

**VICTOR TOWN BOARD MEETING
MONDAY, MAY 23, 2016
DRAFT RESOLUTION PACKET**

*“Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting.”*

REGULAR MEETING STARTS AT 7:00 PM

PUBLIC HEARINGS start at 7:30 PM

Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.

- A. PUBLIC HEARING TO ESTABLISH THE “889 STRONG ROAD SEWER DISTRICT” AND CONSOLIDATE IT INTO THE VICTOR CONSOLIDATED SEWER DISTRICT

8) BUSINESS

- A. LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 1 (Debra Denz)
- B. THE FAIRWAYS, PHASE 2, LETTER OF CREDIT, RELEASE 2 (Debra Denz)
- C. BALLERINA COURT, SECTION 1 - ACCEPTANCE OF DEDICATION (Debra Denz)
- D. AUTHORIZATION FOR THE TOWN SUPERVISOR TO ENTER INTO AGREEMENT WITH CRESCENT MOON FOR RENTAL OF PORTABLE TOILETS FOR DEPARTMENT OF PARKS AND RECREATION (Brian Emelson)
- E. AUTHORIZATION TO NAME INFLATABLE AND MOVIE SCREEN VENDOR FOR PARKS AND RECREATION PROGRAMS (Mike Stockman)
- F. AUTHORIZATION TO APPOINT KEITH MAYNARD TO THE POSITION OF MOTOR EQUIPMENT OPERATOR FOR THE PARKS DEPARTMENT (Tina Kolaczyk)
- G. AUTHORIZATION FOR SALARY INCREASE – TIMOTHY HADDEN, PARKS MOTOR EQUIPMENT OPERATOR (Tina Kolaczyk)
- H. ACKNOWLEDGEMENT OF THE RESIGNATION OF LINDA HERNE FROM THE BOARD OF ASSESSMENT REVIEW AND THE APPOINTMENT OF KENNETH KOLACZYK TO THE TOWN OF VICTOR BOARD OF ASSEMENT REVIEW (Tina Kolaczyk)
- I. AMENDMENT TO AGREEMENT WITH GENEVA CLUB BEVERAGE CO., INC. TO INCLUDE VENDING MACHINE SERVICE FOR HIGHWAY/RECYCLE FACILITIES (Tina Kolaczyk)
- J. AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR CLEANING SERVICES FOR TOWN FACILITIES (Tina Kolaczyk)

- K. RETRACTION AND RE-ISSUE OF THE REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES RELATED TO THE RENOVATION OF THE ABANDONED HISTORIC VICTOR SCHOOL STREET PUMP HOUSE (Babette Huber)
- L. ACCEPTANCE OF THE 2015 TOWN OF VICTOR FINANCIAL AUDIT FROM BONADIO & COMPANY (Gloria Dunton)
- M. ACCEPTANCE OF THE 2015 TOWN OF VICTOR COURTS AUDIT FROM BONADIO & COMPANY (Gloria Dunton)
- N. APPROVE AMENDED AND RESTATED EASEMENTS FOR AUBURN HILLS / STONINGTON RIDGE (Kim Kinsella)
- O. CONFIRMING RESOLUTION FOR THE ESTABLISHMENT OF THE COUNTY ROAD 9 WATER DISTRICT AND CONSOLIDATION OF THE SAME INTO THE VICTOR CONSOLIDATED WATER DISTRICT (Jack Marren)
- P. AUTHORIZATION AFTER PUBLIC HEARING FOR THE ESTABLISHMENT OF THE "889 STRONG ROAD SEWER DISTRICT" AND CONSOLIDATION OF THE SAME INTO THE VICTOR CONSOLIDATED SEWER DISTRICT (Jack Marren)

PAA

RESOLUTION #

ORDER FOR PUBLIC HEARING TO ESTABLISH THE "889 STRONG ROAD SEWER DISTRICT" AND CONSOLIDATE IT INTO THE VICTOR CONSOLIDATED SEWER DISTRICT

WHEREAS, the Town Board of the Town of Victor ("the Town") has received a Map, Plan and Report (the "MPR") requesting an extension to the Town of Victor Consolidated Sewer District (the "Sewer District") into the parcel 889 Strong Road, Victor, NY, 14564, tax account # 14.02-1-17.000 (the proposed extension to the Sewer District is hereinafter referred to as the "889 Strong Road Sewer District"); and

WHEREAS, given the nature of the MPR and the policy and practice of the Town of Victor with respect to sewer districts, the MPR will be treated as and has been converted to one for the establishment and consolidation of the 889 Strong Road Sewer District into the Victor Consolidated Sewer District; and

WHEREAS, simultaneous with its establishment, the Town of Victor will cause the 889 Strong Road Sewer District to be consolidated into the Town of Victor Consolidated Sewer District, so as to eliminate the additional administrative burden and costs associated with the operation of multiple sewer districts; and

WHEREAS, the boundaries of the 889 Strong Road Sewer District comprise a parcel at 889 Strong Road, Victor, NY, 14564, tax account # 14.02-1-17.000, the metes and bounds description of which is set forth in the MPR referred to herein and available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, the proposed improvements include: infrastructure, including a 4 inch lateral; and

WHEREAS, the maximum amount proposed to be expended by the Town for the 889 Strong Road Sewer District and associated improvements is the sum of zero dollars (\$0.00), as the applicant will pay for the capital cost thereof; and

WHEREAS, since there will be no capital cost to the Town for the 889 Strong Road Sewer District, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office; and

WHEREAS, simultaneous with the establishment of the 889 Strong Road Sewer District, it shall be consolidated into the Victor Consolidated Sewer District as more fully described in the "Proposed Joint Consolidation Agreement for the Town of Victor Consolidated Sewer District and the 889 Strong Road Sewer District," (the "Agreement") adopted by the Victor Town Board on March 28, 2016; and

WHEREAS, a descriptive summary of the Agreement follows:

The current Town of Victor Consolidated Sewer District and the 889 Strong Road Sewer District (as proposed and described in the MPR referred to herein) will be consolidated so that the area and infrastructure of the 889 Strong Road Sewer District is added and consolidated into the Victor Consolidated Sewer District. The consolidation will eliminate the annual need for additional expenses in the administrative oversight of multiple sewer districts. The existing debt of the Victor Consolidated Sewer District will be spread across the newly consolidated Victor Consolidated Sewer District. This consolidation will

not be effective unless and until the 889 Strong Road Sewer District is fully established in compliance with NY Town Law.

And, WHEREAS, after establishment and consolidation into the Victor Consolidated Sewer District, the capital cost to the typical residential property will be approximately \$78.24, annually, and the capital cost to the typical commercial property will be approximately \$376.30, annually, and the capital cost to those properties added into the Town of Victor Consolidated Sewer District by operation of this action (i.e., those properties within the area formerly referred to as the 889 Strong Road Sewer District) will be in accordance with the formula established by the Town Board as set forth in the Victor Town Code at Chapter 162, and this action will not significantly change the costs for residential or commercial properties; and

WHEREAS, maintenance and operation charges will be calculated as more specifically set forth in the Victor Town Code at Chapter 162; and

WHEREAS, a hook-up fee will be charged in accordance with Chapter 162 of the Victor Town Code; and

WHEREAS, the MPR describing the 889 Strong Road Sewer District, and the Agreement, are both on file in the office of the Town Clerk where they are available for public inspection; now, therefore be it

ORDERED and RESOLVED, that, pursuant to Article 12 of the Town Law, the Town Board of the Town of Victor, shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 23rd day of May, 2016, at 7:30 p.m. for the purpose of conducting a public hearing on the proposal to create the 889 Strong Road Sewer District as well as the simultaneous consolidation of the 889 Strong Road Sewer District into the Town of Victor Consolidated Sewer District, at which time and place all persons interested in the subjects thereof may be heard; and be it further

ORDERED and RESOLVED, that the Town Board hereby authorizes and directs the Town Clerk to duly publish and post a copy of this Order in the official Town newspaper, on the bulletin board in the office of said Town Clerk, and on the Town website not less than ten (10) days before and not more than twenty (20) days before the public hearing date as is required by Town Law and complete or arrange for the securing of Affidavits of Publication of Notice and Affidavits of Posting Notice of Public Hearing.

8A

RESOLUTION #

LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 1

WHEREAS, Bluestone Creek Development, LLC, received Planning Board approval for Lehigh Crossing, Section 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Five Star Bank Irrevocable Letter of Credit No. 7002054929 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 1 dated May 3, 2016 and recommends in his letter May 11, 2016 that \$119,286.81, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the Five Star Bank Irrevocable Letter of Credit No. 7002054929 in the amount of \$119,286.81, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$711,939.72 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Bluestone Creek Development, LLC, and BME Associates.

JB

RESOLUTION #

THE FAIRWAYS, PHASE 2, LETTER OF CREDIT, RELEASE 2

WHEREAS, The Fairways Townhomes, LLC, received Planning Board approval for The Fairways, Phase 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, First Niagara Bank Irrevocable Letter of Credit No. 430399 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 2 dated May 10, 2016 and recommends in his letter May 13, 2016 that \$94,038.03 be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 2 on the First Niagara Bank Irrevocable Letter of Credit No. 430399 in the amount of \$94,038.03 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$149,963.96 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, The Fairways Townhomes, LLC and Mark IV Enterprises.

8c

RESOLUTION #
BALLERINA COURT, SECTION 1 - ACCEPTANCE OF DEDICATION

WHEREAS, Affronti Development, LLC, developer of the Ballerina Court, Section 1, has offered to dedicate to the Town of Victor the storm and sanitary sewer systems, as set forth in the Town Engineer's letter of May 16, 2016; and

WHEREAS, the Engineer for the Town has indicated by letter dated May 16, 2016, the storm and sanitary sewer systems are acceptable to be dedicated to the Town; and,

WHEREAS, Affronti Development, LLC. has posted a Maintenance Bond No. 71752793 in the amount of \$27,843.60 which is the amount recommended by the Town Engineer in a letter dated May 16, 2016, to be held for two (2) years after the acceptance of the dedicated facilities; now, therefore, be it

RESOLVED AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of the storm and sanitary sewer systems located within the right-of-way as it either lies within the dedicated right-of-way or the Town has previously been granted easements.
2. That the dedication of the said systems shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.

AND FURTHER RESOLVED that a copy of this resolution be forwarded to the Planning and Building Dept., the Highway Superintendent, the Engineer for the Town, and Affronti Development, LLC.

Dated: May 23, 2016

Jack Marren, Supervisor

Dave Tantillo, Councilman

Silvio Palermo, Councilman

Dan Crowley, Councilman

Mike Guinan, Councilman

81

RESOLUTION #

AUTHORIZATION FOR THE TOWN SUPERVISOR TO ENTER INTO AGREEMENT WITH CRESCENT MOON FOR RENTAL OF PORTABLE TOILETS FOR DEPARTMENT OF PARKS AND RECREATION

WHEREAS, the Department of Parks and Recreation has the need to rent portable toilets for several of the parks in its system; and

WHEREAS, the Director of Parks and Recreation has obtained the following written quotations for the rental and monthly maintenance of said toilets:

Crescent Moon / Rochester Portable Toilets	\$165.00 / per unit – per month
O'Brien Septic & Portable Toilets	\$180.00 / per unit – per month

And

WHEREAS, funds are available in the 2016 Budget line item A7110.4 Parks Contractual; and

WHEREAS, the Director of Parks and Recreation recommends that the Town Board accept the quote of Crescent Moon in an amount not to exceed One Hundred Sixty Five Dollars (\$165.00) per unit, per month for a one-year contract period; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor to enter into agreement with Crescent Moon / Rochester Portable Toilets in an amount not to exceed One Hundred Sixty Five Dollars (\$165.00) per unit, per month for a one-year contract period, said funds are available in the 2016 Budget line item A7110.4 Parks Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager; and Crescent Moon.

8E

RESOLUTION #

AUTHORIZATION TO NAME INFLATABLE AND MOVIE SCREEN VENDOR FOR PARKS AND RECREATION PROGRAMS

WHEREAS, the Parks and Recreation Department has a need to have a vendor who supplies Inflatable outdoor activities and provides outdoor movies for numerous programs throughout the year; and

WHEREAS, an Request for Proposal was sent to two (2) outdoor movie and inflatable companies requesting costs; and

WHEREAS, the two outdoor movie and inflatable companies responded to the Request for Proposal with the following written quotations:

Numerous Inflatable Activity Sets and Outdoor Movie Events	
Zuper Bounce LLC PO Box 743 Clarkson NY 14430	\$5,325.00
Blue Apple Productions PO Box 275, Pittsford, NY 14534	\$5,495.00

WHEREAS; funds are included and available in the 2016 Budget line item A7550.4 Celebrations/Special Events and A7020.4 Recreation Programs; and

WHEREAS, Zuper Bounce LLC has met all criteria asked in proposal and the lower cost; and

WHEREAS; the Director of Parks and Recreation recommends that we accept the proposal from Zuper Bounce LLC at a cost of Five Thousand Three Hundred Twenty Five dollars, (\$5,325.00) per year for a three-year contract period; now therefore be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to contract with Zuper Bounce LLC for its' recreation programs at a cost not to exceed Five Thousand Three Hundred Twenty Five dollars, (\$5,325.00) per year for a three-year contract period, said funds are included and available in the 2015 Budget line item A7550.4 Celebrations/Special Events and A7020.4 Recreation Programs; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager, and Michael Cuzzupoli, Zuper Bounce LLC.

8F

RESOLUTION #

AUTHORIZATION TO APPOINT KEITH MAYNARD TO THE POSITION OF MOTOR EQUIPMENT OPERATOR FOR THE PARKS DEPARTMENT

WHEREAS the Town of Victor has an opening for a Motor Equipment Operator position in the Parks Department due to the resignation of Tabatha Chastang on May 6, 2016; and

WHEREAS, the position was advertised, and selected candidates were interviewed on May 13, 2016 by an interview committee consisting of Brian Emelson, Director of Parks & Recreation; Jeff Rader, Parks Maintenance Assistant; Tim Hadden, Parks Motor Equipment Operator; and Tina Kolaczyk, Human Resources; and

WHEREAS, it was decided by the interview team that Keith Maynard, Victor, NY possesses the qualifications necessary to fill this position; now, therefore be it

RESOLVED, that Keith Maynard, Victor, NY be appointed to the position of Motor Equipment Operator for the Town of Victor Parks Department at a Grade 4, step C hourly rate salary of Twenty Three dollars and Eighty Four cents (\$23.84), and is to be funded from the 2016 Town Budget Line Item #A.7110.100 - Parks Personal Services, with a starting date of June 13, 2016; and be it further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Jeff Rader, Tina Kolaczyk, Mary Lyng, Keith Maynard, Town Clerk, and the Ontario County Department of Human Resources.

8G

RESOLUTION #

AUTHORIZATION FOR SALARY INCREASE – TIMOTHY HADDEN, PARKS MOTOR
EQUIPMENT OPERATOR

BE IT RESOLVED, upon review of Timothy Hadden's roles and responsibilities in the Parks and Recreation Department, the Town Board wishes to increase Tim's current salary classification from a Grade 4, Step B to a Grade 4, Step C at a new hourly rate of twenty-three dollars and eighty four cents (\$23.84), which is to be funded from the 2016 Town Budget Line Item #A.7110.100 - Parks Personal Services, with a starting date of May 23, 2016; and be it further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Tina Kolaczyk, Mary Lyng, and Timothy Hadden.

8A

RESOLUTION #

ACKNOWLEDGEMENT OF THE RESIGNATION OF LINDA HERNE FROM THE BOARD OF ASSESSMENT REVIEW AND THE APPOINTMENT OF KENNETH KOLACZYK TO THE TOWN OF VICTOR BOARD OF ASSEMENT REVIEW

WHEREAS, a vacancy on the Town of Victor Board of Assessment Review exists due to the resignation of Linda Herne on April 7, 2016; and

WHEREAS the Victor Town Board wishes to thank Linda Herne for her hard work and dedication to the Board of Assessment Review for the past five years; and

WHEREAS, the position was advertised and interviews were conducted by Jack Marren, Town Supervisor, on May 19, 2016 of all candidates who had submitted letters of interest and resumes, and who wished to be interviewed for the position; and

WHEREAS, the interview team has recommended that Kenneth Kolaczyk be appointed to the Town of Victor Board of Assessment Review; now, therefore be it

RESOLVED, that the Town Board appoints Kenneth Kolaczyk to the Town of Victor Board of Assessment Review to fill the unexpired existing term from October 1, 2016 to September 30, 2020 at a 2016 salary of Four Hundred dollars (\$400.00) per year, to be taken from budget line item #A.1360.100 Board of Assessment Review Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Linda Herne, Kenneth Kolaczyk, Wayne Pickering, Mary Lyng, Tina Kolaczyk, and Robin Johnson, Ontario County Office of Real Property.

8 I

RESOLUTION #

AMENDMENT TO AGREEMENT WITH GENEVA CLUB BEVERAGE CO., INC. TO INCLUDE VENDING MACHINE SERVICE FOR HIGHWAY/RECYCLE FACILITIES

WHEREAS, on March 14, 2016 the Town Board approved Resolution # 115-16 Authorization for the Supervisor to Enter Into an Agreement With Geneva Club Beverage Co., Inc.; and

WHEREAS, the Highway and Recycle Departments wish to add vending machines at the Highway/Recycle complex located at 60 Rawson Road; and

WHEREAS, the current contract with Geneva Club Beverage Co., Inc. needs to be amended to include vending machines for the Highway/Recycle complex located at 60 Rawson Road which would have a soda machine with 0% commission to the Town and vend all items at \$1.50 unless going with an AMP Energy Drink item; the snack machine will also have a 0% commission with below market prices; now, therefore be it

RESOLVED that the current contract with Geneva Club Beverage Co., Inc. be amended to include vending machines for the Highway/Recycle complex located at 60 Rawson Road which would have a soda machine with 0% commission to the Town and vend all items at \$1.50 unless going with an AMP Energy Drink item; the snack machine will also have a 0% commission with below market prices; and be it further

RESOLVED that the contract expiration date for all vending machines supplied to the Town of Victor will be under a one-year contract with an expiration date of March 15, 2017; and be it further

RESOLVED that a copy of this resolution be forwarded to Mike Wilczewski of Geneva Club Beverage Co., Inc., Casey Haines, the Finance Department, and the Town Clerk.

85

RESOLUTION #
AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR CLEANING SERVICES FOR TOWN FACILITIES

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

WHEREAS, the current contract for Town facility cleaning services expires on June 30, 2016; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to solicit proposals for cleaning services for Town facilities; and further

RESOLVED that a copy of this Resolution be forwarded to Tina Kolaczyk, Town Clerk, and the Finance Dept.

8k

RESOLUTION #

RETRACTION AND RE-ISSUE OF THE REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES RELATED TO THE RENOVATION OF THE ABANDONED HISTORIC VICTOR SCHOOL STREET PUMP HOUSE

WHEREAS, the Request for Proposals for Professional Services Related to the Renovation of the Abandoned Historic Victor School Street Pump House was issued on April 11, 2016; and

WHEREAS, the Town & Village Historian received a Fifteen Thousand dollar (\$15,000.00) Historic Preservation and Parkland Improvements Grant for this project; and

WHEREAS, the Rochester Landmark Society had provided to the Town & Village Historian their estimate of the costs to repair and restore the Abandoned School Street Pump House as a historical building within the Village of Victor which were in accordance with the grant funding received, and had provided a listing of potential historic restoration vendors who would be able to appropriately conduct the restoration of the building; and

WHEREAS, several of the recommended vendors were accidentally omitted from the Request for Proposal mailing list and therefore were not appropriately notified of the opportunity to submit a proposal for this project; and

WHEREAS, there was only one respondent to the Request for Proposals who provided pricing 35% higher than the budgeted expense for the project; and

WHEREAS, the Village reserves the right to reject any or all proposals, or to reject any proposal if the evidence submitted by, or investigation of such respondent fails to satisfy the Village that such respondent is properly qualified to carry out the obligations of the RFP and to complete the work contemplated therein. The Village reserves the right to waive any minor informality in the RFP; now, therefore be it

RESOLVED that the Village exercises its right to retract the Request for Proposals for Professional Services Related to the Renovation of the Abandoned Historic Victor School Street Pump House that was issued on April 11, 2016, and to reject all proposals previously submitted; and be it further

RESOLVED that the Request for Proposals for Professional Services Related to the Renovation of the Abandoned Historic Victor School Street Pump House be re-issued; and be it further

RESOLVED that a copy of this resolution be sent to the Town & Village Historian, the Village of Victor, Town Clerk, and the Town Human Resources Office.

8 L

RESOLUTION #

ACCEPTANCE OF THE 2015 TOWN OF VICTOR FINANCIAL AUDIT FROM BONADIO & COMPANY

WHEREAS, a financial audit of the Town of Victor was conducted by Bonadio & Co., LLP for the fiscal year ending December 31, 2015; and

WHEREAS, the findings of the audit were received on May 20, 2016 and were reviewed with the Victor Town Board on May 23, 2016; now, therefore be it

RESOLVED, that the 2015 Town of Victor Financial Audit, conducted by Bonadio & Co., LLC be accepted; and be it further

RESOLVED, that a copy of this resolution be sent to the Town Clerk, Fiscal Manager, and Bonadio & Co.

8 M

RESOLUTION #

ACCEPTANCE OF THE 2015 TOWN OF VICTOR COURTS AUDIT FROM BONADIO & COMPANY

WHEREAS, an audit of the Town of Victor Courts was conducted by Bonadio & Co., LLP for the fiscal year ending December 31, 2015; and

WHEREAS, the findings of the audit were received on February 12, 2016 and were reviewed with the Victor Town Board on May 23, 2016; now, therefore be it

RESOLVED, that the 2015 Victor Town Courts Audit, conducted by Bonadio & Co., LLC be accepted; and be it further

RESOLVED, that a copy of this resolution be sent to the Finance Office, Town Clerk, Bonadio & Co., and the New York State Unified Court System.

8N

RESOLUTION #

APPROVE AMENDED AND RESTATED EASEMENTS FOR AUBURN HILLS / STONINGTON RIDGE

WHEREAS, the Town of Victor Planning Board previously approved a residential subdivision commonly known as Auburn Hills in the Town of Victor; and

WHEREAS, Section 2 of said subdivision has since been acquired by Woodstone Custom Homes and is now being referred to as Stonington Ridge; and

WHEREAS, Woodstone Custom Homes wishes to complete development of Section 2, including a re-subdivision of the lots and renaming of the roads, and in connection therewith, wishes to address the proposed conservation easement area therein; and

WHEREAS, in connection with said conservation easement area, and per the recommendation of the Town, including the Town Planning Board, Woodstone wishes to eliminate de minimus strips of outlying lands from the conservation easement area and change the internal references to match the new subdivision names; and

WHEREAS, the Town Board finds that said strips are exceedingly small, are long and narrow and run along the borders of property lines and, thus, offer little to no value by way of conservation; and

WHEREAS, were the Town to retain these strips as conservation lands, it would impose an undue administrative and financial burden on the Town to maintain said lands and to enforce them as conservation lands, and it would impose burdens upon the residents in the area to respect said lands as conservation lands despite the fact that said lands offer no conservation value; and

WHEREAS, the Town of Victor Conservation Board has repeatedly objected to acquiring conservation easements over outlying small strips of lands as they are difficult to identify, maintain and offer little conservation value; and

WHEREAS, thus, the Town is proposing to eliminate said de minimus strips from the conservation easement by way of the Amended and Restated Conservation Easement for the area, as said strips are of no value to the Town, identified as Schedule A and a copy to be kept in the subject file in the Town Clerk's office; and

WHEREAS, furthermore, Woodstone Custom Homes is requesting that the trail easement at the property be slightly shifted per the Amended and Restated Trail Easement, as Schedule B and a copy to be kept in the subject file in the Town Clerk's office; now, therefore, be it

RESOLVED, that, for the reasons set forth herein, the Victor Town Board hereby approves the Amended and Restated Conservation Easement and the Amended and Restated Trail Easement; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Conservation Board, and Woodstone Custom Homes.

80

RESOLUTION #

CONFIRMING RESOLUTION FOR THE ESTABLISHMENT OF THE COUNTY ROAD 9
WATER DISTRICT AND CONSOLIDATION OF THE SAME INTO THE VICTOR
CONSOLIDATED WATER DISTRICT

WHEREAS, on April 11, 2016, the Town Board approved and authorized the establishment of the County Road 9 Water District as well as the simultaneous consolidation thereof into the Town of Victor Consolidated Water District pursuant to the Final Consolidation Agreement for the Town of Victor Consolidated Water District and the County Road 9 Water District; and

WHEREAS, the Town Engineer provided the Ontario County Real Property Office and the Town Tax Assessor current maps showing parcel boundaries and assessment districts and areas, in both hard copy and digital form; and

WHEREAS, the Town Clerk of the Town of Victor duly filed a certified copy of the approval resolution with the New York State Comptroller; and

WHEREAS, the Town Clerk of the Town of Victor duly recorded a certified copy of the approval resolution in the Office of the Clerk of Ontario County; and

WHEREAS, the Town Clerk duly published and posted a Notice of Permissive Referendum in accordance with Town Law; and

WHEREAS, greater than 30 days have passed since the posting and publishing of said Notice of Permissive Referendum; and

WHEREAS, no petition in opposition to the establishment and consolidation of the County Road 9 Water District has been filed; now, therefore, be it

RESOLVED, that the Town Clerk file a certification with the Ontario County Clerk indicating that 30 days have passed since the posting and publishing of the Notice of Permissive Referendum and no petition in opposition to said establishment and consolidation has been filed.

8P

RESOLUTION #

AUTHORIZATION AFTER PUBLIC HEARING FOR THE ESTABLISHMENT OF THE "889 STRONG ROAD SEWER DISTRICT" AND CONSOLIDATION OF THE SAME INTO THE VICTOR CONSOLIDATED SEWER DISTRICT

WHEREAS, the Town Board of the Town of Victor ("the Town") has received a Map, Plan and Report (the "MPR") requesting an extension to the Town of Victor Consolidated Sewer District (the "Sewer District") into the parcel 889 Strong Road, Victor, NY, 14564, tax account # 14.02-1-17.000 (the proposed extension to the Sewer District is hereinafter referred to as the "889 Strong Road Sewer District"); and

WHEREAS, given the nature of the MPR and the policy and practice of the Town of Victor with respect to sewer districts, the MPR will be treated as and has been converted to one for the establishment and consolidation of the 889 Strong Road Sewer District into the Victor Consolidated Sewer District; and

WHEREAS, after the said MPR was duly filed in the Office of the Town Clerk of the Town of Victor (where it was then and is currently available for public inspection), the Town Board did duly adopt an Order and Resolution (the "Order") reciting the proposed establishment of the 889 Strong Road Sewer District and a description of the boundaries of the proposed 889 Strong Road Sewer District, the maximum amount proposed to be expended for the improvement, that amount being zero dollars (\$0.00), the proposed method of apportioning the cost of such improvement, and the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and specifying that the Town Board shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 23rd day of May, 2016, for the purposes of conducting a public hearing on the 889 Strong Road Sewer District establishment and consolidation, and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, the Order additionally specified that the 889 Strong Road Sewer District, simultaneous with the establishment thereof, is to be consolidated into the Victor Consolidated Sewer District, and said Order set forth a descriptive summary of the Proposed Joint Consolidation Agreement for the Town of Victor Consolidated Sewer District and the 889 Strong Road Sewer District (the "Agreement"), as well as the costs to typical properties, including fees; and

WHEREAS, copies of said Order were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made, now therefore be it

RESOLVED, that the Order for the notice of the public hearing was duly published and posted as required by law and is otherwise sufficient; and be it further

RESOLVED, that all property and property owners within the proposed 889 Strong Road Sewer District are benefitted; and be it further

RESOLVED, that all property and property owners benefitted by the 889 Strong Road Sewer District are included within the limits thereof; and be it further

RESOLVED, by the Town Board of the Town of Victor, in the County of Ontario, that it is in the public interest of the Town of Victor to authorize the establishment of the 889 Strong Road Sewer District and the simultaneous consolidation thereof into the Victor Consolidated Sewer District; and be it further

RESOLVED, that the Town Board does hereby approve and authorize the establishment of the 889 Strong Road Sewer District as well as the simultaneous consolidation thereof into the Town of Victor Consolidated Sewer District pursuant to the Agreement, said Agreement now and hereby adopted by the Town Board as the Final Consolidation Agreement for the Town of Victor Consolidated Sewer District and the 889 Strong Road Sewer District; and be it further

RESOLVED, that the capital costs charged to the properties within the Victor Consolidated Sewer District, as consolidated with the 889 Strong Road Sewer District, will be in accordance with the formula established by the Town Board as set forth in the Victor Town Code at Chapter 162; and be it further

RESOLVED, that maintenance and operation charges will be calculated and charged as more specifically set forth in the Victor Town Code at Chapter 162; and be it further

RESOVLED, that a hook-up fee will be charged in accordance with Chapter 162 of the Victor Town Code; and be it further

RESOLVED, that inasmuch as no expenditure of funds for capital costs is authorized herein, and because the Town will not expend any monies for the establishment indicated herein, this Resolution is not subject to the review and/or approval of the State Comptroller of the State of New York; and be it further

RESOLVED, that this constitutes a Type II action under the State Environmental Quality Review Act and is thus not subject to review under the same; and be it further

RESOLVED, that the applicant is directed to provide to the Town Clerk current maps showing parcel boundaries and assessment districts and areas, in both hard copy and digital form for the Clerk to submit to the Ontario County Real Property Office and the Town Assessor; and be it further

RESOLVED, that the Town Clerk of the Town of Victor shall cause a certified copy of this Resolution to be duly filed with the New York State Comptroller; and be it further

RESOLVED, that the Town Clerk publish and post a Notice of Permissive Referendum within 10 days of adoption of this resolution in accordance with Town Law; and be it further

RESOLVED, that the Town Clerk of the Town of Victor shall cause a certified copy of this Resolution to be duly recorded in the Office of the Clerk of Ontario County within ten (10) days of the adoption of this Resolution.