

**VICTOR TOWN BOARD MEETING  
MONDAY, JUNE 13, 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**

**8) BUSINESS**

- A. BALLERINA COURT SUBDIVISION, SECTION 1, LETTER OF CREDIT, RELEASE 3 (Debra Denz)
- B. APPROVAL AND AUTHORIZATION TO ISSUE A LIMITED PERMISSION ALCOHOLIC BEVERAGE PERMIT TO VICTOR BREWERY TO DISPENSE ALCOHOL AT SUMMER CONCERTS AND VICTORFEST (Mike Stockman)
- C. ACKNOWLEDGEMENT OF THE APPOINTMENT OF ADAM BLANC TO THE POSITION OF FULL-TIME MOTOR EQUIPMENT OPERATOR FOR THE HIGHWAY DEPARTMENT (Tina Kolaczyk)
- D. ACKNOWLEDGEMENT OF APPOINTMENT OF DANIEL BRADY TO A PART -TIME LABORER POSITION AT THE TOWN OF VICTOR RECYCLE DEPARTMENT (Tina Kolaczyk)
- E. ACKNOWLEDGEMENT OF APPOINTMENT OF DAVID ALLEN AND MICHAEL MURPHY TO PART -TIME SEASONAL LABORER POSITIONS AT THE TOWN OF VICTOR RECYCLE DEPARTMENT (Tina Kolaczyk)
- F. ACKNOWLEDGEMENT OF THE RESIGNATIONS OF JOHN PALOMAKI AND DIANNE PARKS FROM THE VICTOR HISTORIC ADVISORY COMMITTEE, AND THE APPOINTMENT OF ROBERT KELLY AND JASON SHELTON TO THE VICTOR HISTORIC ADVISORY COMMITTEE (Tina Kolaczyk)
- G. ACKNOWLEDGEMENT OF THE RESIGNATION OF DIANNE PARKS FROM THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE, AND THE APPOINTMENT OF BONNIE WATERS TO THE CHAIR OF THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE (Tina Kolaczyk)
- H. ADOPTION OF THE TOWN OF VICTOR CONTRACT PROCEDURES (Tina Kolaczyk)
- I. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH NABERHOOD RESTORATIONS FOR THE RESTORATION OF THE ABANDONED SCHOOL STREET PUMP HOUSE (Tina Kolaczyk)
- J. AUTHORIZATION FOR TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF STATE FOR THE LOCAL GOVERNMENT EFFICIENCY GRANT CONTRACT #C1000614 FOR THE PUBLIC SAFETY/EMERGENCY SERVICES GRANT (Tina Kolaczyk)

- K. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CLEANING SERVICES AGREEMENT WITH ROCHESTER REHABILITATION (Tina Kolaczyk)
- L. AWARD OF RFP#204 COLACINO INDUSTRIES INC FOR CONSTRUCTION SERVICES FOR PUMP STATION 18 ELECTRICAL UPGRADE (Gloria Dunton)
- M. APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW - 7134 & 7136 CHALLENGER CIRCLE (Sheila Chalifoux)
- N. APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH CECI, LLC – 830 CANNING PARKWAY (Sheila Chalifoux)
- O. APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP II LLC (NETLINK) - 7670-7676 NETLINK DRIVE (Sheila Chalifoux)
- P. APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP II LLC (NETLINK) - 820 PHILLIPS ROAD (Sheila Chalifoux)
- Q. APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH DIFELICE LANDS LLC, DIFELICE STRUCTURES LLC, PFM ENTERPRISES LLC, ROUTE 96 PROPERTIES LLC, DIFELICE ASSOCIATES LP, VHP LLC, 51 VHP LLC, 833 PHILLIPS LLC and AUBURN HILLS LLC (Sheila Chalifoux)
- R. APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP, LLC - 7612 COUNTY ROAD 42 (Sheila Chalifoux)
- S. AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 783 DUCK HOLLOW (TAX MAP #16.07-1-5.00) TO ALLOW A FENCE TO ENCROACH ONTO THE TOWN'S UTILITY EASEMENTS (Jack Marren)
- T. RESOLUTION TO AUTHORIZE SUPERVISOR TO EXECUTE A PERMANENT UTILITY EASEMENT WITH RG&E (Jack Marren)
- U. SET PUBLIC HEARING – LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-3B ENTITLED "GENERAL REGULATIONS FOR LAND USE," AND SECTION 211-24C(8) ENTITLED "LIGHT INDUSTRIAL DISTRICT REGULATIONS," TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES (Jack Marren)
- V. SET PUBLIC HEARING - LOCAL LAW NO. \_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS" (Jack Marren)

8A

RESOLUTION #

BALLERINA COURT SUBDIVISION, SECTION 1, LETTER OF CREDIT, RELEASE 3

WHEREAS, Affronti Development LLC, received Planning Board approval for Ballerina Court Subdivision, Section 1 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Lyons National Bank Irrevocable Letter of Credit No. 372 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. 3 dated May 18, 2016 and recommends in his letter June 2, 2016 that \$122,976.85, minus engineering and inspection fees, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Lyons National Bank Irrevocable Letter of Credit No. 372 in the amount of \$122,976.85, minus engineering and inspection fees, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$106,652.65 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Frank Affronti, and D. S. B. Engineers, PC.

8B

RESOLUTION #

APPROVAL AND AUTHORIZATION TO ISSUE A LIMITED PERMISSION ALCOHOLIC BEVERAGE PERMIT TO VICTOR BREWERY TO DISPENSE ALCOHOL AT SUMMER CONCERTS AND VICTORFEST

WHEREAS, the Town of Victor has a Limited Permission Alcohol Use Policy and Permit relating to the Consumption and/or Dispensing of Alcoholic Beverages in certain Town of Victor Parks during Special Events; and

WHEREAS, the Department of Parks and Recreation will be holding the annual summer concert series at Victor Municipal Park on Thursdays June 30<sup>th</sup>, July 14<sup>th</sup>, and July 21<sup>st</sup>, 2016; and

WHEREAS, the Department of Parks and Recreation will be holding the annual Victorfest event in the Victor Library parking lot on Saturday, September 12, 2016; and

WHEREAS, it is the desire of the Department of Parks and Recreation to permit the Victor Brewery to dispense alcohol at the 3 summer concerts and Victorfest; and

WHEREAS, Victor Brewery has applied for a Special Events - Temporary Bar and Wine Permit through the New York State Liquor Authority; now, therefore, be it

RESOLVED, that the Victor Town Board hereby authorizes the Special Events of the Summer concerts on Thursday, June 30, 2016, Thursday, July 14, 2016, Thursday, July 21, 2016, and Victorfest on Saturday, September 12, 2016 and; and be it further

RESOLVED, that conditioned upon 1) approval of the Special Events - Temporary Bar and Wine Permit Application by the New York State Liquor Authority to Victor Brewery for dispensing alcohol at the Special Events, and further conditioned upon 2) the issuance of a Certificate of Insurance from VB Brewery naming the Town of Victor as an Additional Insured, the Town Board of the Town of Victor hereby authorizes the issuance of a Limited Permission Alcoholic Beverage Permit by the Town of Victor Department of Parks and Recreation to VB Brewery to dispense alcohol at the summer concerts and Victorfest, so long as VB Brewery complies with the requirements thereof to the satisfaction of the Parks and Recreation Department as well as the requirements of the Town Code and Policy for the Dispensing and Consumption of Alcohol; and be it further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; and Tom Bullinger, Owner, VB Brewery.

8C

RESOLUTION #

ACKNOWLEDGEMENT OF THE APPOINTMENT OF ADAM BLANC TO THE POSITION OF FULL-TIME MOTOR EQUIPMENT OPERATOR FOR THE HIGHWAY DEPARTMENT

WHEREAS, the Town Board passed Resolution No. 199 on May 9, 2016, acknowledging the retirement of Stephen Goodberlet from the Motor Equipment Operator position for the Town of Victor Highway Department; and

WHEREAS, the Motor Equipment Operator position does need to be replaced, and was advertised and applications were received; and

WHEREAS, an interview committee consisting of Mark Years, Highway Superintendent; Randy Rader, Deputy Highway Superintendent; and Tina Kolaczyk, Human Resources, was formed, and interviews with position candidates were conducted on May 26, 2016; and

WHEREAS, the interview team has recommended Adam Blanc of Fairport, NY, to be appointed to the Full-Time Motor Equipment Operator position for the Highway Department; now, therefore be it

RESOLVED that Adam Blanc be reclassified from his current positions as a Part-Time Laborer and Part-Time Motor Equipment Operator for the Town of Victor Highway and Recycle Departments to the position of Full-Time Motor Equipment Operator for the Town of Victor Highway Department, effective May 31, 2016, at a Grade 4 step A hourly rate salary of Twenty Two dollars and Twenty Seven cents per hour (\$22.27/hour) and is to be funded from line DB.5110.100 General Repairs (summer)/DB.5142.100 Snow Removal (winter) Personal Services in the 2016 Operating Budget; and be it further

RESOLVED that a copy of this resolution be forwarded to Mark Years, Adam Blanc, Tina Kolaczyk, Mary Lyng, and the Ontario County Department of Human Resources

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RESOLUTION #

ACKNOWLEDGEMENT OF APPOINTMENT OF DANIEL BRADY TO A PART -TIME  
LABORER POSITION AT THE TOWN OF VICTOR RECYCLE DEPARTMENT

WHEREAS, the Town of Victor Recycle Department has a need for a Part-Time Recycle Laborer position due to the movement of Adam Blanc to a Full-Time Motor Equipment Operator position for the Highway Department; and

WHEREAS, Mark Years, the Highway Superintendent, requests this position to be filled; and

WHEREAS, interviews were held on May 26, 2016 with candidates who were interviewed by Mark Years, Highway Superintendent; Ken Wilson, Deputy Water Superintendent; John DeCook, Part-Time Recycle Laborer; and Tina Kolaczyk, Human Resources; and

WHEREAS, it was decided by the interview team that Daniel Brady possessed the qualifications necessary to fill this position; now, therefore be it

RESOLVED that Daniel Blanc be appointed to the Part-Time Laborer position for the Town of Victor Recycle Department, effective on June 14, 2016, at a salary of Fourteen dollars and Eighty Three cents (\$14.8) per hour, which is a Grade 1, Step A on the 2016 Town of Victor Wage Scale, to be charged to the 2016 budget line item A.8160.100 Refuse & Garbage Personal Services; and further be it

RESOLVED that a copy of this resolution be sent to Daniel Brady, Mary Lyng, Tina Kolaczyk, Mark Years, Ken Wilson, Debra Denz, and Ontario County Human Resources.

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RESOLUTION #

ACKNOWLEDGEMENT OF APPOINTMENT OF DAVID ALLEN AND MICHAEL MURPHY TO  
PART -TIME SEASONAL LABORER POSITIONS AT THE TOWN OF VICTOR RECYCLE  
DEPARTMENT

WHEREAS, the Town of Victor Highway Department has a need for two Part-Time Seasonal Laborers; and

WHEREAS, Mark Years, Highway Superintendent, requests these positions to be filled; and

WHEREAS, interviews were held on April 27, 2016 and May 26, 2016 for candidates who were interviewed by Mark Years, Highway Superintendent; Ken Wilson, Deputy Water Superintendent; John DeCook, Part-Time Recycle Laborer; and Tina Kolaczyk, Human Resources; and

WHEREAS, it was decided by the interview team that David Allen and Michael Murphy possessed the qualifications necessary to fill these positions; now, therefore be it

RESOLVED that David Allen and Michael Murphy be appointed to the Part-Time Seasonal Laborer positions for the Town of Victor Highway Department, effective on June 14, 2016, at a salary of Nine dollars and Seventy Five cents (\$9.75) per hour, which is a Grade A on the 2016 Town of Victor Parks & Recreation and Highway Seasonal Non-Permanent Part-Time Wage Scale, to be charged to the 2016 budget line item DB.5110.100 General Repairs, Personnel Services, and further be it

RESOLVED that a copy of this resolution be sent to David Allen, Michael Murphy, Mary Lyng, Tina Kolaczyk, Mark Years, Ken Wilson, Debra Denz, and Ontario County Human Resources.

8F

RESOLUTION #

ACKNOWLEDGEMENT OF THE RESIGNATIONS OF JOHN PALOMAKI AND DIANNE PARKS FROM THE VICTOR HISTORIC ADVISORY COMMITTEE, AND THE APPOINTMENT OF ROBERT KELLY AND JASON SHELTON TO THE VICTOR HISTORIC ADVISORY COMMITTEE

WHEREAS, John Palomaki and Dianne Parks submitted their letters of resignation from the Victor Historic Advisory Committee; and

WHEREAS, the Victor Town Board and the Victor Historic Advisory Committee wish to thank John and Dianne for all of their hard work and dedication in preserving the history of Victor for ages to come; and

WHEREAS, these openings were advertised, applications were received, and interviews were held by the Victor Historic Advisory Committee on April 6, 2016; and

WHEREAS, Robert Kelly and Jason Shelton were selected to fill the unfulfilled terms of John Palomaki and Dianne Parks; now therefore, be it

RESOLVED that Jason Shelton be appointed to the unfulfilled term vacated by Dianne Parks, which expires on December 31, 2018; and be it further

RESOLVED that Robert Kelly be appointed to the unfulfilled term vacated by John Palomaki, which expires on December 31, 2016; and be it further

RESOLVED that a copy of this resolution be sent to Babette Huber, Katie Coyne, Chair of the Victor Historic Advisory Committee; Robert Kelly, Jason Shelton, Suzy Paquin, Debra Denz, and Tina Kolaczyk

8G

ACKNOWLEDGEMENT OF THE RESIGNATION OF DIANNE PARKS FROM THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE, AND THE APPOINTMENT OF BONNIE WATERS TO THE CHAIR OF THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE

WHEREAS, Dianne Parks submitted her letter of resignation from the Victor Cemetery Preservation and Restoration Committee; and

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

WHEREAS, Dianne Parks was the Chair of the Victor Cemetery Preservation and Restoration; and

WHEREAS, the Victor Cemetery Preservation and Restoration Committee wishes to appoint Bonnie Waters as the Chair of their committee; now, therefore be it

RESOLVED that Bonnie Waters be appointed to the unfulfilled term vacated by Dianne Parks, which expires on December 31, 2018; and be it further

RESOLVED that a copy of this resolution be sent to Babette Huber, Bonnie Waters, Suzy Paquin, Debra Denz, and Tina Kolaczyk.

8H

RESOLUTION #  
ADOPTION OF THE TOWN OF VICTOR CONTRACT PROCEDURES

WHEREAS, the Town of Victor requires contracts to be signed with all contractors, vendors, consultants, construction, and service providers; and

WHEREAS, formal contracts and documentation are required from these contractors, vendors, consultants, construction, and service providers in order to properly execute the obtained services and to minimize risk and liability to the Town; and

WHEREAS, working in conjunction with the Town Attorney and the Town Insurance Agent, procedures were developed for the contract process, which are labelled as "Schedule A" and are kept both in the Town Clerk's subject files as well as are available for use by all Town employees on the Town's Intranet Shared Drive, and are as follows:

**TOWN OF VICTOR CONTRACTOR/VENDOR LIABILITY POLICY**

**Requirements**

The Town of Victor requires all paid contractors, vendors, any other non-Town of Victor employee conducting business with the Town of Victor on Town property to provide the following information when conducting business with the Town:

- A. An original signed, written contract and/or proposal from the vendor
- B. An original signed, standard Town of Victor contract form
- C. Certificate of Insurance with a provision that names the Town of Victor as an Additional Insured on a Primary and non-contributing basis.
- D. A W-9 form
- E. Proof of Worker's Compensation insurance

***No business will be conducted with anyone unless these items are provided to the Town prior to any work being done.***

In the event that work does get done without these documents being in place, then payment for services will be withheld until the documents have been received.

**All original/signed contracts MUST be given to the Town Clerk's Office, as they are the official repository for this documentation. Copies of the contracts can be kept in individual departments.**

**Insurance Requirements**

Vendors conducting business with the Town of Victor will provide a Certificate of Liability Insurance with their contracts/service agreements. Any exceptions to this will require Town Board approval prior to the execution of the contract.

These contracts will be placed on a single Town Board resolution for discussion and/or waivers.

***A resolution template is available on the Town "S" Drive in the "Contracts" folder, labelled as "Insurance Waiver Resolution Template".***

Approved Insurance Waiver Resolutions will also be sent to Mary Lyng to be placed in the Town Insurance Certificate binder.

### **Town Contract Forms**

All Town contract forms are located of the Town's "S" drive in the "Contracts" folder, and are labelled as follows:

**-2016 Main TOV Contract Form** – Use this form for all services and vendor contracts, *as well as bids*.

**-2016 Construction Contract Form** - Use this form for construction and maintenance, and the purchase or lease of merchandise or equipment.

**-2016 Parks & Rec Independent Contractors Contract** – Use this form for program instructors, and event services that will be completed in less than a one-year period. Any contracts that are greater than a one-year period must use the 2016 Main TOV Contract Form.

**-2016 Standard Town Contract Schedules** – These are the "Schedule B" attachments that are to be sent with ALL contracts, as they identify specifics about the Town's insurance requirements. There is a table located in this packet which identifies the required amount of liability insurance depending on the vendor classification/service provided.

**-2016 Town Contract Letter** – This cover letter is to be sent with ALL town contracts and explains what the vendor is required to submit.

***All forms MUST be received back prior to placing the contract resolution on the Town Board agenda.***

### **Contract Approval Process – All Departments**

Town employees initiating contracts, service agreements, bids, etc. shall:

- A. Receive approval from their Department Head to initiate contract process.
- B. Review the Town's Procurement Policy to ensure compliance with the Town's purchasing guidelines and requirements (the Procurement Policy is attached at the end of this document for your convenience).
- C. Receive vendor's contract/proposal/bid for service.
- D. Formulate Town Board resolution for all contracts (HR and the Town Clerk's Office can help with the resolutions).
- E. Forward the recommended contract/proposal, along with any other additional quotes/proposals received, and Town Board resolution to Human Resources for review.

#### **1. Human Resources will:**

- a. Review vendor contract/proposal/bid.
- b. Review recommended draft Town Board resolution.
- c. Send recommended vendor contract/proposal to Town Attorney for legal approval.
- d. Send recommended vendor contract/proposal to Town Insurance Agent for approval
- e. Send out "Contract Packet" to vendor:
  - i. Letter to Contractor explaining contract process and enclosures.
  - ii. 2 copies of Town of Victor Standard Agreement Form.
  - iii. Request for Certificate of Liability Insurance with Sample.
  - iv. Request for W-9 form.
  - v. Request for verification of worker's compensation coverage.
- f. Initiate Contract Tracking Form on the Town's computer "S" Drive.
- g. Log in contract information on "Contract Expiration Tracking Sheet" on "S" Drive.

2. When "Contract Packet" is received back, **Human Resources** will:
  - a. Ensure that documents are signed and completed, and that insurance certificates meet the Town's requirements.
  - b. Provide copies of W-9 and Certificate of Liability Insurance to Finance Clerk and originating contract department.
  - c. Send Certificate of Liability Insurance to Town's insurance agent for review.
  - d. Prepare contract packet for Town Board approval. (yellow folder)
  - e. Give Confidential Secretary the contract packet and resolution to be placed on the agenda.
  
3. The **Confidential Secretary** will:
  - a. Place the resolution on the next Town Board agenda.
  - b. Notify the appropriate Department Head of the date that their contract will be on the Town Board agenda.
  - c. Place copies of the contract packet with the Town Board resolution in the Town Board packets for approval.
  - d. Prepare the Town Clerk's Town Board packet with the original signed proposals/contracts and Town of Victor Standard Agreement for Town Supervisor signature, highlighting required signature lines. (yellow folder).
  
4. The **Town Clerk** will:
  - a. Get the Town Supervisor's signature on the contract/proposal and Town of Victor Standard Agreement Form after Town Board approval and upon receipt of Certified Resolution.
  - b. Send a copy of one original fully-executed contract/proposal, Town of Victor Standard Agreement Form, and Resolution to the vendor.
  - c. Complete the Contract Tracking sheet in the "S" drive on the Town's computer system with the date the contract is filed.
  - d. Notify the appropriate Department Head that the contract has been completed and services can commence.
  - e. Provide a copy of the final contract/proposal and Town of Victor Standard Agreement Form to the Department Head, if needed.
  - f. File the completed contract/proposal and Town of Victor Standard Agreement in the Town Clerk's Office.
  - g. Manage all State, NYSDOT, and Ontario County contracts and required documentation.

The **Deputy Town Clerk** will be the back-up for **Human Resources** in this process.

**All original/signed contracts MUST be given to the Town Clerk's Office, as they are the official repository for this documentation. Copies of the contracts can be kept in individual departments.**

**Parks & Rec Independent Contractor process when asking for a waiver of the Certificate of Liability Insurance and/or Workers Compensation Insurance**

- A. Provide the vendor with the 2016 Parks & Recreation Independent Contractors Contract
- B. Request the Certificate of Liability Insurance
- C. Request Worker's Compensation Insurance - If they don't have it and/or are a sole proprietor, they must obtain and sign a waiver from the New York State Workers Compensation Board at

[http://www.wcb.ny.gov/content/ebiz/wc\\_db\\_exemptions/wc\\_db\\_exemptions.jsp](http://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/wc_db_exemptions.jsp). In order to obtain the waiver of Worker's Compensation insurance, follow these steps:

1. On the first page, click on "Request for WC/DB Exemption (Form CE-200)
2. Click "select to access web based exemption application" button
3. Enter information on Sign On page
4. "Request new WC/DB" Exemption button
5. Read "Overview" pages and hit "continue"
6. Enter "Applicant Personal Information" and hit "continue" button
7. Enter "FEIN" (federal employer ID #) or "SSN" (social security number) in Legal Entity Form as well as other requested information, and hit "enter"
8. Under "Permit/License/Contract Information"
  - a. Scroll through list for "Nature of Business" for the correct business the person is in. Most will probably be "other", and can put in "program consultant"
  - b. Scroll through list for "Applying for" and select appropriate category for the business. Most will probably select "vendor license/permit"
  - c. For "Issuing Government Agency" – type in "Town of Victor"
9. On "Workers Compensation Coverage Exemption" page, scroll down and select the appropriate description of the business. Most will probably select option #b.) The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.
10. On Disability Coverage Exemption page, scroll down and select the appropriate description of the business. Most will probably select option # b.) The business MUST be either: 1) owned by one individual; OR 2) is a partnership (including LLC, LLP, PLLP, RLLP, or LP) under the laws of New York State and is not a corporation; OR 3) is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation each individual must be an officer and own at least one share of stock); OR 4) is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)
11. Complete the Closing Statement.
12. Print Certificate
  - a. Contractor must sign and date certificate.
  - b. Attach original certificate to contract.

NOTE: Once the contractor has established an account for these Exemptions, they can go back into the program, and can print multiple certificates. We would need an original signed and dated copy for each new contract, even if it is for the same consultant.

We can do these forms for independent contractors and have them sign the forms, which attests to the fact that they are not required to carry this insurance

- If they do not have a Certificate of Liability insurance, and/or Workers Compensation Insurance, we will place all requests for waivers on one resolution for each request to the Town Board, where it will be discussed and either granted or not. **The Town Board will be making the decisions on all waivers.** This will need to be coordinated so that the contracts are prepped in plenty of time for the Town Board meetings. See the "Insurance Requirements" section above for additional information.

### **Vendor Security Expectations**

All service providers to Town buildings will check in with the Town Clerk's office (Town Hall), Court Clerk (Town Courts) and Administrative Assistants (Parks & Rec and Highway/Recycle) and sign in with them prior to any work being done, and sign out when work is completed and inspected

Vendors conducting work in Town Hall will be expected to wear a Town-issued badge, which will be given to them when they arrive and sign in at the Town Clerk's office, and will be collected from them when they sign out.

**All employees have the right to question anyone performing work in their buildings that is not wearing a town-issued ID badge.**

### **Certificate of Liability Insurance Monitoring Process**

- A. All departments are responsible for maintaining copies of the Certificates of Insurance for the work that is being done in their area.
- B. A copy of each Certificate of Insurance from **ALL** departments will be sent to the Finance Clerk, as well as any Waiver Resolutions granted by the Town Board. A list of approved vendors will be maintained by the Finance Department and be updated monthly on the "Shared" drive.
  1. The Finance Clerk will send a copy of each Certificate of Liability Insurance, as it is received, to the Town's insurance broker for a review of coverage. (currently Rob Anderson at [randerson@andersonvanhorne.com](mailto:randerson@andersonvanhorne.com))
- C. 3-Ring binders with 12-month divider tabs will be used to file each Certificate of Insurance by expiration month.
  1. The binders will be maintained by the Administrative Support person for each department.
  2. The "Master Binder" will be kept in the Finance Office.
- D. The Finance Clerk will be responsible for checking each month for certificates that are due to expire within 30 days. The Finance Clerk will send letters to the contractors/vendors with expiring certificates requesting a current Certificate of Insurance.
  1. Copies of these letters will be forwarded to the Department Head to be maintained in the 3-ring binder until the new certificate has been received.
- E. If a new valid Certificate of Insurance is not received within the 30 day period, a second letter will be sent informing the contractor/vendor that payments and work requests will be stopped until the certificate is received. No business will be conducted (vouchers paid) until the new certificate has been received.
- F. If any problems exist in obtaining the Certificate of Insurance, contact the Finance Department.

### **Town of Victor Procurement Policy Regarding Contracts/Bids/Purchases**

Victor Town Code Chapter 39 Procurement Policy

Section 39-3. Evaluation of purchases and contracts; expenditures requiring competitive bidding.

A. Every prospective purchase of goods or services shall be evaluated to determine the applicability of competitive bidding under General Municipal Law § 103, specifically:

- (1) The purchase of supplies or equipment involving an expenditure of greater than \$20,000 shall be bid on pursuant to General Municipal Law § 103; and
- (2) All contracts for public work involving an expenditure of greater than \$35,000 shall be bid on pursuant to General Municipal Law § 103, unless there is an applicable exception.

B. Where it is determined that competitive bidding is not required pursuant to the General Municipal Law, the basis of such determination shall be documented and kept with the documentation supporting that purchasing activity.

C. Where permissible and agreeable by the vendor, contracts procured may be made available for use by any state or other political subdivision or district therein.

Section 39-4. Procedure for procurement of goods, services and contracts not requiring competitive bidding.

The following methods and procedures shall be utilized for purchases where it is determined, pursuant to § 39-3 herein, that competitive bidding is not required, unless the purchase qualifies as an exception under § 39-6 herein or is contrary to law.

A. All estimated purchases of goods, supplies, equipment and professional services of:

(1) Up to \$1,500 (per fiscal year) of purchases: to be made at the discretion of an authorized purchaser.

(2) From \$1,500.01 to \$2,500: require at least one telephone or fax/written response to request for proposal or request for quote.

(3) From \$2,500.01 to \$5,000: requires at least two of any of the following: telephone or fax/written response to request for proposal, written quotation or verbal quotation.

(4) From \$5,000.01 to \$10,000: requires at least three of any of the following: written response to request for proposal, written quotation.

(5) From \$10,000.01 to \$20,000: requires at least three of any of the following: written response to request for proposal, written quotation, and also requires the prior express approval of the Town Board, except where such purchase has been approved by the Town Board via a specific line item in the budgeting process.

B. All estimated public work contracts of:

(1) Up to \$2,500 of purchases: to be made at the discretion of an authorized purchaser.

(2) From \$2,500.01 to \$10,000: requires at least one of any of the following: written response to request for proposal, written quotation or verbal quotation.

(3) From \$10,000.01 to \$20,000.00: requires at least two of any of the following: written response to request for proposal, written quotation or verbal quotation.

(4) From \$20,000.01 to \$35,000: requires at least three of any of the following: written response to request for proposal or written quotation, and also requires the prior express approval of the Town Board, except where such purchase has been approved by the Town Board via a specific line item in the budgeting process.

C. Inability to obtain quotes or locate qualified vendors for proposals: A good faith effort shall be made to satisfy the required number of quotes and/or proposals. However, if the purchaser is unable to satisfy the requirement for quotes and/or proposals, that purchaser shall document attempts made to meet that requirement. In no event shall the inability to meet the requirement for number of quotes and/or proposals be a bar to procurement where a good faith effort has been made by the purchaser.

D. Documentation required:

(1) Any request for proposal shall sufficiently describe the requirements of the contract or the desired goods, quantity of goods and particulars of delivery. The purchaser shall compile and keep a list of all vendors/service providers from whom written or verbal quotations have been received and/or requested.

(2) All information gathered in complying with the methods and/or procedures set forth in this chapter shall be preserved and filed with the documentation supporting the purchasing activity.

E. Payment. Claims for payment shall be audited by the Town Board pursuant to New York Town Law §119 prior to payment thereof.

F. Status. The Finance Department shall have KVS access available to departments for their clerks to process their monthly report to each department head, committee chair and board Chair, setting forth available budget monies and monthly expenses.

G. Tracking. The Finance Department shall have KVS access available to each department so their clerks can have and provide to their department head, board chair and committee chair documentation which tracks the progress of and completion of procurement expenditures.

H. Standardization. Upon resolution, the Town may standardize a particular contract by establishing, for example, a particular kind or brand of equipment, materials or supplies required for reasons of efficiency or economy. The basis for the standardization shall be set forth in such resolution.

Section 39-5. Award to lowest responsible bidder or on basis of best value.

A. Lowest responsible bidder. Unless awarded on the basis of best value, as further specified herein, where a purchase or contract is subject to competitive bidding, the lowest responsible quote shall be awarded unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

B. Best value. A contract may be awarded on the basis of best value for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) as authorized in § 103 of the General Municipal Law and as defined in § 163 of the State Finance Law, and as more specifically set forth below.

(1) Pursuant to the New York State Finance Law, "best value" shall be the contract which optimizes quality, cost and efficiency among responsive and responsible offers.

(2) Where a bid is awarded based upon best value, the basis for such award shall be documented and shall reflect, wherever possible, objective and quantifiable analysis.

Section 39-6. Exceptions; circumstances not requiring competitive bidding.

Except where directed by the Town Board or as specified herein, compliance with the competitive bidding process set forth in New York General Municipal Law shall not be required under the following circumstances (These circumstances shall be known as "exceptions" to this chapter.):

A. Acquisition of professional services.

B. Emergencies.

C. Procurement for which there is no viable alternative or competition, also known as "sole source" situations.

D. Goods purchased from agencies for the blind or severely handicapped.

E. Goods purchased from a correctional facility.

F. Goods purchased through a county contract.

G. Goods purchased through a state contract.

H. Goods purchased through another governmental agency, including federal, local governments, and schools or BOCES.

I. Goods purchased at an auction.

J. Surplus/secondhand materials, supplies and equipment from certain other governments.

K. Goods or contracts for which the expenditure is so little that solicitation of quotes would be cost prohibitive.

L. Where the requirement of quotes/proposals would violate New York Law.

M. Goods purchased for less than \$1,500.

N. Public Works contracts for less than \$2,500.

O. Piggybacking. The purchase of apparatus, materials, equipment and supplies, or a contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, all as more particularly set forth in General Municipal Law § 103(16).

(1) In order for this to qualify as a valid exception to competitive bidding, the underlying original contract must have been made available to other governmental agencies and must have been let to the lowest responsible bidder or via best value, consistent with New York General Municipal Law § 103(16).

now, therefore be it

RESOLVED that the Contract Procedures set forth herein be adopted by the Town Board and shall be followed by all Town employees, and be it further

RESOLVED that copies of this resolution be sent to all Town of Victor Department Heads, Rob Anderson, and David Hou.

81

RESOLUTION #  
AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH NABERHOOD RESTORATIONS FOR THE RESTORATION OF THE ABANDONED SCHOOL STREET PUMP HOUSE

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, including but not limited to contracts for legal, consulting, accounting, and engineering services prior to the execution of such contracts by the Town Supervisor; and

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

WHEREAS, Requests for Proposals (RFP's) were received on June 3, 2016 for the restoration of the Abandoned School Street Pump House, and were evaluated with respect to services provided and cost to the Town as follows:

Contractor	Brick Repair	Roof Repair	Door Repair	All Components
TSW Masonry	\$17,000.00			
GCC Contracting Group	\$13,222.00			
Heritage Masonry	\$10,500.00	\$8,750.00	\$2,500.00	\$ 21,750.00
Naberhood Restorations	\$10,500.00			

and

WHEREAS, Naberhood Restorations has been identified by the Town Historian as having the appropriate restoration skills needed for this project; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Naberhood Restorations for the restoration of the brickwork of the Abandoned School Street Pump House project, for a limited term of one year under the terms and conditions as provided in the 2016 Town of Victor Standard Agreement at a fee not to exceed Ten Thousand Five Hundred dollars (\$10,500.00), and is to be funded from a grant received from the Historic Preservation and Parkland Improvements Grant; and further be it

RESOLVED that a copy of this Resolution be forwarded to Naberhood Restorations, the Finance Department, the Town Historian, and the Town Clerk.

85

RESOLUTION #  
AUTHORIZATION FOR TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH THE  
NEW YORK STATE DEPARTMENT OF STATE FOR THE LOCAL GOVERNMENT  
EFFICIENCY GRANT CONTRACT #C1000614 FOR THE PUBLIC SAFETY/EMERGENCY  
SERVICES GRANT

WHEREAS, the New York State Department of State has allocated Twenty Four Thousand dollars (\$24,000.00) to the Town of Victor through a Local Government Efficiency Grant to be used towards the Public Safety/Emergency Services study currently being conducted by the Center for Government Research (CGR); and

WHEREAS, the New York State Department of State requires the Town to sign the Master Contract for Grants regarding the administration of the grant funds; now, therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor to enter into a contract with the New York State Department of State for the Local Government Efficiency Grant Contract #C1000614 for the Public Safety/Emergency Services study; and be it further

RESOLVED that a copy of this resolution be sent to Christopher Grant, New York State Department of State; Tina Kolaczyk, Debra Denz, and the Finance Office.

8k

**RESOLUTION #**  
**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CLEANING SERVICES**  
**AGREEMENT WITH ROCHESTER REHABILITATION**

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, Requests for Proposals (RFP's) for cleaning services were received on June 8, 2016, and were evaluated with respect to services provided and cost to the Town as follows:

Sheen and Shine, Rochester, NY (NYSID)	\$61,903.49
Rochester Rehabilitation, Rochester, NY (NYSID)	\$53,428.07
Spot On Cleaning Company, Canandaigua, NY (NYSID)	\$79,563.00
Beatty's Cleaning Services, New York, NY	\$57,743.98
Vanguard Cleaning, East Rochester, NY	\$58,950.00
Indoor Air Technologies, Victor, NY	\$67,120.00

And,

WHEREAS, it is recommended that Rochester Rehabilitation be hired to provide the cleaning services for Town buildings, effective from July 5, 2016 through July 5, 2017; and

WHEREAS, Rochester Rehabilitation has provided references for their cleaning services; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Rochester Rehabilitation for a limited term of one year under the terms and conditions as provided in the 2016-2017 contract at an annual fee not to exceed \$53,428.07 (fifty-three thousand four hundred twenty-eight dollars and seven cents) in effect from July 5, 2016 through July 5, 2017; and be it further

RESOLVED that Rochester Rehabilitation will provide the cleaning services to several Town buildings – Town Hall, Parks & Recreation, Town Courts, Highway Building, Recycle Office Building, and Parks Maintenance Building and the services will be charged to the following accounts:

Town Courts	A.1110.400	
Highway Building	DB.5110.400/DB.5142.400	
Recycle Office Building	A.8160.400	
Parks & Recreation Building	A.7021.400	
Town Hall	A.1620.400	

And be it further

RESOLVED that a copy of this Resolution be forwarded to Rochester Rehabilitation, the Finance Department, Deb Denz, Victor Town Courts, Parks & Recreation, the Highway Superintendent, and the Human Resources Department.

82

RESOLUTION #

AWARD OF RFP#204 COLACINO INDUSTRIES INC FOR CONSTRUCTION SERVICES FOR PUMP STATION 18 ELECTRICAL UPGRADE

WHEREAS, on May 5, 2016 the Town Engineer solicited RFP's for the service upgrade of the Victor Pump Station 18 (8 High Street); and

WHEREAS, the Town Engineer received three (3) quotes on May 23, 2016 as follows:

Colacino Industries, Inc.	\$26,899.47
Blackmon - Farrell Electric, Inc.	\$28,100.00
Hewitt Young Electric LLC	\$34,330.00

and;

WHEREAS, the Town Board has authorized this expenditure using funds from the 2016 Budget line item SS.8120.400 Sanitary Sewers Contractual; and

WHEREAS, the Town Engineer has reviewed the quotes and found no discrepancies in the quotes; now, therefore, be it

RESOLVED that Colacino Industries, Inc. meets all specifications as defined in the RFP documents; and, further

RESOLVED that Colacino Industries, Inc. is awarded the quote at a cost not to exceed Twenty Six Thousand Eight Hundred Ninety Nine dollars and Forty Seven cents (\$26,899.47) for the improvements that principally consist of the upgrade to the electrical service of Victor Pump Station 18 at 8 High Street, said funds are available in the 2016 Budget line item SS.8120.400 Sanitary Sewers Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Dave Degear, Farmington Sewer Superintendent; Steve Metzger, LaBella Associates; Gloria Dunton, Fiscal Manager; Debra Denz, Town Clerk; and Colacino Industries, Inc.

8m

RESOLUTION #  
APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY  
WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC  
AUTHORITIES LAW - 7134 & 7136 CHALLENGER CIRCLE

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to 7134 and 7136 Challenger Circle located, in the town of Victor; and

WHEREAS, the acquisition of one (1) easements is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easement, is located along the common property line of 7134 and 7136 Challenger Circle (Tax Acct. Nos. 6.20-1-106.100 and 6.20-1-105.400), which are owned by The Fairways Townhomes, LLC, and is approximately 20' x 13 on the Challenger Circle frontage respectively as shown on Schedule "B"; and

WHEREAS, the acquisition is necessary to allow for the operation, maintenance and future replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to this property and the property owner has agreed to voluntarily grant the easement to the Water Authority; and

WHEREAS, §1096(6-a) of New York's Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisition by the Town Board; now, therefore, be it

RESOLVED, that the Town hereby approves of the Water Authority's voluntary acquisition of easements over 7134 and 7136 Challenger Circle (Tax Acct. Nos. 6.20-1-106.100 and 6.20-1-105.400) in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

RESOLVED, that a copy of the filed easement be forwarded to the Victor Town Clerk; and further

RESOLVED, that a copy of this resolution be provided to Margo Brownlie, Monroe County Water Authority; Kenneth Wilson, Town of Victor Stormwater Management Officer; Wayne Pickering, Town Assessor; Town Attorney, Mark Years, Highway Superintendent; and Debra Denz, Town Clerk.

8N

RESOLUTION #  
APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH CECI,  
LLC – 830 CANNING PARKWAY

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and CECI, LLC (“CECI”) in Ontario County (Index numbers 2013-109884, 2014-111364 and 2015-112814) for the 2013-14, 2014-15 and 2015-16 tax years entitled *CECI, LLC v. The Assessor, et al.*, relating to property owned by CECI located at 830 Canning Parkway (“property”) in the Town of Victor (“actions”); and

WHEREAS, the property was assessed at One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) for the 2013, 2014 and 2015 tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2013, 2014 and 2015 actions be settled by discontinuing all the actions and reducing only the 2015-16 assessment on the referenced property to One Million One Hundred Thousand dollars (\$1,100,000.00); and

WHEREAS, CECI will be entitled to refunds of the taxes collected on the original 2015 assessment, which is One Hundred Eighty Thousand dollars (\$180,000.00) higher than the revised 2015 assessment.

WHEREAS, as a result of this settlement and the application of Real Property Tax Law §727, the assessment on the property will remain at One Million One Hundred Thousand dollars (\$1,100,000.00) through 2018, absent any statutory exceptions; and it is therefore

RESOLVED that the Town Board approves a settlement of the 2013, 2014 and 2015 actions in which the 2013, 2014 and 2015 action will be discontinued and the assessment on the property for only the 2015-16 tax year will be reduced from One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) to One Million One Hundred Thousand dollars (\$1,100,000.00) and CECI will be entitled to collect refunds on the revised 2015 assessment; and

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2013, 2014 and 2015 actions will be discontinued and the 2015-16 assessment will be reduced to One Million One Hundred Thousand dollars (\$1,100,000.00) and, if no statutory exceptions are triggered, will remain at One Million One Hundred Thousand dollars (\$1,100,000.00) for the 2016, 2017 and 2018 tax years; and be it further

RESOLVED that the Town Supervisor and attorneys for the Town are authorized to execute all documents necessary to effectuate the referenced settlements; and be it further

RESOLVED that a copy of this Resolution be forwarded to the attorneys for the Town, Assessor Wayne Pickering, the Victor Central School District, the Ontario County Department of Real Property Tax Services and Town Clerk Debra Denz.

80

RESOLUTION #

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP II LLC  
(NETLINK) - 7670-7676 NETLINK DRIVE

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and VHCP II (Netlink) ("Netlink") in Ontario County (Index numbers 2011-106737, 2012-108261, 2013-109885, 2014-111363 and 2015-112812) for the 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16 tax years entitled *VHCP II LLC (Netlink) v. The Assessor, et al.*, relating to property owned by Netlink located at 7670-7676 Netlink Drive (the "Subject Property") in the Town of Victor ("actions"); and

WHEREAS, the property was assessed at One Million Four Hundred Thousand dollars (\$1,400,000.00) for the 2011 tax year and at One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) for the 2012, 2013, 2014 and 2015 tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2011, 2012, 2013, 2014 and 2015 actions be settled by discontinuing all actions and reducing only the 2011-12 assessment on the property from One Million Four Hundred Thousand dollars (\$1,400,000.00) to One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) with no change to the 2012, 2013, 2014 and 2015 assessments of the Subject property; and

WHEREAS, Netlink is entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced assessment; it is therefore

RESOLVED that the Town Board approves a settlement of the 2011, 2012, 2013, 2014 and 2015 actions in which the assessment on the property for the 2011-12 tax year will be reduced from One Million Four Hundred Thousand dollars (\$1,400,000.00) to One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) with no change to the 2012, 2013, 2014 and 2015 assessments, and Netlink will be entitled to only collect refunds of taxes paid that were in excess of the taxes that would have been due on the 2011 reduced assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the Court, the 2011-12 assessment will be reduced to One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) with no change to the 2012, 2013, 2014 and 2015 assessments of the Subject Property; and be it further

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

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

8P

RESOLUTION #

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP II LLC (NETLINK) - 820 PHILLIPS ROAD

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and VHCP II (Netlink) ("Netlink") in Ontario County (Index Numbers 2013-109885, 2014-111363 and 2015-112812) for the 2013-14, 2014-15 and 2015-16 tax years entitled *VHCP II LLC (Netlink) v. The Assessor, et al.*, relating to property owned by Netlink located at 820 Phillips Road (the "property") in the Town of Victor ("actions"); and

WHEREAS, the property was assessed at One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00) for the 2013, 2014 and 2015 tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2013, 2014 and 2015 actions be settled by discontinuing all actions and reducing the 2013-14, 2014-15 and 2015-16 assessments on the property from One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00) to One Million Two Hundred Thousand dollars (\$1,200,000.00); and

WHEREAS, Netlink is entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced assessments; it is therefore

RESOLVED that the Town Board approves a settlement of the 2013, 2014 and 2015 actions in which the assessment on the property for the 2013-14, 2014-15 and 2015-16 tax years will be reduced from One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00) to One Million Two Hundred Thousand dollars (\$1,200,000.00), and Netlink will be entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced One Million Two Hundred Thousand dollars (\$1,200,000.00) assessments; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the Court, the 2013-14, 2014-15 and 2015-16 assessments will be reduced to One Million Two Hundred Thousand dollars (\$1,200,000.00); and be it further

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

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

82

RESOLUTION #

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH DIFELICE LANDS LLC, DIFELICE STRUCTURES LLC, PFM ENTERPRISES LLC, ROUTE 96 PROPERTIES LLC, DIFELICE ASSOCIATES LP, VHP LLC, 51 VHP LLC, 833 PHILLIPS LLC and AUBURN HILLS LLC

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and DiFelice Lands LLC, DiFelice Structures LLC, PFM Enterprises LLC, Route 96 Properties LLC, DiFelice Associates LP, VHP LLC, 51 VHP LLC, 833 Phillips LLC and Auburn Hills LLC ("DiFelice") in Ontario County (Index numbers 2012-108296, 2013-109877, 2014-111325 and 2015-112840) for the 2012-13, 2013-14, 2014-15 and 2015-16 tax years entitled *DiFelice Lands LLC, et al. v. Town of Victor Assessor, et al.*, relating to property listed below owned by DiFelice (the "Subject Property) in the Town of Victor ("actions"); and

WHEREAS, the Subject Property was assessed at the amounts listed below for the relevant tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2012, 2013, 2014 and 2015 actions be settled and that most properties receive no reduction in assessment and that three (3) parcels receive only a prospective reduction without refunds; and

WHEREAS, the assessor recommends that the assessments of the parcels set forth below be reduced as set forth below and Petitioners have agreed to waive all refunds that would have been due as a result of these adjustments; and

Owner	Address [Tax ID #]	Original Assessed Values for 2012, 2013, 2014 and 2015	Revised Assessed Values for 2012, 2013, 2014 and 2015
51 VHP LLC	51 Victor Heights Parkway [15.01-1-36.000]	\$1,600,000.00	\$1,432,500.00
VHP, LLC	75 Victor Heights Parkway [15.01-1-35.400]	\$775,000.00	\$745,000.00
DiFelice Structures LLC	91 Victor Heights Parkway [15.01-1-24.000]	\$330,000.00	\$300,000.00

WHEREAS, the terms of RPTL §727 shall apply to these assessments to hold the assessments for 2016, 2017 and 2018, even if the Town conducts a town-wide revaluation; and

WHEREAS, the assessments of the parcels set forth below shall remain the same and the terms of RPTL §727 shall apply holding these assessments for 2016, 2017 and 2018, even if the Town conducts a town-wide revaluation; and

Owner	Address [Tax ID #]	Original Assessed Values for 2012, 2013, 2014 and 2015	Revised Assessed Values for 2012, 2013, 2014 and 2015
DiFelice Lands LLC	61 Victor Heights Parkway [15.01-1-35.100]	\$115,000.00	\$115,000.00
833 Phillips LLC	7624 State Route 251 [15.01-1-44.000]	\$175,000.00	\$175,000.00
833 Phillips LLC	833 Phillips Road [15.01-1-43.000]	\$1,300,000.00	\$1,300,000.00

Continued

<b>Owner</b>	<b>Address [Tax ID #]</b>	<b>Original Assessed Values for 2012, 2013, 2014 and 2015</b>	<b>Revised Assessed Values for 2012, 2013, 2014 and 2015</b>
DiFelice Lands LLC	716 Ashford Way [15.02-1-42.000]	\$78,700.00	\$78,700.00
Route 96 Properties LLC	Break of Day Road [28.04-1-13.100]	\$70,000.00	\$70,000.00
Route 98 Properties LLC	Break of Day Road [28.04-1-14.000]	\$61,000.00	\$61,000.00
DiFelice Lands LLC	7600 State Route 251 [15.01-1-39.000]	\$100,000.00	\$100,000.00
PFM Enterprises LLC	963 Oak Ridge Drive [15.03-2-8.000]	\$248,000.00	\$248,000.00
PFM Enterprises LLC	7472 State Route 251 [15.01-1-26.100]	\$145,000.00	\$145,000.00

WHEREAS, the assessments of the parcels set forth below shall remain unchanged and RPTL §727 shall not apply to hold these assessments in the future; and it is therefore

<b>Owner</b>	<b>Address</b>	<b>Tax ID #</b>
PFM Enterprises LLC	5998 State Route 96	29.11-1-21.100
PFM Enterprises LLC	5696 State Route 96	29.00-2-14.000
Route 96 Properties LLC	6527 Anthony Drive	28.00-1-49.330
Route 96 Properties LLC	6532 Anthony Drive	28.00-1-49.311
Route 96 Properties LLC	6534 Anthony Drive	28.00-1-49.311
Route 96 Properties LLC	6535 Anthony Drive	28.00-1-49.340
Route 96 Properties LLC	6536 Anthony Drive	28.00-1-49.311
Route 96 Properties LLC	6543 Anthony Drive	28.04-1-49.351
Route 96 Properties LLC	6548 Anthony Drive	28.02-1-49.390
Route 96 Properties LLC	Break of Day Road	28.04-1-14.100
Route 96 Properties LLC	Break of Day Road	28.04-1-13.000
Auburn Hills LLC	Modock Road (Ph. 2)	27.00-1-10.200
Auburn Hills LLC	Modock Road (Ph. 2)	27.00-1-11.110
Auburn Hills LLC	Modock Road (Ph. 2)	27.00-1-11.111
Auburn Hills LLC	Modock Road (Ph. 1)	27.00-1-11.120
Auburn Hills LLC	State Route 251 (Ph. 1)	15.03-3-100.000
Auburn Hills LLC	1046 Warters Cove	15.03-3-30.000
Auburn Hills LLC	1044 Warters Cove	15.03-3-29.000
Auburn Hills LLC	1042 Warters Cove	15.03-3-28.000
Auburn Hills LLC	1040 Warters Cove	15.03-3-27.000
Auburn Hills LLC	1038 Warters Cove	15.03-3-26.000
Auburn Hills LLC	1005 Warters Cove	15.03-3-25.000
Auburn Hills LLC	1007 Warters Cove	15.03-3-24.000
Auburn Hills LLC	1009 Warters Cove	15.03-3-23.000
Auburn Hills LLC	1011 Warters Cove	15.03-3-22.000
Auburn Hills LLC	1013 Warters Cove	15.03-3-21.000
Auburn Hills LLC	1015 Warters Cove	15.03-3-20.000
Auburn Hills LLC	1010 Warters Cove	15.03-3-19.000
Auburn Hills LLC	1006 Warters Cove	15.03-3-18.000
Auburn Hills LLC	1032 Warters Cove	15.03-3-17.000

Continued

<b>Owner</b>	<b>Address</b>	<b>Tax ID #</b>
Auburn Hills LLC	1006 Warters Cove	15.03-3-18.000
Auburn Hills LLC	1032 Warters Cove	15.03-3-17.000
Auburn Hills LLC	1018 Warters Cove	15.03-3-16.000
Auburn Hills LLC	1026 Warters Cove	15.03-3-15.000
Auburn Hills LLC	1021 Warters Cove	15.03-3-14.000
Auburn Hills LLC	1023 Warters Cove	15.03-3-13.000
Auburn Hills LLC	1025 Warters Cove	15.03-3-12.000
Auburn Hills LLC	1026 Warters Cove	15.03-3-15.000
Auburn Hills LLC	1027 Warters Cove	15.03-3-11.000
Auburn Hills LLC	1029 Warters Cove	15.03-3-10.000
Auburn Hills LLC	1031 Warters Cove	15.03-3-9.000
Auburn Hills LLC	1033 Warters Cove	15.03-3-8.000
Auburn Hills LLC	1035 Warters Cove	15.03-3-7.000
Auburn Hills LLC	1039 Warters Cove	15.03-3-6.000
Auburn Hills LLC	1041 Warters Cove	15.03-3-5.000
Auburn Hills LLC	1043 Warters Cove	15.03-3-4.000
Auburn Hills LLC	1045 Warters Cove	15.03-3-3.000
Auburn Hills LLC	1047 Warters Cove	15.03-3-2.000
Auburn Hills LLC	1049 Warters Cove	15.03-3-1.000

RESOLVED that the Town Board approves a settlement of the 2012, 2013, 2014 and 2015 actions in which certain assessments on the Subject Property will be reduced without refunds and RPTL §727 shall apply, and the assessments of other parcels will remain the same and RPTL §727 shall apply and the assessment of other parcels will remain the same and RPTL §727 shall not apply, all as set forth above; and be it further

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the assessments of the Subject Property will be reduced or remain the same as set forth above; and be it further

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

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

8R

RESOLUTION #  
APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP, LLC -  
7612 COUNTY ROAD 42

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and VHCP, LLC ("VHCP") in Ontario County (Index number 2015-112815) for the 2015-16 tax year entitled *VHCP, LLC v. The Assessor, et al.*, relating to property owned by VHCP located at 7612 County Road 42 (the "property") in the Town of Victor ("action"); and

WHEREAS, the property was assessed at Eight Hundred Twenty Five Thousand dollars (\$825,000.00) for the 2015 tax year; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2015 action be settled by discontinuing the action and reducing the 2015-16 assessment on the property from Eight Hundred Twenty Five Thousand dollars (\$825,000.00) to Seven Hundred Seventy Five Thousand dollars (\$775,000.00); and

WHEREAS, VHCP is entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced assessment; it is therefore

RESOLVED that the Town Board approves a settlement of the 2015 action in which the assessment on the property for the 2015-16 tax year will be reduced from Eight Hundred Twenty Five Thousand dollars (\$825,000.00) to Seven Hundred Seventy Five Thousand dollars (\$775,000.00), and VHCP will be entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced assessment; and

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2015-16 assessment will be reduced to Seven Hundred Seventy Five Thousand dollars (\$775,000.00); and be it further

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

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

89

RESOLUTION #

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 783 DUCK HOLLOW (TAX MAP #16.07-1-5.00) TO ALLOW A FENCE TO ENCROACH ONTO THE TOWN'S UTILITY EASEMENTS

WHEREAS, Christian T. Donovan and Lisa Donovan are the record owners of the premises at 783 Duck Hollow, Tax Map #16.07-1-5.00, (the "Premises") in the Town of Victor; and

WHEREAS, owners of the Premises desire to construct a fence on said Premises; and

WHEREAS, the Town is the owner of two utility easements, as shown on the Utility Easement recorded on October 16, 2001 in the Ontario County Clerk's Office in Book 01064 of Deeds at page 0442 which utility easements are situated along the western and eastern boundaries of the Property ten (10) feet wide on each side of the Property as shown on Map #25633 filed in the Ontario County Clerk's Office ("Easements"); and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement to allow a portion of the proposed fence to encroach into the Utility Easements, to be recorded with the Ontario County Clerk's Office; now, therefore, be it

RESOLVED that, upon approval of the License and Hold Harmless Agreement by the attorneys for the Town, the Supervisor is authorized to execute the License and Hold Harmless Agreement with Christian T. Donovan and Lisa Donovan to allow the proposed fence to encroach into the Utility Easements; and further be it

RESOLVED that a copy of this Resolution be provided to the Town Building Department, Debra Denz, and Christian and Lisa Donovan.

8T

RESOLUTION #  
AUTHORIZATION FOR SUPERVISOR TO EXECUTE A PERMANENT UTILITY EASEMENT  
WITH RG&E

WHEREAS, the Rochester Gas and Electric Corporation ("RG&E") desires and has deemed it necessary to extend existing utility facilities to presently unserved residential parcels; and

WHEREAS, RG&E desires and has deemed it necessary to extend said existing utility facilities under a strip of land on premises known as County Road 9; Tax ID No. 1.03-1-53.00 owned by the Town of Victor (the "Town") and located within the Town; and

WHEREAS, to complete the placement and to secure the future maintenance of said utility facilities, RG&E has also deemed it necessary to obtain an easement over the Property, said easement being identified in the proposed Utility Easement ("Easement") attached hereto; and

WHEREAS, the Town Engineer has reviewed and approved the proposed Easement; and

WHEREAS, the attorneys for the Town have reviewed the proposed Easement provided by RG&E and have determined that any potential divestiture of property rights is de minimus in light of the size of the Easement area and that said utility facilities will be primarily located underground, and that it is therefore acceptable in form and substance and meets the Town's needs in all important respects; and

WHEREAS, the Town Board concludes that RG&E's extension of its utility facilities will benefit the residents of the Town of Victor as it will improve and expand necessary utility services to currently unserved properties; now, therefore, be it

RESOLVED that the Town Supervisor is authorized to execute the Utility Easement with RG&E; and further

RESOLVED that copies of this resolution be forwarded to the Town Engineer, RG&E, and the Town Clerk.

8U

RESOLUTION #  
SET PUBLIC HEARING – LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-3B ENTITLED “GENERAL REGULATIONS FOR LAND USE,” AND SECTION 211-24C(8) ENTITLED “LIGHT INDUSTRIAL DISTRICT REGULATIONS,” TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES

WHEREAS, the Town Board has identified the need to amend the Victor Town Code by at Chapter 211-3B and Chapter 211-24C(8) in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures; and

WHEREAS, the Attorneys for the Town of Victor have submitted draft amendments of said Local Law to the Town Board and said draft Local Law amendments are on file with the Town Clerk; and

WHEREAS, the Town Board seeks to set a public hearing with respect to the adoption of said local law; now, therefore, be it

RESOLVED, by the Victor Town Board that a Public Hearing shall be had on the 27<sup>th</sup> day of June, 2016, at 7:30 p.m., for the purpose of adopting a local law to amend the Victor Town Code at Chapter 211-3B and Chapter 211-24C(8) in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to refer the Local Law to the Ontario County Planning Board pursuant to NY General Municipal Law Section 239-m; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law; and be it further

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

8V

RESOLUTION #  
SET PUBLIC HEARING - LOCAL LAW NO. \_\_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE  
AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED  
DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS"

WHEREAS, on or about March 3, 2016, the Town of Victor received an application (the "Application") from Mitchell Design Build seeking to amend the Eastview Commons Planned Development District at Tax Map # 6.00-1-3.100 commonly known as 7607 Commons Blvd., (the "Property"); and

WHEREAS, the Applicant seeks to amend the PDD to generally allow for the construction and operation of a self-storage facility as well for the relocation of business offices related to its small business; and

WHEREAS, after review by the Town Attorney and Town Engineer and after advisement by the same, the Victor Town Board has determined that the Application is complete; and

WHEREAS, the Victor Town Board has referred the Application to the Victor Planning Board and the Ontario County Planning Board; and

WHEREAS, the Application has preliminarily been determined as an Unlisted Action and the Town Board will address SEQR with respect to this Application; and

WHEREAS, the Town Attorney has prepared draft Local Law No. \_\_\_\_ - 2016 to amend the Town Code at Chapter 211 entitled "Zoning" in order to modify the Planned Development District Known as "Eastview Commons;" and

WHEREAS, the Attorney for the Town has submitted a draft of said Local Law to the Town Board; said draft Local Law is on file with the Town Clerk; now, therefore, be it

RESOLVED, by the Town Board of the Town of Victor that a Public Hearing shall be held on the 27<sup>th</sup> day of June, 2017, at 7:30 p.m., for the purpose of considering the adoption of Local Law No. \_\_\_\_ - 2016 to amend the Town Code at Chapter 211 entitled "Zoning" in order to modify the Planned Development District Known as "Eastview Commons;" and be it further

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

RESOLVED, that a copy of this resolution and draft Local Law be forwarded to the Town Engineer, the Town Attorney, the Town Clerk, the Victor Town Planning Board and the Owner; and be it further

RESOLVED, that a copy of the Application and proposed Local Law be forwarded to the County Planning Board pursuant to General Municipal Law Section 239-m.