 20 foot-candles as measured, in all orientations, at the ground.

(3) Illumination must not violate the light trespass provisions provided in §131-9B (6) and (7).

M. Temporary event lighting (such as festivals, fairs and carnivals). Refer to the Town Code on mass gatherings (Chapter **135**) and submit complete lighting plans for review by the Town Code Enforcement Officer, Town Planning Board and the Town Engineer. Plans must include minimizing potential nuisances.

N. Construction lighting. Lighting must be only that required by federal OSHA safety standards and state codes. Residential property-side and public rights-of-way-side shielding is required to prevent obtrusive light and nuisance and disability glare; to minimize light trespass to residential properties; and to prevent nuisance and disability glare onto public rights-of-way and properties.

Exception: Lighting required for emergency repairs to Town of Victor infrastructure

O. Architectural and other decorative lighting.

(1) No cutoff light fixtures are permitted at customer entrances, not to exceed 6000 lumens per entrance.

(4) The maximum resulting illumination from surfaces must not exceed one foot-candle as measured, in all orientations, at the ground, 20 feet away from the surface.

(5) The maximum illumination resulting from illuminated features internal to a building, visible from outside the building, must not exceed one foot-candle as measured, in all orientations, at the ground, 20 feet away from the building.

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.

RESOLUTION #98
AFTER PUBLIC HEARING – SEQRA AND ADOPT LOCAL LAW NO. 3-2019 TO AMEND CHAPTER 83 CONSTRUCTION CODES, UNIFORM

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

Roll Call Vote:

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

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 7th day of January, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 28th day of January, 2019 to hear all interested parties on a proposed Local Law to include the provisions related to Parking Garages in the Town as required by NYS Statute; 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 28th day of January, 2019 at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Victor Town Board finds and hereby determines that Chapter 83 Construction Codes, Uniform be amended; and

WHEREAS, the Victor Town Board finds that the proposed amendment to Chapter 83 is an Unlisted Action pursuant to SEQRA regulations, and Part I of the Short Environmental Assessment Form has been prepared by the Town Engineer for consideration by the Town Board; and

WHEREAS, the Victor Town Board has reviewed Part II of the Short Environmental Assessment Form, and has evaluated the Action using the criteria for determining significance identified in the SEQRA regulations; now, therefore, be it

RESOLVED, that the Victor Town Board finds that the Action will not result in any significant adverse environmental impacts, and hereby issues a Negative Declaration of environmental significance, thereby concluding the SEQRA process; and, be it further

RESOLVED, the Victor Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law amendment, and the Victor Town Board hereby adopts said Local Law No.3-2019 to amend Chapter 83 Construction Codes, Uniform, as follows:

LOCAL LAW NO. 3 -2019 TO AMEND CHAPTER 83 CONSTRUCTION CODES, UNIFORM

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. 3-2019 to amend Chapter 83 Construction Codes, Uniform. The purpose of this amendment is to amend Chapter 83 to include provisions related to Parking Garages in the Town of Victor.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that it is necessary to update Chapter 83.

Section IV. Amendment.

Chapter 83 Construction Codes, Uniform shall be amended as follows:

Section 83-2 Definitions, shall be amended to update or add the following:

CONDITION ASSESSMENT

An on-site inspection and evaluation of a parking garage pursuant to § **83-13** of this article for evidence of deterioration of any structural element of building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure

DETERIORATION

The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any loss of effectiveness of a structural element or building component.

PARKING GARAGE

Any building or structure, or part thereof in which all or any part of any structural level or levels is used for parking or storage of motor vehicle, excluding: (a) buildings in which the only level used for parking or storage of motor vehicles is on grade; (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and, (c) a townhouse unit with attached parking exclusively for such unit.

RESPONSIBLE PROFESSIONAL ENGINEER

The professional engineer who performs a condition assessment pursuant to § **83-13** of this article, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report.

UNSAFE BUILDING OR STRUCTURE

Any building or structure or portion thereof which, because of its structural condition:

- (a) Is or may become dangerous or unsafe to the public;

- (b) Is open at the doorways or walls, making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
- (c) Is or may become a place of rodent infestation;
- (d) Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty;
- (e) Is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible;
- (f) Presents any other danger to the health, safety, morals and general welfare of the public.

UNSAFE CONDITION

A condition identified as “unsafe” in Section 304.1.1, Section 305.1.1, and Section 306.1.1 of the ICC Property Maintenance Code, as currently incorporated by reference in Part 1226 of Title 19 NYCRR.

Section 83-3 Code Enforcement Officer; inspectors, shall be amended as follows:

B. the Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for Code-enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

D. One or more inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this article. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code-enforcement personnel, and each inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

Section 83-10 Operating permits, shall be amended as follows:

A. Operating permits required.

(1) (e) Parking garages as defined in §83-13 of this article; and

(1) (f) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

A new Section 83-13 Condition Assessments of Parking Garages shall be added with the current Section 83-13 Recordkeeping, and all subsequent Sections shall be re-numbered accordingly:

Section 83-13 Condition Assessments of Parking Garages

A. General requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment, periodic condition assessments, and

such additional condition assessments as may be required herein. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements herein. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

B. Initial condition assessment. Each parking garage shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

C. Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

D. Additional condition assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under paragraph (C) of this subdivision, the Town shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Code Enforcement Officer, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under paragraph (C) of this subdivision, the Code Enforcement Officer shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Code Enforcement Officer to be appropriate.

E. Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) An evaluation and description of the unsafe conditions;

(4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) The responsible professional engineer's recommendation regarding preventative maintenance;

(8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.

F. Review of condition assessment reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Code Enforcement Officer may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. Neither this paragraph nor the provisions of the code enforcement program of the Town that implement this paragraph shall limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

G. The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

H. Neither this subdivision nor the provisions of the code enforcement program of the Town that implement this subdivision shall limit or impair the right or the obligation of the Town:

(1) To perform such construction inspections as are required elsewhere by this chapter or the code enforcement program of the Town;

(2) To perform such periodic fire safety and property maintenance inspections as are required elsewhere by this chapter or the code enforcement program of the Town; and/or

(3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

J. The use of the term “responsible professional engineer” in this subdivision shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

Section 83-14 Recordkeeping, shall be amended as follows:

A. (8) All other features and activities specified in or contemplated by §§ 83-4 through 83-13, inclusive, of this article; and

Section 83-16 Enforcement; penalties for offenses, shall be amended as follows:

A. Orders to Remedy

(1) The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be:

(a) Be in writing;

(b) Be dated and signed by the Code Enforcement Officer;

(c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this article;

(d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this article which is/are violated by the specified condition or activity;

(e) Include a statement substantially similar to the following: “The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [*specify date*], which is thirty (30) days after the date of this Order to Remedy.”

(f) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(g) The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30)

days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied.

(2) The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order.

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.

RESOLUTION #99

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO AN AGREEMENT WITH LIME ENERGY SERVICES CO. OF BUFFALO, NY FOR THE PHASE I INSTALLATION OF ENERGY EFFICIENT LIGHTING FOR THE VICTOR TOWN HALL

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103 and the Town's Procurement Policy, the Town Board may direct a policy for the acquisition of the Town's services; and

WHEREAS, Lime Energy Co. of Buffalo, NY has submitted a proposal for the Phase I installation of energy-efficient lighting for the Town Hall, and is operating under the RG&E Energy Saver Program; and

WHEREAS, the Town has received a grant from Rochester Gas & Electric in the amount of \$1,139.81 towards this project; and

WHEREAS, this represents Phase I of the Energy-Efficient Lighting project for the Victor Town Hall as identified in Schedule A kept on file in the subject file in the Town Clerk's Office, at a total cost for Phase I not to exceed Five Thousand Three Hundred Seventy Eight dollars and Seventy One cents (\$5,378.71), and is to be charged to the 2019 Town Budget Line Item #A.1620.400 - Buildings Contractual; now, therefore be it

RESOLVED that the Supervisor is authorized to enter into a contract with Lime Energy Services Co. of Buffalo, NY for Phase I of the installation of energy-efficient lighting in the Victor Town Hall as specified above at a cost not to exceed Five Thousand Three Hundred Seventy Eight dollars and Seventy One cents (\$5,378.71), said funds are available in the 2019 Town Budget line item # A.1620.400 – Buildings Contractual; and be it further

RESOLVED that a copy of this Resolution be forwarded to Lime Energy Services Co. of Buffalo, NY, Rochester Gas & Electric, the Finance Department, and the Town Clerk.

PUBLIC COMMENTS: None

RESOLUTION #100
MOVE TO EXECUTIVE SESSION
Time: 8:22 PM

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

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

- proposed, pending or current litigation
- personnel matter leading to the said discipline of a particular person
- the proposed acquisition/sale of real property when publicity might affect the value

No Board action taken at this time

RESOLUTION #101
MOVE TO CLOSE EXECUTIVE SESSION

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

4 Ayes: Marren, Tantillo, Kahovec, Guinan
Unanimously Approved

ADJOURNMENT:

With no further business to come before the Board, the regular Town Board meeting was adjourned at 9:47PM on motion by Councilman Tantillo, seconded by Councilman Kahovec. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk