

A regular meeting of the Village of Victor Board of Trustees was held on Monday, January 4, 2016 at the Village Hall, 60 East Main Street.

MEMBERS PRESENT:

Mayor	Jason Ashton
Deputy Mayor	Brad Pearson
Trustee	Larry Rhodes
Trustee	Gary Hadden (entered at 7:10pm)
Trustee	Michael Crowley
Attorney	Reid Holter
Director of Public Works	John Turner
Village Clerk	Pamela Hogenes

OTHERS PRESENT: Chief Joe Murphy, Brett Morgan

Meeting was called to order by Mayor Ashton at 7:00pm.

Salute to the flag.

Privilege of the Floor

Chief Joe Murphy, Victor Fire Dept. came before the board to seek approval to sign the 2016 Fire Protection Contract.

Resolution #01-16

Fire Protection Contract - Mayor

On motion of Trustee Brad Pearson, seconded by Trustee Larry Rhodes the following resolution was ADOPTED 4 AYES 0 NAYS

Resolved, that the Village Board of Trustees authorizes Mayor Jason Ashton to sign the Contract between the Village of Victor, the Town of Victor, and the Victor Fire Department (Victor Fire Protection District) commencing January 1, 2016 and ending December 31, 2016.

Resolution #02-16

Fire Protection Contract - Chief

On motion of Trustee Michael Crowley, seconded by Trustee Brad Pearson the following resolution was ADOPTED 4 AYES 0 NAYS

Resolved, that the Village Board of Trustees authorizes Chief Joe Murphy to sign the Contract between the Village of Victor, the Town of Victor, and the Victor Fire Department (Victor Fire Protection District) commencing January 1, 2016 and ending December 31, 2016.

Chief Murphy stated truck committee will be coming to the January 19th meeting to discuss the sale of the existing ladder truck and approval to amend the amount for the new ladder truck.

Chief Murphy will also present the 2015 Fire Dept. report at the next meeting.

Clerk Report

Resolution #03-16

Acceptance of Minutes

On motion of Trustee Brad Pearson, seconded by Trustee Michael Crowley, the following resolution was APPROVED 4 AYES 0 NAYS

Resolved to accept the meeting minutes from December 21, 2015

Resolution #04-16

Payment of Bills

Whereas, the Village Board of Trustees has audited and approved invoices for payment, that appear on Abstract #15 using vouchers #1069-1121; and,

NOW, therefore on a motion made by Trustee Larry Rhodes, seconded by Trustee Brad Pearson, the following resolution was ADOPTED 4 AYES 0 NAYS

Resolved to authorize the Treasurer to pay invoices from Abstract #15 in the following amounts:

General	\$	51,588.39
Water	\$	11,520.11
Sewer	\$	<u>18,526.98</u>
TOTAL	\$	81,635.48

Resolution #05-16

Election Polling Place & Time

On a motion made by Trustee Michael Crowley, seconded by Trustee Larry Rhodes, the following resolution was ADOPTED 4 AYES 0 NAYS

Resolved, that the next annual Village Election will be held on Tuesday, March 15, 2016; and

Further resolved, that the polling place for the Village Election shall be held in the Village Hall, 60 East Main Street, Victor, New York; and,

Further resolved, that the polls shall open at 12:00 noon and close at 9:00 pm.

Resolution #06-16

Fire Department Appointment – Michael DeMarco

On a motion of Trustee Michael Crowley, seconded by Trustee Brad Pearson the following resolution was ADOPTED 4 AYES 0 NAYS

Resolved, that the Village of Victor Board of Trustees appoints Michael DeMarco as an active Firefighter to the Victor Fire Department and assigns him Firefighter #209.

Resolution #07-16

Fire Department Appointment – Michael DeMarco

On a motion of Trustee Larry Rhodes, seconded by Trustee Michael Crowley the following resolution was ADOPTED 4 AYES 0 NAYS

Resolved, that active firefighter #209, Michael DeMarco be assigned to the Protectives Company and shall be subject to all of the Rules and Regulations of the Protectives Company.

Director of Public Works Report

Mr. Turner read the following resolution into record:

Resolution #08-16

REIMBURSEMENT OF SEWER SERVICES – C & R Vision – 274 W. Main St.

On motion by Trustee Michel Crowley, seconded by Trustee Brad Pearson the following resolution was ADOPTED 5 AYES 0 NAYS

Whereas, a sewer back up occurred at 274 W. Main St. due to a sewer lateral break on or about April 9, 2015; and,

Whereas, the owner of 274 W. Main St. contacted Roto Rooter; and

Whereas, Roto Rooter televised the main and found the sewer connection broken and the owner, C & R Vison paid invoice #67422394 in the amount of \$565.19; and,

Whereas, C & R Vision also paid invoice # 5627 in the amount of \$395.00 to Canandaigua Carpets to clean and sanitize the damaged carpets; and

Whereas, it was determined that the break was in the Village's Right of Way; now, be it

Resolved, that the Village of Victor Board of Trustees approves total payment of \$480.10 to C & R Vision, 274 W. Main St. for 50% of the expenses incurred from the sewer lateral break.

Mr. Turner reported the following:

- Terry Tree Service will be in the Village this week removing/pruning trees
- Prior to the January 19th meeting, Chatfield Engineers will be holding a workshop for the Village Board on the next phase of the WWTP upgrades and the Maple Ave. reconstruction project at 6:30.
- New pickup truck is here and the old one is going to auction.
- The DPW budget requests have been completed

Trustees Reports

Michael Crowley – Mr. Crowley stated he is still reviewing the Vehicle and Equipment Policy and will be distributing his comments prior to the next meeting.

Larry Rhodes – Mr. Rhodes stated members of the Tree Board visited the DEC in Avon to see what grants may be available to them.

Brad Pearson – Mr. Pearson met with Attorney Holter and Meg CHaides to address issues with a site plan modification currently before the Planning Board. Ms. CHaides will be sending a letter to the property owners.

Gary Hadden – Mr. Hadden stated Deputy Chief McAdoo is working on the logistics of selling the current ladder truck and will present to the board at the January 19th meeting.

Mayor Report

Mayor Ashton reported the following:

- Meeting with the Codes and Development office to negotiate a new code enforcement agreement
- Business and Government Alliance group will be meeting to go over the survey results

Attorney Report

Attorney Holter noted the board will be voting on the cell tower agreement but asked to enter into executive session to discuss a last minute change to the contract.

Executive Session

On a motion made by Mayor Jason Ashton, seconded by Trustee Brad Pearson, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved, that the Village Board of Trustees will enter into executive session to discuss a contract matter. Attorney Holter and Ms. Hogenes to remain.

Mr. Turner exited at 7:23pm.

On motion of Mayor Jason Ashton, seconded by Trustee Gary Hadden, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved, that the Village Board of Trustees will exit out of executive session.

Resolution #09-16

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEORA") DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE NEGATIVE DECLARATION – 34 MAPLE AVE.

On motion by Trustee Brad Pearson, seconded by Trustee Michael Crowley, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, Bell Atlantic Mobile of Rochester, L.P. d/b/a Verizon Wireless ("Verizon Wireless") proposes to construct and operate a wireless telecommunications facility (the "Project") on property to be leased from the Village of Victor (the "Village") pursuant to that certain Option and Tower Lease Agreement between the Village and Verizon Wireless (the "Lease"), located on property at 34 Maple Avenue, Village of Victor, County of Ontario, State of New York, known as Tax Map No. 28.05-1-39.000 (the "Project"); and

WHEREAS, representatives of Verizon Wireless previously met with Village officials to discuss the Project and the Lease; and

WHEREAS, the Village Board is fully familiar with the proposed location and the surrounding area; and

WHEREAS, the Project is an unlisted action under SEQRA and the Village Board is the only involved agency and, therefore, the Lead Agency; and

WHEREAS, the Village Board has reviewed the Project, the Lease and all other materials submitted in connection therewith.

NOW, THEREFORE, be it resolved by the Village Board that:

Based upon the Village Board's thorough and careful review of the Project, the Lease, and

all other materials submitted in connection therewith, the Village Board hereby determines that the Project and the Lease will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce minimal, if any, disturbance of soil and vegetation, with minimal storm run-off.
2. Aesthetics, Agriculture, Archaeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archaeological, historical, natural, or cultural resources. The Project is a public utility which must be located as and where necessary to provide essential wireless telecommunications service. As a colocation on the Village's existing tower, the Project's overall visibility will be minimized to the maximum extent possible.
3. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.
4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.
5. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.
6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.
7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).
8. Public Health and Safety. The Project will have no adverse impacts on the public health. The Village Board recognizes that the Project will enable Verizon Wireless to provide reliable wireless telecommunications service to the Village, enabling individuals, businesses and emergency service providers access to this essential service. The Project will promote the general health, safety and welfare of the citizens of the Village by providing access to a modern, reliable system of wireless telecommunications service. Further, the Village Board finds that none of the criteria for determining significance set forth in § 617.7(c)(1)(i)-(xii) would be implicated as a result of this Project.

Notice of this determination of non-significance shall be filed to the extent required by the applicable regulations under SEQRA or as may be deemed advisable by the Village Board.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Village Board at its regularly scheduled meeting, the date of which is listed herein.

VILLAGE BOARD OF THE VILLAGE OF VICTOR

DATE: January 4, 2015

Resolution #10-16

APPROVAL OF LEASE FOR WIRELESS TELECOMMUNICATIONS FACILITY ON VILLAGE PROPERTY AT 34 MAPLE AVENUE

On motion by Trustee Gary Hadden, seconded by Trustee Michael Crowley, the following resolution was ADOPTED 4 AYES 1 NAYS Michael Crowley

WHEREAS, Bell Atlantic Mobile of Rochester, L.P. d/b/a Verizon Wireless (“Verizon Wireless”) proposes to construct and operate a wireless telecommunications facility (the “Project”) on property to be leased from the Village of Victor (the “Village”) pursuant to that certain Option and Tower Lease Agreement between the Village and Verizon Wireless (the “Lease”), located on property at 34 Maple Avenue, Village of Victor, County of Ontario, State of New York, known as Tax Map No. 28.05-1-39.000 (the “Property”); and

WHEREAS, Verizon Wireless will lease space on the Village’s tower and approximately 760 square feet of land space near the base of the tower on the Property sufficient for the installation of Verizon Wireless’ antennas, equipment building, associated appurtenances and related equipment, as more particularly shown on the Lease Exhibit attached to the Lease, the form of which Lease is attached as Attachment A hereto; and

WHEREAS, the Village Board may approve the Lease pursuant to Village Law §1-102(1); and

WHEREAS, the premises to be leased to Verizon Wireless are not needed for Village purposes; and

WHEREAS, the Village Board has determined that entering the Lease is in the best interests of the Village; and

WHEREAS, the Village Board has determined that the rent to be paid by Verizon Wireless is of fair market value; and

WHEREAS, in connection with the Lease, the Village Board has conducted a full and comprehensive single agency review of potentially adverse environmental impacts from the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and on January 4, 2015 duly issued a Negative Declaration pursuant thereto; and

WHEREAS, the Village Board has reviewed the Project, the Lease and all other materials submitted in connection therewith,

NOW, THEREFORE BE IT RESOLVED that:

1. The Village Board hereby authorizes the Mayor to execute the Lease, substantially in the form attached hereto, to allow Verizon Wireless to construct and operate a wireless telecommunications facility and related infrastructure on the Property for an initial 5 year term with three 5 year extension terms as described in the Lease; and for an initial annual rent of \$34,800.00 with annual rent increases of 2%; and for such other terms and conditions as agreed upon by the Village and Verizon Wireless.

2. The Village Board finds that entering the Lease is in the best interest of the Village and surrounding community because, among other things, the Project will provide an essential service to the Village and the public in general and will have no adverse effect on the health, safety or welfare of the public.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Village Board at its regularly scheduled meeting, the date of which is listed herein.

VILLAGE OF VICTOR VILLAGE BOARD

DATE: January 4, 2016

Adjournment

Meeting adjourned on motion at 7:45pm.

Pamela Hogenes, Village Clerk