

**VICTOR TOWN BOARD MEETING
MONDAY, APRIL 9, 2018
DRAFT RESOLUTION PACKET**

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

REGULAR MEETING starts at 7:00 PM

PUBLIC HEARING starts at 7:30 PM

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

- A. PUBLIC HEARING TO ESTABLISH THE ANTON VALLEY DRAINAGE IMPROVEMENT AREA

7) BUSINESS

- A. ACCEPTANCE OF LETTER OF CREDIT, ROYAL CAR WASH (DEMOLITION AND RESTORATION) (Karen C. Bodine)
- B. ACCEPTANCE OF LETTER OF CREDIT, ROYAL CAR WASH (Karen C. Bodine)
- C. AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF LYNAUGH ROAD (Karen C. Bodine)
- D. AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF COUNTY ROAD 9 (Karen C. Bodine)
- E. AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF SCHOOL ROAD (Karen C. Bodine)
- F. AUTHORIZATION TO ENTER INTO AGREEMENT WITH COBBLESTONE CREEK COUNTRY CLUB FOR GOLF INSTRUCTION (Brian Emelson)
- G. AUTHORIZATION TO ENTER INTO AGREEMENT WITH ROC CITY SAMMICH LLC FOR FOOD TRUCK AT SUMMER CONCERTS (Brian Emelson)
- H. AUTHORIZATION TO ENTER INTO AGREEMENT- SINGLETRACK MOUNTAIN BIKE ACADEMY FOR MOUNTAIN BIKING INSTRUCTION (Brian Emelson)
- I. AUTHORIZATION TO ENTER INTO AGREEMENT - COVERED WAGON TOURS FOR TRIPS PROGRAM (Brian Emelson)
- J. AUTHORIZATION TO ENTER INTO AGREEMENT - O'BRIEN'S SEPTIC AND PORTABLE TOILETS FOR PORTABLE TOILET RENTALS – HIGHWAY DEPARTMENT (Mark Years)

- K. AMEND RESOLUTION #361-17 AUTHORIZATION FOR SUPERVISOR TO SIGN AMENDMENT TO THE NYSDOT SNOW AND ICE AGREEMENT INDEXED LUMP SUM CONTRACT FOR PAYMENT FACTOR ADJUSTMENT (Mark Years)
- L. AUTHORIZATION TO ENTER INTO AGREEMENT WITH NYSDOT TO EXTEND MUNICIPAL SNOW AND ICE AGREEMENT (EXTENSION SEASON 2019/2020) (Mark Years)
- M. AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7955 BRAMWELL PARK TO ALLOW ENCROACHMENT ONTO DRAINAGE EASEMENT (Jack Marren)
- N. SET PUBLIC HEARING – LOCAL LAW NO. ____-2018 TO AMEND CHAPTER 27 FEES SECTION 27-8 FEES ENUMERATED RELATING TO THE TRANSFER STATION (Jack Marren)
- O. SET PUBLIC HEARING – LOCAL LAW NO. ____-2018 TO AMEND CHAPTER 188 TAXATION, AT SECTION 188-19 OPT-OUT OF EXEMPTIONS PURSUANT TO REAL PROPERTY TAX LAW SECTION 487 (Jack Marren)
- P. RESCISSION OF APPROVAL TO DISSOLVE THE TOWN OF VICTOR FIRE PROTECTION DISTRICT AND ESTABLISH THE VICTOR CONSOLIDATED FIRE DISTRICT (Jack Marren)

PH A

TOWN OF VICTOR - ORDER FOR PUBLIC HEARING TO ESTABLISH THE ANTON VALLEY DRAINAGE IMPROVEMENT AREA

WHEREAS, the Town Board of the Town of Victor (“the Town”) has received a petition to extend the Town of Victor Drainage Improvement Area (“VDIA”) and a Drainage Improvement Area Report (“DIR”) from Antonelli Development LLC (the “Petitioner”) requesting the extension of the VDIA to include the Anton Valley residential subdivision located on the corner of County Road 9 (aka Victor-Egypt Road) and Gillis Road as more specifically described in the DIR; and

WHEREAS, the boundaries of the Anton Valley Drainage District comprise a parcel at County Road 9 and Gillis Road, tax map #16.00-1-53.000, the metes and bounds description of which is set forth in the MPR referred to herein and available for public inspection at the Victor Town Clerk’s Office; and

WHEREAS, the proposed drainage improvements include the maintenance of the stormwater drainage system for the residential subdivision, the creation of a basin pond and outlet control structure and the maintenance of landscaped dry swales; and

WHEREAS, the maximum amount proposed to be expended by for the stormwater drainage improvements to be constructed for the Anton Valley residential subdivision which will be consumed by the Anton Valley Drainage District is the sum of Two Hundred Ninety Five Thousand Dollars (\$295,000.00), the capital cost of which will be paid the Petitioner, and then the maintenance of which shall be assessed, levied and collected annually from the property owners within the VDIA in proportion as nearly as may be to the benefit which each lot or parcel of land in the VDIA shall benefit from; and

WHEREAS, since there will be no capital cost to the Town for the extension , no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller’s Office; now, therefore be it

ORDERED and RESOLVED, that, the Town Board of the Town of Victor, shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 9th day of April, 2018, at 7:30 p.m. for the purpose of conducting a public hearing on the petition to extend the VDIA to include the Anton Valley residential subdivision, at which time and place all persons interested in the subjects thereof may be heard; and be it further

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

Dated: March 27, 2018

Karen C. Bodine, Town Clerk

7 A

RESOLUTION #
ACCEPTANCE OF LETTER OF CREDIT, ROYAL CAR WASH (DEMOLITION AND RESTORATION)

WHEREAS, Royal Car Wash Victor, LLC., received Planning Board approval for Royal Car Wash (Demolition and Restoration) with the condition that a form of surety be submitted to cover the cost of upgrades to Pump Station 28 and protect the integrity of the historic structures located within the PDD and/or or complete repairs to such historic structures due to damages sustained during the construction activities; and

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineering fees in his letter dated March 22, 2018 and has recommended a Letter of Credit totaling \$441,461.00; and

WHEREAS, Royal Car Wash Victor, LLC. has submitted Canandaigua National Bank Irrevocable Letter of Credit No. 1107101955 in favor of the Town of Victor in the amount of \$441,461.00 as recommended by the Town Engineer and is due to expire March 26, 2019; now, therefore, be it

RESOLVED that the Victor Town Board does hereby accept Canandaigua National Bank Irrevocable Letter of Credit No. 1107101955 in the amount of \$441,461.00 with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to its expiration date of March 26, 2019, the Town Clerk is authorized to draw the balance of this Letter of Credit and place said funds in an Escrow Account in the Town official depository until such time as the Engineer for the Town recommends the release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Codes and Development, LaBella, Passero Associates and Royal Car Wash Victor, LLC.

7 B

RESOLUTION #
ACCEPTANCE OF LETTER OF CREDIT, ROYAL CAR WASH

WHEREAS, Royal Car Wash Victor, LLC., received Planning Board approval for Royal Car Wash with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineering fees in his letter dated March 22, 2018 and has recommended a Letter of Credit totaling \$123,638.39; and,

WHEREAS, Royal Car Wash Victor, LLC. has submitted Canandaigua National Bank Irrevocable Letter of Credit No. 1107102137 in favor of the Town of Victor in the amount of \$123,638.39 as recommended by the Town Engineer and is due to expire March 26, 2019; now, therefore, be it

RESOLVED that the Victor Town Board does hereby accept Canandaigua National Bank Irrevocable Letter of Credit No. 1107102137 in the amount of \$123,638.39 with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to its expiration date of March 26, 2019, the Town Clerk is authorized to draw the balance of this Letter of Credit and place said funds in an Escrow Account in the Town official depository until such time as the Engineer for the Town recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Codes and Development, LaBella, Passero Associates and Royal Car Wash Victor, LLC.

7 C

RESOLUTION #

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF LYNAUGH
ROAD

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on a portion of Lynaugh Road; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for a portion of Lynaugh Road; and further

RESOLVED that a copy of this resolution be forwarded to the Ontario County Superintendent of Highways, Karen Bodine, Town Clerk; and Mark Years, Highway Superintendent.

7 D

RESOLUTION #

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF COUNTY ROAD
9

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on a portion of County Road 9; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for a portion of County Road 9; and further

RESOLVED that a copy of this resolution be forwarded to the Ontario County Superintendent of Highways, Karen Bodine, Town Clerk; and Mark Years, Highway Superintendent.

7 E

RESOLUTION #

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF SCHOOL ROAD

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on a portion of School Road; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for a portion of School Road; and further

RESOLVED that a copy of this resolution be forwarded to the Ontario County Superintendent of Highways, Karen Bodine, Town Clerk; and Mark Years, Highway Superintendent.

7 F

RESOLUTION #
AUTHORIZATION TO ENTER INTO AGREEMENT WITH COBBLESTONE CREEK COUNTRY CLUB FOR GOLF INSTRUCTION

WHEREAS, the Department of Parks and Recreation seeks to offer golf instruction for youth in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Cobblestone Creek Country Club to provide instructional staff, equipment and a golf facility for youth golf instruction to be held on various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

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

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

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

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Cobblestone Creek Country Club for youth golf instruction to be held at various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Christine Winter, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Mike Surtel.

7 G

RESOLUTION #

AUTHORIZATION TO ENTER INTO AGREEMENT WITH ROC CITY SAMMICH LLC FOR
FOOD TRUCK AT SUMMER CONCERTS

WHEREAS, the Department of Parks and Recreation seeks to offer food truck services at a summer concert; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Roc City Sammich LLC to provide a food truck at a summer concert to be held on Thursday, June 21, 2018 from 6:30 – 8:30 pm with the Town receiving Ten Percent (10%) of the gross sales from the event revenue; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

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

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Roc City Sammich LLC. to provide a food truck at a summer concert to be held on Thursday, June 21, 2018 from 6:30 – 8:30 pm with the Town receiving Ten Percent (10%) of the gross sales from the event revenue; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Joseph Cario.

7 H

RESOLUTION

AUTHORIZATION TO ENTER INTO AGREEMENT- SINGLETRACK MOUNTAIN BIKE ACADEMY FOR MOUNTAIN BIKING INSTRUCTION

WHEREAS, the Department of Parks and Recreation seeks to offer mountain biking instruction for youth and teens in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Singletrack Mountain Bike Academy c/o Jeff Wright to provide instructional staff for mountain biking to be held on various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

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

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

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

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Singletrack Mountain Bike Academy c/o Jeff Wright for instruction in mountain biking to be held at various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Christine Winter, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Jeff Wright.

RESOLUTION #
AUTHORIZATION TO ENTER INTO AGREEMENT - COVERED WAGON TOURS FOR TRIPS PROGRAM

WHEREAS, the Department of Parks and Recreation offers trips for adults and senior citizens as a seasonal recreation program; and

WHEREAS, the Director of Parks and Recreation issued a Request for Proposals (RFP) including proposed trip themes, itineraries and locations to two (2) local transportation service contractors and received the following proposals:

Destination	Covered Wagon Tours Proposal	Koning Day Tours Proposal
Theatre	\$112.00 / per person	No proposal
Concert	\$82.00 / per person	No proposal
Holiday	\$99.00 / per person	No proposal
Historical / Cultural	\$110.00 / per person	No proposal
Overnight	\$699.00/ per person	No proposal

and

WHEREAS, the Town of Victor will charge senior citizen residents Seventy Five percent (75%) of the cost on non-overnight trips, and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A6772.4 Programs for the Aging – Contractual; and

WHEREAS, the Director of Parks and Recreation recommends that Covered Wagon Tours be awarded the contract with the Town for this service for 2018; now therefore, be it

RESOLVED, that the Town Board authorizes the Director of Parks and Recreation to enter into agreement with Covered Wagon Tours to provide transportation and trip arrangements at a cost not to exceed Fifteen Thousand Dollars (\$15,000.00), said funds are included and available in the 2018 Operating Budget line item A6772.4 Programs for the Aging – Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Karen Bodine, Town Clerk, Barb Cole, Finance Director, Michael Stockman, Assistant Director of Parks and Recreation, Brian Emelson, Director of Parks and Recreation

7 J

RESOLUTION #

AUTHORIZATION TO ENTER INTO AGREEMENT - O'BRIEN'S SEPTIC AND PORTABLE TOILETS FOR PORTABLE TOILET RENTALS – HIGHWAY DEPARTMENT

WHEREAS, the Highway Department has the need to rent seasonal, portable toilet units during road construction projects; and

WHEREAS, funds are included and available in the 2018 Budget line item DB.5110.400 General Repairs Contractual; and

WHEREAS, the Highway Superintendent has obtained a quote from O'Brien's Septic and Portable Toilets of One Hundred Twenty dollars (\$120.00) Per Unit / Per Month; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and Highway Superintendent to enter into agreement with O'Brien's Septic and Portable Toilets to rent seasonal, portable toilet units during road construction projects at a cost not to exceed One Hundred Twenty dollars (\$120.00) per unit / per month, said funds are included and available in the 2018 Budget line item DB.5110.400 General Repairs Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Mark Years, Highway Superintendent; Karen Bodine, Town Clerk; Barbara Cole, Director of Finance, and Kathy O'Brien, O'Brien's Septic and Portable Toilets.

7 K

RESOLUTION #

AMEND RESOLUTION #361-17 AUTHORIZATION FOR SUPERVISOR TO SIGN
AMENDMENT TO THE NYSDOT SNOW AND ICE AGREEMENT INDEXED LUMP
SUM CONTRACT FOR PAYMENT FACTOR ADJUSTMENT

WHEREAS, on September 11, 2018 the Town Board approved Resolution #361 Authorizing the Town Supervisor to Sign Amendment to the NYSDOT Snow and Ice Agreement Indexed Lump Sum Contract for Payment Factor Adjustment; and

WHEREAS, the Town was notified that the State provided the incorrect amounts; now, therefore, be it

RESOLVED, that Resolution #361 be amended to read as follows:

AUTHORIZATION FOR SUPERVISOR TO SIGN AMENDMENT TO THE NYSDOT
SNOW AND ICE AGREEMENT INDEXED LUMP SUM CONTRACT FOR PAYMENT
FACTOR ADJUSTMENT

WHEREAS, The New York State Department of Transportation (NYSDOT) entered into Contract #D009778 with the Town of Victor to control snow and ice on State Routes 444 and 251 each winter; and

WHEREAS, due to the severity of the winter during 2016/2017 the Municipality requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the winter season; and

WHEREAS, in correspondence dated March 13, 2018 the NYSDOT provided a corrected Amendment B for the index adjustment increasing the amount due from Seventy Five Thousand Two Hundred Ten dollars and Seventy Three cents (\$75,210.73) to Ninety Six Thousand Three Hundred Forty Four dollars and Ninety Five cents (\$96,344.95); now, therefore, be it

RESOLVED, that the Victor Town Board does hereby authorize the Supervisor to sign Amendment B to Contract #D009778 with an index adjustment increasing the amount due from Seventy Five Thousand Two Hundred Ten dollars and Seventy Three cents (\$75,210.73) to Ninety Six Thousand Three Hundred Forty Four dollars and Ninety Five cents (\$96,344.95); and further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Finance Department, Mark Years, Highway Superintendent; and the New York State Department of Transportation, Ontario/Wayne County Residency.

7 L

RESOLUTION #

AUTHORIZATION TO ENTER INTO AGREEMENT WITH NYSDOT TO EXTEND MUNICIPAL SNOW AND ICE AGREEMENT (EXTENSION SEASON 2019/2020)

WHEREAS, the New York State Department of Transportation (NYSDOT) contracts with the Town of Victor to control snow and ice on State Routes 444 and 251 each winter; and

WHEREAS, the Indexed Lump Sum Snow and Ice Agreement #D009778 currently expires June 30, 2019; now, therefore, be it

RESOLVED that the Supervisor is hereby authorized to enter into an Indexed Lump Sum Municipal Snow and Ice Agreement (Extension Season 2019/2020) with the State of New York to plow and sand State Route 251 and State Route 444 within the Town of Victor to expire June 30, 2020 at an estimated cost of Eighty Three Thousand Seven Hundred Forty Three dollars and Seventy Three cents (\$83,743.73) funded from DB5142.400 Snow & Ice Equipment; and be it further

RESOLVED that a copy of this resolution be forwarded to the New York State Department of Transportation, the Finance Department, and the Town Highway Superintendent.

7 M

RESOLUTION

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

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

WHEREAS, the Town is the owner of a utility easement ("Easement") on the Property, as shown in Book 1117 of Deeds at page 462 in the Ontario County Clerk's Office, which Easement runs north-south on the western portion of the Property, and is approximately 20 feet wide; and

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

WHEREAS, said Alterations would require the approval of an area variance from the Town Zoning Board of Appeals ("ZBA"); and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Alterations to encroach onto the Easement, (subject to the approval of any area variances required by the ZBA), said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Alterations to be constructed, but would require the Owners to remove said Alterations, hold the Town harmless, and return the Property within the Easement to its pre-Alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the Alterations, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed Alterations and have indicated that the aforementioned proposed encroachment of the Alterations into the Easement would not materially adversely affect the integrity, purpose, or function of the Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Marlies A. Sullivan, in a form approved by the Attorney for the Town, to allow the proposed Alterations to encroach into the Easement, and any other document reasonably necessary to effect said Agreement; and

RESOLVED, that said approval and authorization is also subject to the approval of any area variances as may be required by the ZBA; and further be it

RESOLVED, that a copy of the filed License and Hold Harmless Agreement with Marlies A. Sullivan will be provided to the Town Clerk; and further

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

7 N

RESOLUTION #

SET PUBLIC HEARING – LOCAL LAW NO. _____ -2018 TO AMEND CHAPTER 27 FEES
SECTION 27-8 FEES ENUMERATED RELATING TO THE TRANSFER STATION

WHEREAS, the Town Board finds that it is necessary to amend the Code relating to Transfer Station permits in order to clarify that the various permits are non-refundable and/or non-transferable; and

WHEREAS, a draft Local Law has been submitted 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 had on the 23rd day of April, 2018, at 7:30 p.m., for the purpose of adopting a Local Law to amend Chapter 27 Fees; and be it further

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

RESOLUTION #

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

WHEREAS, the Town Board finds that it is necessary to amend the Town Code in order to add Opt-out of Exemptions for micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system; and

WHEREAS, a draft Local Law has been submitted 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 had on the 23rd day of April, 2018, at 7:30 p.m., for the purpose of adopting a Local Law to amend Chapter 188 Taxation at Section 188-19 Opt-out of Exemptions; and be it further

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

RESOLUTION #

RESCISSION OF APPROVAL TO DISSOLVE THE TOWN OF VICTOR FIRE PROTECTION DISTRICT AND ESTABLISH THE VICTOR CONSOLIDATED FIRE DISTRICT

WHEREAS, the Town Board of the Town of Victor (the "Town Board") and the Village Board of Trustees of the Village of Victor (the "Board of Trustees") worked together to establish a joint fire district for the Village of Victor (the "Village") and the Town of Victor (the "Town") to be known as the "Victor Consolidated Fire District;" and

WHEREAS, in conjunction with the Town Board and the Board of Trustees undertaking the process of establishing the Victor Consolidated Fire District, the Town Board simultaneously began the process of dissolving the Town of Victor Fire Protection District; and

WHEREAS, the transfer of the bonded and non-bonded assets of the Fisher Fire District to the Victor Consolidated Fire District was a condition of the Town Board and the Board of Trustees in agreeing to establish the Victor Consolidated Fire District; and

WHEREAS, the Town Board began the process to establish the Victor Consolidated Fire District pursuant to Section 189-a of the New York Town Law for the purpose of providing joint fire protection services to the residents of the Village and the Town; and

WHEREAS, the Town Board passed Resolution No. 286-17 authorizing the endorsement of a plan to dissolve the Town of Victor Fire Protection District in order to establish the Victor Consolidated Fire District; and

WHEREAS, the Town Board passed Resolution No. 287-17 issuing a negative declaration pursuant to the NY State Environmental Quality Review Act for the establishment of the Victor Consolidated Fire District; and

WHEREAS, the Town Board adopted Resolution No. 288-17 authorizing the Supervisor of the Town to solicit proposals for fire services for the Town of Victor Fire Protection District; and

WHEREAS, the Town Board adopted Resolution No. 289-17 providing for the establishment of the Victor Consolidated Fire District; and

WHEREAS, on March 20, 2018, the Commissioners of the Fishers Fire District voted to reject the transfer of the bonded and non-bonded assets to the Victor Consolidated Fire District, and therefore object to the creation of consolidated fire protection districts for the Town and the Village; Now, therefore, be it

RESOLVED that the Town Board hereby rescinds Resolution Nos. 286-17, 287-17, 288-17 and 289-17, and rescinds its agreement to establish the Victor Consolidated Fire District due to the decision by the Commissioners of the Fishers Fire District to oppose the consolidation of the Village and Town fire protection districts; and be it further

RESOLVED that any prior resolution and/or decision by the Town Board to dissolve the Town of Victor Fire Protection District is hereby rescinded, and that the proposed dissolution plan considered by the Town Board is annulled; and be it further

RESOLVED that the Town of Victor Fire Protection District is hereby re-established for the purpose of providing fire protection services to the residents of the Town; and be it further

7 P

RESOLVED, that the Town Supervisor is authorized to take any and all additional actions as necessary to effectuate the rescission of the approval of the Victor Consolidated Fire District and re-establish the Town of Victor Fire Protection District; and be it further

RESOLVED, that copies of this Resolution shall be forwarded to the Town Clerk Karen Bodine, the Village Board of Trustees for the Village of Victor, and the Victor Fire Protection District, as well as published for public review as may be required by any applicable statute, ordinance or regulation.