

**VICTOR TOWN BOARD MEETING  
MONDAY, SEPTEMBER 12, 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. ACCEPTANCE OF ESCROW- EAST VICTOR ROAD SUBDIVISION, GRADING ONLY (Debra Denz)
- B. LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 5 (Debra Denz)
- C. TUSCANY HILLS SUBDIVISION, LETTER OF CREDIT, RELEASE 2 (Debra Denz)
- D. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS (Mike Stockman)
- E. AUTHORIZATION TO ENTER INTO AGREEMENT WITH CAROL MANCINI FOR RECREATION PROGRAM (HEALTHY EATING COURSES) (Mike Stockman)
- F. AUTHORIZATION TO ENTER INTO AGREEMENT WITH COLLAVANNI INTERNATIONAL DBA COLORING ON CANVAS FOR RECREATION PROGRAM (PAINTING AND JEWELRY MAKING) (Mike Stockman)
- G. AUTHORIZATION TO APPOINT MARTIN AVILA TO THE POSITION OF CODE ENFORCEMENT OFFICER FOR THE PLANNING & BUILDING DEPARTMENT (Tina Kolaczyk)
- H. AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH VICTOR PEST MANAGEMENT SERVICES (Tina Kolaczyk)
- I. AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR TOWN PROFESSIONAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAMS (Tina Kolaczyk)
- J. AUTHORIZATION FOR SALARY INCREASE FOR SHELDON (SCOTT) HOPKINS (Tina Kolaczyk)
- K. AMEND RESOLUTION NO. 335-16 - AUTHORIZATION TO ENTER INTO SNOW PLOW AGREEMENTS 2016 (LIABILITY WAIVER) (Mark Years)
- L. AMEND THE TOWN OF VICTOR LIABILITY AGREEMENT POLICY FOR SNOW PLOWING TO CLARIFY THE SLIDING FEE SCALE (Mark Years)
- M. INTERMUNICIPAL COOPERATION AGREEMENT FOR ENHANCED LAW ENFORCEMENT SERVICES WITH TOWN OF VICTOR (Jack Marren)

- N. AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 6298 KIMS DRIVE (TAX MAP # 16.00-1-37.211) TO ALLOW A SHED TO ENCROACH ONTO THE TOWN'S EASEMENTS (Jack Marren)
- O. AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PORTION OF REAL PROPERTY LOCATED AT 8037 MAIN STREET FISHERS (Jack Marren)
- P. APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 7500 STATE ROUTE 251 (Jack Marren)
- Q. TOWN OF VICTOR SEQR – DETERMINATION OF SIGNIFICANCE - AUBURN TRAIL SANITARY SEWER PUMP STATION AND FORCE MAIN (Jack Marren)
- R. ADOPTION OF PROPOSED JOINT CONSOLIDATION AGREEMENT FOR THE EAST VICTOR ROAD PROPERTY SEWER DISTRICT (Jack Marren)
- S. REVISE THE BENEFIT FORMULA USED TO CALCULATE AND COLLECT THE SEWER CAPITAL RECOVERY CHARGE FOR THE CONSOLIDATED SEWER DISTRICT (Wayne Pickering)
- T. REVISE THE SPECIAL ASSESSMENT BENEFIT FORMULA FOR THE TOWN OF VICTOR CENTRAL WATER DISTRICT (Wayne Pickering)
- U. SET PUBLIC HEARING - 2016 SPECIAL ASSESSMENT ROLL TO COLLECT SEWER DISTRICT CAPITAL RECOVERY CHARGE, SEWER DISTRICT CAPITAL IMPROVEMENT COSTS, LIGHTING DISTRICT O&M COSTS AND CENTRAL WATER DISTRICT CAPITAL IMPROVEMENT COSTS BASED ON BENEFIT FORMULAS (Jack Marren)
- V. SET PUBLIC HEARING – RELATING TO THE APPROVAL OF THE FRONTIER TELEPHONE OF ROCHESTER, INC. CABLE FRANCHISE AGREEMENT (Jack Marren)

8A

RESOLUTION #

ACCEPTANCE OF ESCROW- EAST VICTOR ROAD SUBDIVISION, GRADING ONLY

WHEREAS, BRW of Greece, LLC received Planning Board approval for East Victor Road Subdivision, Grading Only, with the condition that a form of surety be submitted to cover the cost of infrastructure, some of which will be dedicated to the town; and,

WHEREAS, it is the desire of BRW of Greece, LLC to enter into an escrow agreement with the Town of Victor in favor of the Town of Victor as a form of surety as prescribed for in Section 184-14 Section C (9)(b)(c) of the Town of Victor Subdivision Regulations in lieu of a letter of credit; and

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineer fee and has recommended a surety totaling \$248,598.29; and,

WHEREAS, BRW of Greece, LLC has submitted Canandaigua National Bank and Trust Company Escrow Account in favor of the Town of Victor in the amount of \$248,598.29 as recommended by the Town Engineer; now, therefore, be it

RESOLVED that the Victor Town Board hereby authorizes the Supervisor of the Town of Victor to enter into an Escrow Agreement as described above; and further

RESOLVED that a copy of this resolution be forwarded to Codes & Development, the Engineer for the Town, and BRW of Greece, LLC.

8B

RESOLUTION #329

LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 5

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. 5 dated August 22, 2016 and recommends in his letter September 1, 2016 that \$73,772.94, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 5 on the Five Star Bank Irrevocable Letter of Credit No. 7002054929 in the amount of \$73,772.94, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$220,902.67 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.

8C

RESOLUTION #  
TUSCANY HILLS SUBDIVISION, LETTER OF CREDIT, RELEASE 2

WHEREAS, Affronti Development LLC, received Planning Board approval for Tuscan Hills Subdivision, 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. 380 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 July 19, 2016 and recommends in his letter August 30, 2016 that \$251,003.35, 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. 2 on the Lyons National Bank Irrevocable Letter of Credit No. 380 in the amount of \$251,003.35, minus engineering and inspection fees, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$193,301.81 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.

81

RESOLUTION #  
REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

WHEREAS, the Town Board adopted the Town's Contract Process Resolution on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>
Collavanni International	Coloring on Canvas/Jewelry	7891 Lehigh Crossing	70%- 30%	December 31, 2017
Carol Mancini	Healthy Eating and other health courses	7891 Lehigh Crossing	70%- 30%	December 31, 2017

Now, therefore be it

RESOLVED that the Town Board grants the Certificate of Liability Waivers for the following service providers:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>
Collavanni International	Coloring on Canvas/Jewelry	7891 Lehigh Crossing	70%- 30%	December 31, 2017
Carol Mancini	Healthy Eating and other health courses	7891 Lehigh Crossing	70%- 30%	December 31, 2017

And be it further

RESOLVED that a copy of this resolution be sent to Debra Denz, Town Clerk; Brian Emelson, Director of Parks and Recreation; Mary Lyng, Finance Department; Carol Mancini, and Collavanni International.

8E

RESOLUTION #

AUTHORIZATION TO ENTER INTO AGREEMENT WITH CAROL MANCINI FOR RECREATION PROGRAM (HEALTHY EATING COURSES)

WHEREAS, the Department of Parks and Recreation seeks to offer Healthy Eating and other health courses for adults; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Carol Mancini to provide Healthy Eating and other health courses for adults with the Town receiving 30% of the registration revenue; now therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Carol Mancini to provide Healthy Eating and other health courses for adults with the Town receiving 30% of the registration revenue; and further

RESOLVED, that a copy will be forwarded to Michael Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Town Accountant; Debra Denz, Town Clerk; and Carol Mancini.

8F

AUTHORIZATION TO ENTER INTO AGREEMENT WITH COLLAVANNI INTERNATIONAL  
DBA COLORING ON CANVAS FOR RECREATION PROGRAM (PAINTING AND JEWELRY  
MAKING)

WHEREAS, the Department of Parks and Recreation seeks to offer painting and jewelry making for adults and children; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Collavanni International dba Coloring on Canvas to provide painting and jewelry making for adults and children with the Town receiving 30% of the registration revenue; now therefore , be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Collavanni International dba Coloring on Canvas to provide painting and jewelry making; and further

RESOLVED, that a copy will be forwarded to Michael Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Town Accountant; Debra Denz, Town Clerk; and Collavanni International.

89

RESOLUTION #

AUTHORIZATION TO APPOINT MARTIN AVILA TO THE POSITION OF CODE ENFORCEMENT OFFICER FOR THE PLANNING & BUILDING DEPARTMENT

WHEREAS, the Town of Victor created the position of Code Enforcement Office by Resolution #410-15 on December 28, 2015; and

WHEREAS the List of Eligibles for the Code Enforcement Officer position was received from the Ontario County Human Resources Office on July 13, 2016; and

WHEREAS, the candidates were interviewed on August 10, 2016 by an interview committee consisting of Katie Evans, Director of Planning & Building; Alan Benedict, Code Enforcement Officer; Sean McAdoo, Code Enforcement Officer; Kimberly Kinsella, Planning & Building Project Coordinator; and Tina Kolaczyk, Human Resources; and

WHEREAS, it was decided by the interview team that Martin Avila possesses the qualifications necessary to fill this position; now, therefore be it

RESOLVED, that Martin Avila be appointed to the position of Code Enforcement Officer for the Town of Victor Planning & Building Department at a Grade 5, step A hourly rate salary of Twenty Three dollars and Fifty cents (\$23.50), and is to be funded from the 2016 Town Budget Line Item #B.3620.100 Building Safety Inspection Personal Services, with a starting date of September 19, 2016; and be it further

RESOLVED, that a copy of this resolution be forwarded to Katie Evans, Martin Avila, Tina Kolaczyk, Mary Lyng, Debra Denz, and the Ontario County Department of Human Resources.

84

RESOLUTION #  
AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH  
VICTOR PEST MANAGEMENT SERVICES

WHEREAS, the Town of Victor has the need to have regular pest inspections and management at all Town buildings; and

WHEREAS, Victor Pest Management has been providing this service to the Town and has submitted a proposal to the Town Clerk to conduct these inspections from October 1, 2016 to September 30, 2018; and

WHEREAS, the Town Clerk recommends that the pest inspection and management contract be awarded to Victor Pest Management, in an amount not to exceed Three Thousand Eight Hundred Ten dollars (\$3,810.00) per year for standard inspections for a 2-year period, effective from October 1, 2016 to September 30, 2018; and

WHEREAS, the expense of the Service Contract for the pest management inspection service is funded in the 2016 Budget Line Item for each department using these services; now, therefore, be it

DEPARTMENT	ACCOUNT	COST
Highway	A5132.400 Highway Superintendent Contractual	\$494.00
Recycle	A8160.400 Refuse & Garbage Contractual	\$770.00
Parks &	A7021.400 Parks & Recreation Department	\$1,216.00
Town Hall	A1620.400 Building Contractual	\$665.00
Town Court	A1110.400 Justice Contractual	\$665.00

RESOLVED, that the Supervisor be authorized to enter into contract with Victor Pest Management, in an amount not to exceed Three Thousand Eight Hundred Ten dollars (\$3,810.00) per year for standard inspections for a 2-year period, effective from October 1, 2016 to September 30, 2017, and said funds are available in the 2016 Budget Line Item for each department using these services; and be it further

RESOLVED that a copy of this resolution be forwarded to the Finance Dept, Town Clerk, and Victor Pest Management.

8I

RESOLUTION #

AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR TOWN  
PROFESSIONAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAMS

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, the contract for Employee Assistance Services expires on October 31, 2016; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to solicit proposals for Employee Assistance Programs and further

RESOLVED that a copy of this Resolution be forwarded to the Town Clerk and Human Resources.

85

RESOLUTION #

AUTHORIZATION FOR SALARY INCREASE FOR SHELDON (SCOTT) HOPKINS

WHEREAS, Sheldon (Scott) Hopkins was appointed as Safety Regulations Officer for the Town of Victor on January 4, 2016 by Resolution #36-16; and

WHEREAS, Sheldon (Scott) Hopkins will be moving from a Full-Time Motor Equipment Operator into the Full-Time Safety Regulations Officer position effective October 1, 2016; and

WHEREAS, this position will report to the Human Resources Department; and

WHEREAS, the Town Board wishes to increase Sheldon (Scott) Hopkins' salary to a Grade 6, Step C rate of Twenty Eight dollars and Twenty Nine cents (\$28.29)/hour commensurate with the responsibilities of his new position, to be taken out of the 2016 Town Budget Line Item #A.13620.100 Safety Committee Personal Services; now, therefore be it

RESOLVED that Sheldon Hopkins' salary be increased to a Grade 6, Step C rate of Twenty Eight dollars and Twenty Nine cents (\$28.29)/hour to be taken out of the 2016 Town Budget Line Item #A.13620.100 Safety Committee Personal Services, and be it further

RESOLVED that a copy of this resolution be forwarded to Human Resources, Mary Lyng, Finance Department; Debra Denz, Town Clerk; and Sheldon (Scott) Hopkins.

8K

RESOLUTION #

AMEND RESOLUTION NO. 335-16 - AUTHORIZATION TO ENTER INTO SNOW PLOW AGREEMENTS 2016 (LIABILITY WAIVER)

WHEREAS, Resolution No. 335-16 was adopted on August 22, 2016 authorizing the Supervisor to enter into Snow Plow Agreements (Liability Waivers); and

WHEREAS, an error was made on the year for the agreement with Antonelli Development, LLC for Anton Rise; and

WHEREAS, an agreement will not be made with Rainbros Associates, LLC; now, therefore, be it

RESOLVED that the following correction to Resolution No. 335-16 be made:

DEVELOPER	SUBDIVISION	STREET NAME	YEAR
7203 Rawson Road, LLC	Drumlins, Section 3, Phase 2	Chapelhill Drive	4 <sup>th</sup>
	Drumlins, Section 3, Phase 3	Chapelhill Drive	1 <sup>st</sup>
S & J Morrell, Inc	Silverton Glenn, Section 2	Wyndham Hill	4 <sup>th</sup>
	Silverton Glenn, Section 3	Silverton Glenn	3 <sup>rd</sup>
	Silverton Glenn, Section 4	Ashwood Lane	2 <sup>nd</sup>
Affronti Development LLC	Ballerina Court, Phase 1	Erica Trail	2 <sup>nd</sup>
		Abbot Circle	2 <sup>nd</sup>
	Ballerina Court, Phase 2	Louise Way	1 <sup>st</sup>
		Erica Trail	1 <sup>st</sup>
Antonelli Development, LLC	Anton Rise	Anton Rise	3 <sup>rd</sup>
Pinnacle Athletic Campus, LLC	Pinnacle Athletic Campus	Pinnacle Drive	1 <sup>st</sup>
Dorchester Park, LLC	Dorchester Park, Section 2	Bradhurst Street	2 <sup>nd</sup>
Affronti Development, LLC	Tuscany Hills	Affronti Way	1 <sup>st</sup>
		Azzano Circle	1 <sup>st</sup>
Woodstone Custom Homes Inc	Stonington Ridge	Carrington Way	1 <sup>st</sup>
		Summerhill Lane	1 <sup>st</sup>

And further

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Highway Superintendent, and Antonelli Development.

8L

RESOLUTION #

AMEND THE TOWN OF VICTOR LIABILITY AGREEMENT POLICY FOR SNOW PLOWING TO CLARIFY THE SLIDING FEE SCALE

WHEREAS, on October 15, 1996, Resolution No. 320 was adopted by the Town Board establishing a policy with respect to liability agreements for snow plowing of roads not yet dedicated to the Town. Resolution No. 320-96 was then amended by Resolution No. 320-96 was then amended by Resolution No.'s 61-99, 419-12, and 314-16; and

WHEREAS, the Highway Superintendent felt that clarification of the fee scale was needed as follows:

- 1<sup>st</sup> Year after road base installation (top coat not yet installed) - NO FEE
- 2<sup>nd</sup> Year after road base installation (top coat not yet installed) - 77 cents per linear foot of highway
- 3<sup>rd</sup> Year after road base installation (top coat not yet installed) - 87 cents per linear foot of highway
- Then a 10 cent increase per linear foot of highway per year for each additional year thereafter.

Now, therefore, be it

RESOLVED, the Liability Agreement Policy is amended to clarify the sliding fee scale as outlined above; and further

RESOLVED that copies of this resolution be forwarded to the Highway Department, Building and Planning, Town Clerk, and the Finance Department.

8m

RESOLUTION #

AUTHORIZATION TO ENTER INTO AN INTERMUNICIPAL COOPERATION AGREEMENT  
FOR ENHANCED LAW ENFORCEMENT SERVICES WITH ONTARIO COUNTY SHERIFF'S  
DEPARTMENT

WHEREAS, the Town of Victor has determined there is a need for enhanced law enforcement services within its jurisdiction; and

WHEREAS, the Ontario County Sheriff's Office is capable of providing the requisite equipment, manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Victor for an amount not to exceed Twenty Seven Thousand One Hundred Fifty One dollars and Eighty cents (\$27,151.80) for the term or approximately fifteen (15) hours per week from January 1, 2017 through December 31, 2017 with said hours to be billed to the Town of Victor at the actual hourly and benefit rate of the officer(s); and

WHEREAS, funds are included and available in the 2017 Budget line item A3310.4 Traffic Control Contractual; and

WHEREAS, the Town Supervisor has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, that the Victor Town Board hereby authorizes the Town Supervisor to enter into an Intermunicipal Cooperation Agreement with the Ontario County Sheriff's Office for the provision of enhanced law enforcement services in the Town of Victor for an amount not to exceed Twenty Seven Thousand One Hundred Fifty One dollars and Eighty cents (\$27,151.80) for the term or approximately fifteen (15) hours per week from January 1, 2017 through December 31, 2017 with said hours to be billed to the Town of Victor at the actual hourly and benefit rate of the officer(s), said funds are available in the 2017 Budget line item A3310.4 Traffic Control Contractual; and be it further

RESOLVED, that copies of this resolution be forwarded to the Finance Department, Town Clerk, and the Ontario County Sheriff's Department.

8N

RESOLUTION #

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 6298 KIMS DRIVE (TAX MAP # 16.00-1-37.211) TO ALLOW A SHED TO ENCROACH ONTO THE TOWN'S EASEMENTS

WHEREAS, Hans DeBruyn and Lynda DeBruyn are the record owners (the "Owners") of the premises at 6298 Kims Drive, Tax Map #16.00-1-37.700/711 and renter of a portion of Tax Map # 16.00-1-37.211 (the "Premises") in the Town of Victor; and

WHEREAS, the Owners of the Premises desire to construct a Shed on said Premises (the "Shed"); and

WHEREAS, the Town is the owner of easement on the Premises as shown on the easement recorded on May 26, 2005 in the Ontario County Clerk's Office in Book 01141 of Deeds at page 0455 which easement is situated along the Northwest boundary of the Property 47 feet wide on the Property as shown on the Gypsum Mills Estates, Phase 7 Site Plan (the "Easement"); and

WHEREAS, the proposed Shed would encroach onto the Town's Easements; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement to allow the Shed to encroach into Town's Easements, said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Shed to be constructed, but would require the Owners to remove and/or repair the Shed and hold the Town harmless should the Town need to exercise its rights relating to the Easement in a manner which would require removal or relocation of the Shed or would otherwise damage the Shed; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Hans DeBruyn and Lynda DeBruyn to allow the proposed shed to encroach into the Easement; and further be it

RESOLVED, that a copy of this Resolution be provided to the Town Planning and Building Department, the Town Clerk and the Owners.

80

RESOLUTION #  
AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER  
FOR A PORTION OF REAL PROPERTY LOCATED AT 8037 MAIN STREET FISHERS

WHEREAS, the Town of Victor is currently engaged in a road infrastructure improvement project (a/k/a the Old Dutch Road Improvements or the "Project") in the vicinity of Main Street Fishers and Old Dutch Road; and

WHEREAS, the Town has determined that it is in the best public interest to purchase a portion of certain real property in furtherance of the Project, for the purpose of widening the roadway and to allow for storm drainage infrastructure improvements along Main Street Fishers and Old Dutch Road; and

WHEREAS, said real property is located at 8037 Main Street Fishers, identified by Tax Map #5.00-1-68.100 and owned by Carol MacInnes f/k/a Carol Amish (the "Owner"), and the portion of the real property to be acquired (the "Acquired Property") is approximately 1,469 square feet at the western portion of the parcel, as identified in Exhibit "A" which is kept in the subject file in the Town Clerk's office; and

WHEREAS, the Victor Town Board has previously authorized an appraisal of the Acquired Property, which valued said Acquired Property at One Thousand Five Hundred Seventeen dollars (\$1,517.00); and

WHEREAS, funding for the purchase is available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve and DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and

WHEREAS, the Owner has agreed to sell the Acquired Property to the Town for the amount of One Thousand Five Hundred dollars (\$1,500.00) (the "Proposed Purchase Price"); and

WHEREAS, the proposed purchase is subject to a full and complete environmental review pursuant to SEQR; and

WHEREAS, the proposed purchase has been classified as an unlisted action pursuant to SEQR; now therefore, be it

RESOLVED, that the Town has reviewed the potential environmental impacts of the proposed purchase and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, that there are no other involved agencies, and has determined that said proposed purchase and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, that the Town Board finds that the Acquired Property is necessary for the completion of the Project and is therefore in the best public interest; and be it further

RESOLVED, that the Proposed Purchase Price for the Acquired Property is reasonable in light of the appraised value; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the Proposed Purchase Price in the amount of One Thousand Five Hundred dollars (\$1,500.00) to the Owner

in exchange for a duly executed deed to the Acquired Property, on forms approved by the Attorney for the Town said funds are available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve and DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and be it further

RESOLVED, that the Supervisor or his designee is hereby authorized, empowered and directed to execute and deliver such documents and take all such action on behalf of the Town as may be deemed necessary, appropriate or advisable to carry out the intent or purposes of the this Resolution; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, the Town Highway Superintendent, the Attorney for the Town, and the Owner.

8P

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 – 7500 STATE ROUTE 251

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to 7500 State Route 251 (Victor Mendon Road) located, in the town of Victor; and

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

WHEREAS, the easement, is located along the entire frontage of 7500 State Route 251 (Victor Mendon Road) (Tax Acct. No. 15.01-1-30.000), which is owned by Victor Community Church and is approximately 260" x 15" respectively as shown on Schedule "A"; 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 7500 State Route 251 (Victor Mendon Road) 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.

80

RESOLUTION #

TOWN OF VICTOR SEQR – DETERMINATION OF SIGNIFICANCE - AUBURN TRAIL  
SANITARY SEWER PUMP STATION AND FORCE MAIN

WHEREAS, the Town of Victor intends to authorize and undertake the Auburn Trail Sanitary Sewer Pump Station and Force Main Project along the Auburn Trail and the New York State Route 96 area, including contributing portions of the Town's sanitary sewer system; and

WHEREAS, the Project, as fully described in SEQR Part 1 Environmental Assessment Form, would involve replacement of existing and installation of new sanitary sewer infrastructure that would enable sanitary sewer flows to be redirected from PS-28 (Wendy's) and PS-27 (Phillips Road) to PS-30 (Lehigh Crossing), leading to a route along New York State Routes 96 and 251, the Auburn Trail, Break of Day Road, East Victor Road, and McMahon Road; and

WHEREAS, the Town Board has determined that, as the project site is occurring on or partially within or substantially contiguous to publically owned or operated parkland, recreation area or designated open space, the proposed Action is a Type I action as defined under SEQR; and

WHEREAS, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Victor initiated the SEQR Lead Agency coordination process by passing Resolution No. 275 on July 11, 2016, and notice of Lead Agency coordination, including Part 1 of the Long Environmental Assessment Form (EAF), was sent to all Involved Agencies on July 25, 2016 notifying them that a lead agency must be agreed upon within 30 calendar days of the date the EAF was transmitted to them; and

WHEREAS, Involved Agencies did not object to the Town of Victor being Lead Agency, and 30 days have passed since the time of distribution of the Lead Agency notice; and

WHEREAS, comments on Part 1 of the EAF from involved and interested agencies have been addressed in the proposed negative declaration, and the Town will obtain all necessary permits and approval from Involved Agencies and will comply with agency requirements; and

WHEREAS, the Town has considered the environmental record prepared for this action, including any comments received from Involved Agencies and the proposed Negative Declaration; now, therefore, be it

RESOLVED that the Victor Town Board affirms its status as SEQR Lead Agency for the proposed Project; and be it further

RESOLVED, that the Town Board hereby finds that no significant adverse environmental impacts will result from the proposed project, and hereby issues a Negative Declaration of Environmental Significance for the project; and

RESOLVED, that a copy of this Resolution be provided to the Town Engineer, Brian Emelson, Director of Parks & Recreation; and the Town Clerk.

8R

RESOLUTION #

ADOPTION OF PROPOSED JOINT CONSOLIDATION AGREEMENT FOR THE EAST VICTOR ROAD PROPERTY 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 13.7+/- acres of lands located on the west side of East Victor Road, south of Fieldcrest Lane, more specifically depicted on a map a part of the MPR, 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 (the proposed extension to the Sewer District is hereinafter referred to as the "East Victor Road Property Sewer District"); and

WHEREAS, given the nature of the MPR and the policy 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 East Victor Road Property Sewer District into the Victor Consolidated Sewer District; and

WHEREAS, simultaneous with its establishment, the Town of Victor will cause the East Victor Road Property 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; now, therefore be it

RESOLVED, that pursuant to New York General Municipal Law Article 17-A, the Victor Town Board, acting jointly as the governing body of the Town of Victor Consolidated Sewer District as well as the governing body of the proposed East Victor Road Property Sewer District, hereby adopts the attached "Proposed Joint Consolidation Agreement between the Victor Consolidated Sewer District and the East Victor Road Property Sewer District" (the "Agreement"), which Agreement is on file with the Victor Town Clerk for public viewing; and be it further

RESOLVED, that the Town Board hereby authorizes and directs the Town Clerk to duly post a copy of the Agreement at the Victor Town Hall, publish a summary of the Agreement in the official Town newspaper once a week for four consecutive weeks, and publish a copy of the Agreement on the official Town of Victor website; and be it further

RESOLVED, that pursuant to Article 17-A 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 October 24, 2016, at 7:30 p.m. for the purpose of conducting a public hearing on the proposal to consolidate the East Victor Road Property Sewer District with the Victor Consolidated Sewer District, at which time and place all persons interested in the subject thereof may be heard concerning the same.

85

RESOLUTION #

REVISE THE BENEFIT FORMULA USED TO CALCULATE AND COLLECT THE SEWER CAPITAL RECOVERY CHARGE FOR THE CONSOLIDATED SEWER DISTRICT

WHEREAS, Resolution #323 adopted on September 28, 2009 formed the Victor Consolidated Sewer District ("Sewer District") necessitating the collection of a Capital Recovery Charge ("CRC") from all property owners within the Sewer District through a benefit-based special assessment; and

WHEREAS, the Town Board originally established the special assessment benefit formula used to calculate the CRC charge for the Sewer District with Resolution #376 on October 25, 2010, and the formula was revised and adopted with the 2011 Special Assessment Roll adopted by Resolution #321 on September 26, 2011, and the formula was set forth in its entirety with Resolution #304 on September 23, 2013; and

WHEREAS, this benefit formula directs the Assessor to compute the CRC charge for the Sewer District by applying a benefit formula where one-third (1/3) of this charge is based on water consumption, one-third (1/3) on acreage and the last one-third (1/3) on property use; and

WHEREAS, the Victor Town Board has reviewed the benefit formula and finds it necessary to revise the water consumption portion of the formula to more accurately reflect the costs and benefits of the Town's Sewer District; and

WHEREAS, the Assessor has researched the fact that carwashes consumes about double the amount of water during the winter months due to road conditions and about 22% of the water consumed in a carwash operation evaporates and/or is carried out on the cars after the wash cycle; now, therefore, be it

RESOLVED, the Sewer District's benefit formula shall take into account and consider the Assessor's findings on water consumption by a carwash; and be it further

RESOLVED, the following paragraph shall be added to the water consumption portion of the formula: "The water consumption of a carwash is reduced by 22% due to the evaporation and carry-out of water on a car after the wash cycle and will be based on the third quarter's billing cycle consumption."; and be it further

RESOLVED, that such Benefit Formula be implemented as part of the 2016 Town of Victor Consolidated Sewer District special assessment roll.

RESOLVED, that a copy of this Resolution be provided to the Town Assessor, Town Clerk, and the Finance Office.

8T

RESOLUTION #  
REVISE THE SPECIAL ASSESSMENT BENEFIT FORMULA FOR THE TOWN OF VICTOR  
CENTRAL WATER DISTRICT

WHEREAS, the special assessment benefit formula for the Town of Victor Central Water District (the "Benefit Formula") was initially set by the Town Board upon the establishment of the Central Water District on or about June of 2012; and

WHEREAS, such Benefit Formula as initially set by the Victor Town Board is reflected in the Map, Plan and Report for the Town of Victor Central Water District, which was prepared by Labella, Associates, P.C. and which is dated June of 2012; and

WHEREAS, the special assessment benefit formula for the Benefit Formula was revised by the Town Board by Resolution #306 on September 23, 2013; and

WHEREAS, that the Benefit Formula incorporates the following three factors: 1) proximity to the improvements in the Northwest Quadrant (as indicated in the Map, Plan and Report) which created the indebtedness, 2) the size of the meter(s) servicing the subject tax parcel resulting in a meter surcharge, and 3) an ad valorem assessment; and

WHEREAS, the Victor Town Board has reviewed the Benefit Formula and finds it necessary to revise the amount of the meter surcharge to more accurately reflect the costs and benefits of the Town's Water District; now, therefore, be it

RESOLVED, that the meter surcharge portion of the Benefit Formula is hereby modified, updated and superseded by the Benefit Formula set forth herein; and be it further

RESOLVED, that the amount of the meter surcharge shall be treated as and operate as follows:

- A. Each parcel in the Water District will be allowed one meter under 1 inch in size with no meter surcharge; and
- B. With respect to each individual tax parcel, where it is served by any meter(s) 1 inch or larger, and also where it is serviced by more than one meter under 1 inch in size, such parcel shall be charged a meter surcharge for each such meter in accordance with the following table:

Meter Size	Meter Surcharge Per Each Meter
Under 1 Inch	\$5.00
1 Inch	\$8.00
1.5 Inch	\$18.00
2 Inch	\$30.00
3 Inch	\$68.00
4 Inch	\$125.00
6 Inch	\$275.00
8 Inch	\$475.00
10 Inch	\$1,075.00

and be it further

RESOLVED, that such Benefit Formula be implemented as part of the 2016 Town of Victor Central Water District special assessment tax roll; and be it further

RESOLVED, that a copy of this Resolution be provided to the Town Assessor, Town Clerk, and the Finance Office.

84

RESOLUTION #  
SET PUBLIC HEARING - 2016 SPECIAL ASSESSMENT ROLL TO COLLECT SEWER DISTRICT CAPITAL RECOVERY CHARGE, SEWER DISTRICT CAPITAL IMPROVEMENT COSTS, LIGHTING DISTRICT O&M COSTS AND CENTRAL WATER DISTRICT CAPITAL IMPROVEMENT COSTS BASED ON BENEFIT FORMULAS

WHEREAS, the Victor Consolidated Sewer District ("Sewer District") has previously incurred capital debt and the annual interest and principal payments will be due; and

WHEREAS, the Sewer District will incur additional capital expenses through capital improvements including engineering fees; and

WHEREAS, the collection of funds in the amount of Five Hundred Eighty Seven Thousand Three Hundred Sixty dollars (\$587,360.00) is necessary to cover the Sewer District expenses in 2017; and

WHEREAS, the Victor Central Water District ("Water District") has previously incurred capital debt and the annual interest and principal payments will be due; and

WHEREAS, the collection of funds in the amount of Twenty Thousand Six Hundred Seventy-Two dollars (\$20,672.00) is necessary to cover the Water District expenses in 2017; and

WHEREAS, the Town will also incur operation and maintenance (O&M) costs for respective Lighting Districts in 2017; and

WHEREAS, it is necessary for the Town to collect funds to cover said Sewer District expenses, Water District expenses and Lighting Districts O&M costs; and

WHEREAS, all property owners in the Sewer District and Water District benefit from said districts and must contribute to the repayment of the district's capital debt and capital improvements in accord with the benefit received; and

WHEREAS, the Board seeks to collect a Capital Recovery Charge ("CRC") from all property owners within the Sewer and Water Districts through a benefit-based special assessment; and

WHEREAS, the Town Board has directed the Assessor to compute the CRC charge for the Sewer District on the 2016 Special Assessment Roll by applying a benefit formula where one-third (1/3) of this charge is based on water consumption, one-third (1/3) on property use and the last one-third (1/3) on acreage; and

WHEREAS, the Victor Town Board has reviewed the Sewer District's benefit formula and finds it necessary to revise the water consumption portion of the formula to more accurately reflect the costs and benefits of the Town's Sewer District; and

WHEREAS, the Town Board has directed the Assessor to compute the CRC charge for the Water District on the 2016 Special Assessment Roll by applying a benefit formula where one-half (1/2) of this charge will be applied as an ad valorem levy to the entire District and the other one-half (1/2) of this charge will be applied as an ad valorem levy just to the Northeast Quadrant Water District Extension. Also a meter surcharge will be levied on all meter sizes greater than 5/8" and on all additional 5/8" meters numbering more than one per tax parcel; and

WHEREAS, the Victor Town Board has reviewed the Water District's Benefit Formula and finds it necessary to revise the amount of the meter surcharge to more accurately reflect the costs and benefits of the Town's Water District; and

WHEREAS, each Lighting District's O&M costs will be spread over each respective lighting district as established when each lighting district was approved or revised since its inception; and

WHEREAS, the Town's budgeted tax levy amount for each lighting district is:

Brookwood Meadows Light	\$2,490.00
Cobblestone Light	\$33,120.00
Quail Ridge Light	\$5,986.00
Rolling Meadows Light	\$6,996.00
Legacy at Fairways	\$6,975.00
Stoneleigh Light	\$407.00

WHEREAS, the Assessor has prepared and presented a 2016 Special Assessment Roll to the Town Board; and

WHEREAS, it is necessary to hold a public hearing on the 2016 Special Assessment Roll; and it is hereby

RESOLVED, by the Town Board of the Town of Victor that a Public Hearing shall be had on the 11<sup>th</sup> day of October, 2016, at 7:30 p.m., for the purpose of hearing public comment regarding the 2016 Special Assessment Roll; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing and notice all property owners within the Districts in a manner consistent with law; and be it further

RESOLVED, that a copy of this Resolution be provided to the Town Assessor, Town Clerk, and the Finance Office.

8V

RESOLUTION #

SET PUBLIC HEARING – RELATING TO THE APPROVAL OF THE FRONTIER TELEPHONE OF ROCHESTER, INC. CABLE FRANCHISE AGREEMENT

WHEREAS, Frontier Telephone of Rochester, Inc. ("Frontier") desires and has proposed to offer cable telephone services to the public in the Town of Victor; and

WHEREAS, Frontier has requested that the Town enter into a franchise agreement and has submitted a formal application and a proposed franchise agreement pursuant to 16 N.Y.C.R.R. § 894.5; and

WHEREAS, said application and proposed Franchise Agreement is on file with the Town Clerk where it is available for public review; and

WHEREAS, the public is entitled to the opportunity to be heard on said application and proposed franchise agreement per New York State Law; and

WHEREAS, the Victor Town Board is considering the application and the proposed franchise agreement, Frontier's technical ability and Frontier's financial condition and character as to be able to provide cable television services in the Town of Victor; and

WHEREAS, the Victor Town Board is aware that Frontier has submitted a similar application and proposed franchise agreement to provide cable television services in the Village of Victor; and

WHEREAS, the Village and Town intend to have a joint public hearing on this matter; now, therefore be it

RESOLVED, by the Town Board of the Town of Victor that a Public Hearing shall be had on the 26th day of September, 2016, at 7:00 p.m., at the Town of Victor Town Hall, for the purpose of considering approval of the application and proposed Franchise Agreement; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.