

A regular meeting of the Victor Town Board was held on February 22, 2016 starting at 7:00 PM with the following members present:

PRESENT:                   Supervisor     Jack Marren  
                                   Councilman    Mike Guinan  
                                   Councilman    Silvio Palermo  
                                   Councilman    Dan Crowley

ABSENT:                    Councilman     David Tantillo

OTHERS PRESENT: Debra Denz, Town Clerk; David Hou, Town Attorney; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; Steve Metzger, Town Engineer; Kent Kiiikka, Neil Stein, Tim Brown and one unreadable name.

Supervisor Marren called the meeting to order at 7:00 PM, and made the following announcements:

- 1) Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off, and any private conversations or interviews to be conducted in the hallway or outside. Emergency exit locations were pointed out to the left and right sides of the Main Meeting Room.
- 2) Councilman Tantillo necessarily absent.

The flag was saluted.

#### RESOLUTION #96

##### APPROVAL OF MINUTES

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED       AYES 4 (Marren, Palermo, Crowley, Guinan)       NAYS 0

RESOLVED that the minutes of the regular meeting of January 25, 2016 be approved.

#### RESOLUTION #97

##### PAYMENT OF BILLS

On motion of Councilman Guinan, seconded by Councilman Palermo, the following resolution was ADOPTED       AYES 4 (Marren, Palermo, Crowley, Guinan)       NAYS 0

RESOLVED that the bills be paid on Manifest #4 in the amount of \$232,169.67. Documentation for these expenditures can be found on vouchers filed by numbers #20160219-20160337.

A- General Townwide	\$201,461.60
B- General Outside Village	\$3,111.88
DB – Highway Townwide	\$24,333.41
SL1 –Fishers Light	\$13.07
SL2 –Brookwood Meadows Light	\$11.24
SL3 –High Point Light	\$29.08
SL4 –Cobblestone Light	\$144.87
SL5 –Quail Ridge Light	\$26.22
SL6 –Rolling Meadows Light	\$32.47
SL7 –Legacy at Fairways	\$19.97
SL8 –Stoneleigh Light	\$10.86
TA –Trust & Agency	\$2,975.00

Supervisor Marren reviewed each of the six large expenses that were included in Manifest #4.

REPORTS OF TOWN OFFICIALS

Supervisor Marren –read Proclamation –Colorectal Cancer Awareness Month for March

EMPLOYEE OF THE MONTH

Al Benedict was January employee of the month for his help with a maintenance situation and continued help with tasks around the Town Hall.

SUPERVISOR

Supervisor Marren distributed information in a submitted report to Town Board members, and discussed the following items:

- 1) Distributed correspondence from Village Atty. advising that Village upgrading their sewage plant and requesting Town Board confirmation that Town will abide by Sewer Agreement with Village that properties serviced by the Village will continue to be serviced by the Village.  
Town Board members had no objection to Supervisor Marren executing the confirmation letter.
- 2) Regarding overriding the Tax levy for 2017 budget: Town Board briefly discussed and will wait until the tax cap is announced by the Office of the State Comptroller before deciding how to proceed, which will require the local law approval process.
- 3) Re: Victor Gravel Pit: NYS DEC Notice of Complete Application has been received for the request for change of hours of operation. Town has 30 days to comment, Town Atty. to review.
- 4) Discussed Planning Board approval for addition at 889 Strong Rd. and the circumstances and time involved in extending the sewer district. The Town Board had no concerns with applicant starting before the sewer district extension process complete.
- 5) Thanked the Highway Superintendent and staff for a job well done plowing the roads with the bad winter storm last Tuesday, and for the continued updates on the Recycling Center.

REPORTS SUBMITTED

Fiscal Manager  
Economic Development  
Attorney  
Engineer  
Highway

TOWN BOARD COMMENTS ON SUBMITTED REPORTS

Supervisor Marren advised:

Re: MCWA lease –there will be an amendment to the lease resolution for Town Board consideration at the next meeting which would provide an opportunity for revenue to the Town.

Re: Auburn Trail Pump Station –survey of the easement by RG & E along Auburn Trail was completed. After the map is completed there will be an appraisal of the value.

TOWN CLERK

Debra Denz reported:

- 1) 2015 Annual Report from the Humane Society of Ontario County received and distributed to the Town Board.

COUNCILMAN PALERMO

Historic Advisory Committee –reviewed the list of members selected as Liaisons to Planning Board, Zoning Board and Conservation Board.

COUNCILMAN CROWLEY

Re: Motel Fire in Farmington –reviewed that the Firefighters ran into a situation that with the extreme low temperatures, the hydrants were frozen. To be proactive, felt that MCWA should identify hydrants in Victor that could potentially freeze in extreme weather.

## RESOLUTION #98

HISTORIC HIGH POINT RETAIL, LETTER OF CREDIT, RELEASE 2 (FINAL)

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Historic High Point Retail, LLC, received Planning Board approval for Historic High Point Retail with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, M&T Bank Irrevocable Letter of Credit No. SB1486730001 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 January 29, 2016 and recommends in his letter February 11, 2016 that \$72,432.64 be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 2 on the M&T Bank Irrevocable Letter of Credit No. SB1486730001 in the amount of \$72,432.64 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$0.00 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Historic High Point Retail, LLC and BME Engineering.

## RESOLUTION #99

AUTHORIZATION OF THE ESTABLISHMENT OF AN ACQUISITION OF EQUIPMENT CAPITAL PROJECT TO BE FINANCED BY DEBT OBLIGATIONS

On motion of Councilman Guinan, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Bond Resolution No. 75 dated January 25, 2016, the Town Board of the Town of Victor authorized General Obligation Serial Bonds to finance the acquisition of equipment, authorizing the issuance of Bond Anticipation Notes in contemplation thereof, the expenditure of sums for such purpose, and determining other matters in connection therewith; and

WHEREAS, Bond Resolution No.75 also authorized the Town of Victor to expend up to Seven Hundred Seventy Five Thousand dollars (\$775,000.00) for the acquisition of the class of objects or purpose for various equipment, vehicles, machinery and apparatus which the period of probable usefulness is restricted to five years; and

WHEREAS, the estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$775,000, which amount is hereby appropriated therefor, no money has heretofore been authorized to be applied to the payment of the cost of said purpose, and the plan for financing of said purpose is to provide all of such maximum cost by issuance of debt obligations as authorized by Bond Resolution No. 75; and

WHEREAS, Bond Resolution No. 75 authorized the Town to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized from the proceeds of the obligations authorized for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations; and

(Resolution #99 con't)

WHEREAS, it is recommended by the Office of the New York State Comptroller, that a Capital Project be established for accounting purposes for equipment purchases financed from the proceed of obligations; therefore be it

RESOLVED, that Capital Project H22 be established for the Acquisition of Equipment to be financed by obligations for accounting purposes; and

RESOLVED, that this Capital Project is for said purpose of the acquisition of class of objects for various equipment, vehicles, machinery and apparatus, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, which the period of probable usefulness is restricted to five years and the maximum amount for said purpose is Seven Hundred Seventy Five Thousand dollars (\$775,000.00) which is to be financed per Bond Resolution No. 75 authorizing the issuance of debt obligations; and

RESOLVED, that the Town is authorized to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized from the proceeds of the obligations authorized for expenditures, if any from such fund that may be made for the purpose prior to the date of the issuance of such obligations; and therefore be it

RESOLVED, that the budget for said Capital Project H22 Acquisition of Equipment be as follows:

ESTIMATED REVENUE:

H22.5731.000 BAN's Redeemed from Appropriations \$775,000

APPROPRIATIONS:

H22.7110.200 Parks Equipment \$45,000

H22.8160.200 Refuse and Garbage Equipment \$180,000

H22.3620.200 Building Safety Inspection Equipment \$70,000

H22.5130.200 Highway Equipment \$480,000

TOTAL APPROPRIATIONS \$775,000

And therefore be it

RESOLVED, that copies of this resolution be forwarded by the Town Clerk to Bernard P. Donegan, Inc., Tim McGill, Esq., Boylan Code, LLP; Debra Denz, Town Clerk, Gloria Dunton, Fiscal Manager, Barb Cole, Fiscal Assistant, Mark Years, Highway Superintendent, Brian Emelson, Director of Parks and Recreation, and Katie Evans, Director of Development.

RESOLUTION #100

BUDGET TRANSFERS FOR 2015 YEAR END

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED, that the following 2015 year end budget transfers for 12/31/2015 as recommended by the Fiscal Manager and approved by the Town Supervisor are for Town Board Approval:

	TO:			FROM:	
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT

A.1110.100	Justice Personal Services	497.37	A.1110.400	Justice Contractual	497.37
A.1410.430	Town Clerk Legal	418.00	A.1410.100	Town Clerk Personal Services	418.00
A.1420.430	Attorney Legal	5,213.15	A.1010.400	Town Board Contractual	5,213.15
A.1440.440	Engineering Contractual	3,674.48	A.1989.400	Other General Government Contractual	3,674.48
A.1620.400	Buildings Contractual	693.94	A.1620.100	Buildings Personal Services	693.94
A.1670.400	Central Mail & Print Contractual	161.73	A.1330.400	Receiver of Taxes Contractual	161.73
A.3310.400	Traffic Control Contractual	270.00	A.5132.400	Highway Garage Contractual	270.00
A.5010.100	Highway Superintendent Personal Services	316.22	A.5010.400	Highway Superintendent Contractual	316.22
A.5010.110	Highway Superintendent Personal Services Deputy	1,785.00	A.5010.200	Highway Superintendent Equipment	1,785.00
A.5010.110	Highway Superintendent Personal Services Deputy	560.68	A.5132.400	Highway Garage Contractual	560.68
A.5010.110	Highway Superintendent Personal Services Deputy	158.31	A.5132.200	Highway Garage Equipment	158.31
A.5010.110	Highway Superintendent Personal Services Deputy	17.78	A.5010.400	Highway Superintendent Contractual	17.78
A.6420.100	Economic Development Personal Services	4,077.33	A.6420.400	Economic Development Contractual	4,077.33
A.7020.400	Rec. Admin. Contractual	7,463.54	A.7020.100	Rec. Admin. Personal Services	7,463.54
A.8140.400	Stormwater Management Contractual	344.48	A.1910.400	Unallocated Insurance Contractual	344.48
A.8140.440	Stormwater Management Engineering	2,254.90	A.1910.400	Unallocated Insurance Contractual	2,254.90
A.8160.100	Refuse & Garbage Personal Services	44,567.35	A.8160.400	Refuse & Garbage Contractual	44,567.35
A.8160.100	Refuse & Garbage Personal Services	1,134.08	A.8160.410	Refuse & Garbage Fuel	1,134.08
A.9010.800	State Retirement Employee Benefits	41,397.45	A.9030.800	Social Security Employee Benefits	41,397.45
DB.5130.100	Machinery Personal Services	1,039.42	DB.5130.400	Machinery Contractual	1,039.42
DB.5142.100	Snow Removal Personal Services	9,101.63	DB.5110.100	General Repairs Personal Services	9,101.63
DB.9730.600	BAN Principal	76,900.00	DB.9730.700	BAN Interest	76,900.00
DB.9730.600	BAN Principal	13,100.00	DB.9060.800	Medical Insurance Employee Benefits	13,100.00
SW.9730.600	BAN Principal	10,000.00	SW.9730.700	BAN Interest	10,000.00

TOWN BOARD DISCUSSION –LIAISONS

Supervisor Marren felt that resolution #101 should apply to Town Board, Planning Board and Zoning Boards only as Conservation Board an advisory board. After brief discussion, this will be clarified with the Historic Advisory Committee and the Conservation Board.

## RESOLUTION #101

APPROVAL OF BOARD/COMMITTEE LIAISON DUTIES

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, liaisons have been requested to represent their respective Boards/Committees to other Town-affiliated Boards and Committees; and

WHEREAS, the need exists to define the role of these liaisons; and

WHEREAS, the following definitions, responsibilities, and processes are recommended:

Definition

A Board/Committee Liaison is a member of a Board/Committee who maintains the formal contact or connection between their own Board/Committee and an assigned Board/Committee. Board/Committee Liaisons are appointed by their own Board/Committee, and their own Board/Committee will review liaison assignments once a year. The primary role of a Board Liaison is to facilitate communication between their own Board/Committee and the Board/Committee served.

Responsibilities

The responsibilities of a Board/Committee Liaison are:

1. To attend their own Board/Committee meetings on a regular basis, and the assigned Board/Committee's meetings on an as-needed basis.
2. To carry information, questions, and feedback between the two bodies at the request of those groups.
3. To consider and inquire whether discussions that occur during meetings should be raised with the other group, even when the Board/Committee has not suggested that a formal communication take place.
4. When sharing information, to be clear whether they are making a formal, requested communication from the other group or simply offering their personal observations and experience of the meetings they have attended.

Communication Process

1. The Board/Committee assigned a liaison will implement a standard procedure to determine during their own Board/Committee meetings whether there is anything they would like the Board/Committee Liaison to communicate to the other Board/Committee on their behalf, and how they would like that communication to take place.
  - a. If the communication or request for input is not time-sensitive, then the Board/Committee Liaison will raise the issue at the next regularly-scheduled meeting of the Board/Committee.
  - b. If the communication or request for input is time-sensitive or requires special handling for any reason, the Board/Committee requesting the communication will agree with the Board/Committee Liaison on an alternate timetable and communication method, including the date by which the Board/Committee is requesting a response from the other body.
  - c. If either the Board/Committee cannot provide a response to the Board/Committee Liaison within the proposed timetable, that group is responsible for communicating, via the Board/Committee Liaison, when a response can be provided.

2. The communication assigned to the Board/Committee Liaison, the timeline, and the method of communication will be recorded in the minutes of the Board/Committee
3. A Board/Committee Liaison may at any time request designated time on the Board/Committee's agenda in order to achieve adequate consideration of an issue or question.

*This policy should not be construed as preventing any committee member from approaching Board/Committee members or attending Board/Committee meetings under their own auspices.*

Now, therefore be it

RESOLVED, that the Board/Committee Liaison Duties be adopted; and be it further

RESOLVED, that a copy of this resolution be sent to the Town Board, Planning Board, Conservation Board, Parks & Recreation Citizens Advisory Committee, Historic Advisory Committee, Cemetery Preservation and Restoration Committee, Board of Assessment Review, Board of Ethics, Boughton Park Commission, Comprehensive Emergency Management Plan Committee, Point of Distribution Committee, Victor Local Development Corporation, Zoning Board of Appeals, and Human Resources.

RESOLUTION #102

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 275 HIGH STREET AND 299 FRANLEE LANE

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to 275 High Street and 299 Franlee Lane, located in the town of Victor; and

WHEREAS, the acquisition of two (2) easements is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easements, are located along the frontages of 275 High Street (Tax Acct. No. 1.02-1-19.000), which is owned by Victor Historical Society, Inc. and is approximately 35' x 10', and, 299 Franlee Lane (Tax Acct. No. 6.02-3-1.110), which is owned by Robert G. Rose and Deborah W. Rose and is approximately 30' x 25' 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 these properties and the property owners have agreed to voluntarily grant the easements 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 275 High Street (Tax Acct. No. 1.02-1-19.000) and 299 Franlee Lane (Tax Acct. No. 6.02-3-1.110), 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.

**Note:** The Atty. for the Town received confirmation from MCWA that the easement at 275 High St. and 299 Franlee Lane is for an existing pipe.

## RESOLUTION #103

SET PUBLIC HEARING RELATING TO ADDITION OF LIGHT POLE TO THE COBBLESTONE CREEK STREET LIGHTING DISTRICT

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, on or about December 26, 1989, the Victor Town Board approved the establishment of the Cobblestone Creek Street Lighting District (the "Lighting District"); and

WHEREAS, since the establishment of said Lighting District, various lighting fixtures and equipment has been installed to serve the residential subdivision which is within said Lighting District known as Cobblestone Creek Subdivision; and

WHEREAS, the Town Board finds that an additional light pole and fixture is needed in front of Lot 610 on Barchan Dune Rise in the Cobblestone Creek Subdivision; and

WHEREAS, said light pole and fixture will be consistent with other lighting in the Lighting District and will comprise the following: one high pressure sodium light fixture, 250 watts, on an 18 foot Colonial style fiberglass pole (the "Light Pole"); and

WHEREAS, pursuant to Town Law Section 202-b, the Town may add additional facilities to an existing lighting district upon an estimate of the cost thereof and after a public hearing held thereon; and

WHEREAS, given that the proposed Light Pole qualifies as a "service class 1," Rochester Gas and Electric will construct and operate the proposed additional Light Pole at no capital cost to the Town of Victor and/or the Lighting District; and

WHEREAS, therefore, the only additional costs to the Lighting District will be, approximately, as follows: a monthly electricity delivery fee in the approximate amount of Twenty Three dollars and Fifty cents (\$23.50); and a monthly electricity supply fee in the approximate amount of Seventeen dollars and Twenty Six cents (\$17.26), said supply fee will vary based upon the electricity rate and amount of time the light is on; and

WHEREAS, said monthly fee approximating Forty dollars and Seventy Six cents (\$40.76) will be charged to the Lighting District and will, in turn, be assessed among the properties which are part thereof in accordance with the assessment formula established therefore; now, therefore, be it

RESOLVED, by the Town Board of the Town of Victor that a public hearing shall be had on the 14<sup>th</sup> day of March, 2016 at 7:30 p.m., for the purpose of considering the addition of the Light Pole to the Cobblestone Creek Light District; and be it further

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

PUBLIC COMMENT

Supervisor Marren requested public comment on any subject.

No one wished to comment.

RESOLUTION #104

MOVE TO EXECUTIVE SESSION

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the Victor Town Board enter into Executive Session for discussion of proposed acquisition/sale/lease of real property. Requested to stay: David Hou, Alan Feldstein, Vince Pettrone, Mark Years, Steve Metzger and Mark Kukuvka, the Town Clerk was excused. No Town Board action to take place following the Executive Session

Time: 7:35 PM

RESOLUTION #105

RE-OPEN OPEN MEETING

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the open meeting of the Victor Town Board be reconvened. Time: 9:12 PM.

On motion of Councilman Palermo, seconded by Councilman Crowley, the meeting was adjourned at 9:12 PM.

Respectfully submitted, \_\_\_\_\_ Debra J. Denz, Town Clerk