

A regular meeting of the Victor Town Board was held on May 9, 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; Wes Pettee, Town Engineer; Keith R. Barden, David Wright, Kim Kinsella, Dave Knapp, David Nankin, Bob Cantwell, Mary McCarthy, Neil Stein, Christian Donovan, Carol MacInnes, Jason Cline, Tim Brown, Kent Kiikka, Barb Cole, Tom Hooker, Suzy Paquin, Melody Burri and Jeff Smith.

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) Dave Tantillo necessarily absent.
- 3) Wes Pettee, LaBella Engineers, was available to answer questions regarding drainage improvement district. Steve Metzger necessarily absent.
- 4) Announced May employee birthdays.

The flag was saluted.

RESOLUTION #190

APPROVAL OF MINUTES

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 minutes of the regular meeting of April 11, 2016 be approved.

RESOLUTION #191

PAYMENT OF BILLS

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

RESOLVED that the bills be paid on Manifest #9 in the amount of \$143,873.03. Documentation for these expenditures can be found on vouchers filed by numbers #20160893-20160998.

A- General Townwide	\$121,828.86
B- General Outside Village	\$2,019.54
DB – Highway Townwide	\$15,613.12
SL1 –Fishers Light	\$161.72
SL2 –Brookwood Meadows Light	\$171.08
SL3 –High Point Light	\$129.50
SL4 –Cobblestone Light	\$2,430.01
SL5 –Quail Ridge Light	\$476.02
SL6 –Rolling Meadows Light	\$504.16
SL7 –Legacy at Fairways	\$539.02

Supervisor Marren reviewed each of the three large expenses that were included in Manifest #9.

PRIVILEGE OF THE FLOOR

1) Christian Donovan, 783 Duck Hollow distributed reviewed his need and request for a relief from easement restriction for the installation of a fence to be located within two Town owned easements that are on both sides of his property.

The Town Board briefly discussed and supported the relief from easement restriction for the fence install. Atty. David Hou advised that Mr. Donovan would be required to sign a waiver that allows access to the easement for maintenance if needed, and any expense involved would be his responsibility.

2) Dave Wright, Victor Hiking Trails presented the final draft and key initiatives of the Victor Hiking Trails Strategic Plan developed to sustain and grow the successful non-profit organization into the future. He reviewed the history of the organization that was formed in 1991 and in partnership with the Town, has established and is responsible for the maintenance of more than 55 miles of trails. Next step is for implementation.

PUBLIC COMMENT

- 1) Neil Stein, Strong Rd. regarding the annexation vote on the agenda, felt that a fixed plan for the development of the land should be in place first before Town Board considers annexation.
- 2) Tom Hooker, 57 E. Parkway, distributed copies of "footprint" drawings for the Gullace proposal and was concerned that the square footage for the houses shown is out of scale with the lots undersized for an R-2 district. He felt that an acceptable plan should be in place first before the Town Board considers the annexation.
- 3) Mary McCarthy, 21 East Parkway, glad that Victor Hiking Trails and the Parks Dept. Realize the importance of space as Victor is a former rural community. Regarding the Gullace proposal, felt there is no need for multiple housing in this area where there are all single family homes. Questioned the location of the 2nd road from the development across from Hillcrest Dr. She was concerned with traffic from possible seven roads coming into one small area about a quarter of a mile, and felt that needs to be considered. She urged the Town Board to consider all of the comments and the petition that they have received when making their determination.

RESOLUTION #192

MOVE TO SCHEDULED PUBLIC HEARING

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 regular meeting of the Victor Town Board be interrupted to hold the scheduled Public Hearing.

PUBLIC HEARING

TO ESTABLISH THE TOWN OF VICTOR DRAINAGE IMPROVEMENT AREA

Public Hearing was opened at 7:30 PM.

Legal Notice was read into the record by the Town Clerk.

Jeff Smith, Woodstone Custom Homes –has been developing in Victor for over 30 years. He supports the proposal as he felt it gives the Town the ability to maintain the road runoff areas. Felt current and long standing developments will benefit from this.

Tom Hooker, 57 East Parkway –Felt one of the main concerns with developing the Gullace project is drainage. Hopes this will be considered when looking at that project for inclusion in the Drainage Improvement Area.

Public Hearing closed 7:40 PM

RESOLUTION #193RE-OPEN REGULAR MEETING OF THE VICTOR TOWN BOARD

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 regular meeting of the Victor Town Board be reconvened.

PROCLAMATION

Supervisor Marren read a proclamation declaring May 9th through June 11th as "Paint the Town Purple" for the American Cancer Society's Relay for Life of Victor-Farmington at Fingerlakes Gaming & Racetrack on June 11th 2016.

REPORT OF TOWN OFFICIALSDRAFTING CODE AMENDMENT RELATING TO NON-CONFORMING RESIDENTIAL USES IN NON- RESIDENTIAL DISTRICTS

1) Atty. David Hou updated and presented options to the Town Board regarding the status of his research for developing an amendment for changing the Non-Conforming Use language in code relating to "grandfathered" residential properties located in Commercial/ Light Industrial Zones. He noted that 20 other properties have been identified that are residential uses zoned in non residential districts.

Lengthy Town Board discussion followed with input received from the resident who made a request to the Town Board at the 4/11/16 meeting regarding construction of accessory structures on his residential property located in a Commercial/Light Industrial zone. The Atty. for the Town clarified questions from the Town Board and was directed to draft a proposal for Town Board consideration that mirrors residential expansion, allowing residential structures and residential uses in non-residential districts, without limiting percentages, to be approved by the Building Dept. if all regulations are met.

SUPERVISOR

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

- 1) Information was given to Board members on the Value Protection Plan for review.
- 2) Increase in sales tax revenue.

SUBMITTED REPORTS

Highway
Parks and Recreation
Historian
Attorney
Engineer
Swap Shop

TOWN CLERK

Debra Denz reported:

- 1) Correspondence received from Dale Reed, 1430 Malone Rd., concerns with excessive truck noise from large trucks using Malone Rd. and connecting to Town roads.
- 2) Town Clerk's report for the month of April, 2016 was distributed and is available for review in the Town Clerk's office.

COUNCILMAN PALERMO

Historic Advisory Committee –holding meeting on 5/16 to discuss the history of Fishers Ridge.

RESOLUTION # 194

CORRECTION OF MANIFEST #5

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

WHEREAS the Finance Dept. has submitted the following voided check due to registration for training where class was full and payment was made resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED, that the following Manifest be corrected:

03/14/16 Manifest #5-2016- total amount be corrected to \$293,856.82, void check, (Voucher #20160410, \$600.00)

and further

RESOLVED, that a copy of this resolution be forwarded to the Finance Department.

RESOLUTION #195

AUBURN HILLS SUBDIVISION, SECTION 2, LETTER OF CREDIT, RELEASE 2

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

WHEREAS, Woodstone Custom Homes, Inc., received Planning Board approval for Auburn Hills Subdivision, Section 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Canandaigua Bank Irrevocable Letter of Credit No. 1106159593 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 April 15, 2016 and recommends in his letter April 20, 2016 that \$387,498.66, be released from said Letter of Credit; now, therefore, be it

RESOLVED, that the Town Board hereby approves Release No. 2 on the Canandaigua National Bank Irrevocable Letter of Credit No. 1106159593 in the amount of \$387,498.66, as recommended by the Town Engineer; and further

RESOLVED, that given said release, there now remains \$586,100.67 in said Letter of Credit; and further

RESOLVED, that a copy of this resolution be forwarded to the Engineer for the Town, Woodstone Custom Homes, Inc. and Parrone Engineering.

RESOLUTION #196

HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (UTILITIES), LETTER OF CREDIT, RELEASE 1

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

WHEREAS, Rainbros Associates, LLC, received Planning Board approval for High Point Business Park, High Point Drive Extension (Utilities) with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

(Resolution #196 con't)

WHEREAS, M & T Bank Irrevocable Letter of Credit No. SB1859600001 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. 1 dated April 21, 2016 and recommends in his letter April 27, 2016 that \$297,496.80 be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the M & T Bank Irrevocable Letter of Credit No. SB1859600001 in the amount of \$297,496.80 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$494,698.16 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Rainbros Associates, LLC and BME Associates.

RESOLUTION #197

AUTHORIZATION FOR PURCHASE AND INSTALLATION OF NEW TRANSMISSION FOR JOHN DEERE ZERO TURN MOWER FOR PARKS AND RECREATION DEPARTMENT

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

WHEREAS, the Town owns a John Deere Zero Turn Mower for its parks and trails maintenance operations; and

WHEREAS, the existing mower requires replacement of its transmission; and

WHEREAS, it is the recommendation of the Department of Parks and Recreation's Parks Maintenance Assistant that the Town replace the transmission to enable it to be utilized for the (2016) maintenance season; and

WHEREAS, the Parks Maintenance Assistant recommends that we accept the service estimate of Lakeland Equipment for the purchase and installation of a new transmission for the John Deere Zero Turn mower at a cost not to exceed One Thousand Six Hundred Eight Dollars and Ninety Seven cents (\$1,608.97); and

WHEREAS, funds are available in the (2016) Budget line item A7110.4 Park Operations; now, therefore, be it

RESOLVED that the Town Board authorizes the Department of Parks and Recreation to schedule the replacement of the transmission in its John Deere Zero Turn Mower in an amount not to exceed One Thousand Six Hundred Eight Dollars and Ninety Seven cents (\$1,608.97) by Lakeland Equipment; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Jeff Rader, Parks Maintenance Assistant; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager; and Lakeland Equipment.

RESOLUTION #198

ACCEPT TOWN OF VICTOR GATEWAY SIGN DONATIONS

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

WHEREAS, the Victor Garden Club and the Department of Parks and Recreation are collaborating on a project that will introduce a Gateway Sign at the New York State Route 96 and Main Street Fishers intersection in the Town of Victor; and

WHEREAS, the Town Board has authorized the Department of Parks and Recreation to purchase and have installed a Gateway Sign in the northwest flower bed of the referenced intersection; and

WHEREAS, the activities associated with the project have realized recent donations from 2016 partners in the amount of Three Thousand Six Hundred Fifty Dollars and no cents (\$3,650.00) as follows from:

Gorbel, Inc.	\$1,000.00
Sage Financial	\$150.00
Victor Chamber of Commerce	\$100.00
Victor Hiking Trails, Inc.	\$100.00
LSI Solutions	\$1,000.00
Zoetek Medical Sales & Service, Inc.	\$100.00
Logical Control Solutions	\$100.00
O'Connell Electric Co.	\$100.00
Tambe Electric, Inc.	\$250.00
Heritage Packaging	\$250.00
DiMarco Family-Victor, LLC	\$500.00

And,

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit these donations in support of this project; now, therefore be it

RESOLVED that the Town Board accepts the above sponsorship donations in the amount of Three Thousand Six Hundred Fifty Dollars and no cents (\$3,650.00) to be deposited in the 2016 budget line item A2001; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Mary Duprey, President, Victor Garden Club; Gloria Dunton, Fiscal Manager; and Debra Denz, Town Clerk.

RESOLUTION #199

ACCEPTANCE OF THE RESIGNATION AND RETIREMENT OF STEPHEN GOODBERLET

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

WHEREAS, Stephen Goodberlet submitted a letter of retirement and resignation from his position as the Motor Equipment Operator - Foreman for the Town of Victor's Highway Department on April 27, 2016, with an effective date of June 28, 2016; and

WHEREAS, Stephen Goodberlet will be ceasing work on May 5, 2016 and will be taking his remaining vacation days as leave until his retirement date of June 28, 2016; now, therefore be it

RESOLVED that the Town Board accepts the resignation of Stephen Goodberlet, and thanks Steve for his hard work and dedication to the residents of the Town of Victor over the past 35 years, and wishes him all of the best on his retirement; and be it further

(Resolution #199 con't)

RESOLVED that a copy of this resolution be forwarded to Stephen Goodberlet, Human Resources Dept, Finance Department, Mark Years, and Ontario County Human Resources

RESOLUTION #200

AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO A LEASE AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR TOWN HALL COPIERS

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

WHEREAS, the Town Hall has the need to replace two existing central copiers located in Town Hall due to the deterioration of the equipment and excessive repair costs; and

WHEREAS, the lease on the first floor copier expired on December 21, 2015, and the second floor copier was purchased by the Town in 2009; and

WHEREAS, the Finance Department has assessed the function and capabilities of multifunction copiers currently available through New York State contract; and

WHEREAS, after a review of all considerations, the Finance Department recommends that Toshiba Business Solutions be awarded the contract for two Toshiba E-studio 6560CT Color Copiers, based on pricing through NYS contract PT66615 with financing through the Deferred Payment Plan option for a 60 month term, beginning on May 10, 2016 and ending on May 10, 2021, at a cost of Three Hundred Seventy Six dollars and Six Cents (\$376.06)/month with a click charge of \$0.0059 for black & white copies and \$0.0423 for color copies and terms as identified in "Schedule A" kept in the subject file in the Town Clerk's office; and

WHEREAS, funding for the copiers is available in the 2016 Town Budget Line Item #A.1670.400 Central Mail & Print Contractual; now, therefore be it

RESOLVED, Toshiba Business Solutions be awarded the contract for two Toshiba E-studio 6560CT Color Copiers, based on pricing through NYS contract PT66615 with financing through the Deferred Payment Plan option for a 60 month term, beginning on May 10, 2016 and ending on May 10, 2021, at a cost of Three Hundred Seventy Six dollars and Six Cents (\$376.06)/month with a click charge of \$0.0059 for black & white copies and \$0.0423 for color copies and terms as identified in "Schedule A" kept in the subject file in the Town Clerk's office; and further

RESOLVED, funding for the copiers is available in the 2016 Town Budget Line Item #A.1670.400 Central Mail & Print Contractual; and further

RESOLVED, that Toshiba Business Solutions will remove and dispose of two Town Hall copiers located in the 1st Floor Copy Room (Xerox 9201 #BRE002328) and in the basement Records Room (Konica 7020 #13GL04849) at \$0.00 trade-in value at no extra charge; and further

RESOLVED that a copy of this resolution be forwarded to the Finance Dept, Town Clerk, Suzy Paquin, and Don Mongeon, Toshiba Business Solutions.

RESOLUTION #201

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 0 COUNTY ROAD 9

On motion of Councilman Palermo, seconded by Councilman Crowley, 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 0 County Road 9 located in the town of Victor; and

(Resolution #201 con't)

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

WHEREAS, the easement, is located along the frontage of 0 County Road 9 (Tax Acct. No. 16.00-1-49.120), which is owned by Polidori and Ferri Custom Homes, Inc. and is approximately 101 x 15 along the entire 0 County Road 9 frontage, 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 0 County Road 9 (Tax Acct. No. 16.00-1-49.120) 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 parcel referenced (#16.00-1-49.120) was split into 3 parcels after recording of easement (864 Co Rd 9 #16.00-1-49.121, 866 Co Rd 9 #16.00-1-49.122, 868 Co Rd 9 #16.00-1-49.123)

RESOLUTION #202

ORDER FOR PUBLIC HEARING TO ESTABLISH THE "889 STRONG ROAD SEWER DISTRICT" AND CONSOLIDATE IT INTO THE VICTOR CONSOLIDATED SEWER DISTRICT

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

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 the parcel 889 Strong Road, Victor, NY, 14564, tax account # 14.02-1-17.000 (the proposed extension to the Sewer District is hereinafter referred to as the "889 Strong Road Sewer District"); and

WHEREAS, given the nature of the MPR and the policy and practice 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 889 Strong Road Sewer District into the Victor Consolidated Sewer District; and

WHEREAS, simultaneous with its establishment, the Town of Victor will cause the 889 Strong Road 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; and

WHEREAS, the boundaries of the 889 Strong Road Sewer District comprise a parcel at 889 Strong Road, Victor, NY, 14564, tax account # 14.02-1-17.000, 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 improvements include: infrastructure, including a 4 inch lateral; and

(Resolution #202 con't)

WHEREAS, the maximum amount proposed to be expended by the Town for the 889 Strong Road Sewer District and associated improvements is the sum of zero dollars (\$0.00), as the applicant will pay for the capital cost thereof; and

WHEREAS, since there will be no capital cost to the Town for the 889 Strong Road Sewer District, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office; and

WHEREAS, simultaneous with the establishment of the 889 Strong Road Sewer District, it shall be consolidated into the Victor Consolidated Sewer District as more fully described in the "Proposed Joint Consolidation Agreement for the Town of Victor Consolidated Sewer District and the 889 Strong Road Sewer District," (the "Agreement") adopted by the Victor Town Board on March 28, 2016; and

WHEREAS, a descriptive summary of the Agreement follows:

The current Town of Victor Consolidated Sewer District and the 889 Strong Road Sewer District (as proposed and described in the MPR referred to herein) will be consolidated so that the area and infrastructure of the 889 Strong Road Sewer District is added and consolidated into the Victor Consolidated Sewer District. The consolidation will eliminate the annual need for additional expenses in the administrative oversight of multiple sewer districts. The existing debt of the Victor Consolidated Sewer District will be spread across the newly consolidated Victor Consolidated Sewer District. This consolidation will not be effective unless and until the 889 Strong Road Sewer District is fully established in compliance with NY Town Law.

And, WHEREAS, after establishment and consolidation into the Victor Consolidated Sewer District, the capital cost to the typical residential property will be approximately \$78.24, annually, and the capital cost to the typical commercial property will be approximately \$376.30, annually, and the capital cost to those properties added into the Town of Victor Consolidated Sewer District by operation of this action (i.e., those properties within the area formerly referred to as the 889 Strong Road Sewer District) will be in accordance with the formula established by the Town Board as set forth in the Victor Town Code at Chapter 162, and this action will not significantly change the costs for residential or commercial properties; and

WHEREAS, maintenance and operation charges will be calculated as more specifically set forth in the Victor Town Code at Chapter 162; and

WHEREAS, a hook-up fee will be charged in accordance with Chapter 162 of the Victor Town Code; and

WHEREAS, the MPR describing the 889 Strong Road Sewer District, and the Agreement, are both on file in the office of the Town Clerk where they are available for public inspection; now, therefore be it

ORDERED and RESOLVED, that, pursuant to Article 12 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 the 23rd day of May, 2016, at 7:30 p.m. for the purpose of conducting a public hearing on the proposal to create the 889 Strong Road Sewer District as well as the simultaneous consolidation of the 889 Strong Road Sewer District into the Town of Victor Consolidated Sewer District, 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.

RESOLUTION #203

SEQRA DETERMINATION FOR THE ESTABLISHMENT OF THE TOWN OF VICTOR DRAINAGE IMPROVEMENT AREA

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

WHEREAS, the Victor Town Board has determined that the establishment of a Drainage Improvement Area will most effectively manage stormwater runoff within the Town's borders given current and future conditions; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act Article 8 of the New York State Environmental Conservation Law and associated regulations including 6 N.Y.C.R.R. 617 ("SEQRA") the Town of Victor is required to undertake a review of potential environmental impacts associated with the Action; and

WHEREAS, the Victor Town Board has directed the Town Engineer to complete a Short Form EAF with regard to the establishment of the Drainage Improvement Area and the Town Engineer has completed said Short Form EAF; and

WHEREAS, the Victor Town Board has reviewed said Short Form EAF and finds that the proposed Action is found to be an Unlisted Action under State Environmental Quality Review Act; and,

WHEREAS, the Victor Town Board proceeded as Lead Agency; and,

WHEREAS, the Victor Town Board has reviewed the environmental record and has evaluated the Action using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and although potential environmental impacts were identified with this action, none of the impacts were found to be significant; now therefore be it

RESOLVED, the Victor Town Board affirms its Lead Agency status; and be it further

RESOLVED that the establishment of the Drainage Improvement Area as related to SEQRA constitute an "unlisted action" pursuant to SEQRA; and be it further

RESOLVED, that the Action, Establishment of the Town of Victor Drainage Improvement Area, will not have a significant impact on the environment and the Victor Town Board hereby issues a Negative Declaration of Environmental Significance; and be it further

RESOLVED that the Town Board's adoption of the Negative Declaration has been prepared and implemented under 6 N.Y.C.R.R. Part 617; and be it further

RESOLVED, that notice of this Resolution and the Notice of Negative Declaration shall be filed to the extent required by the applicable regulations under SEQRA and/or any other relevant statute or regulation.

RESOLUTION #204

AUTHORIZING THE ESTABLISHMENT THE TOWN OF VICTOR DRAINAGE IMPROVEMENT AREA

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

WHEREAS, the Town Board of the Town of Victor has duly directed LaBella Associates, P.C., the Town Engineer of the Town of Victor, to supervise the preparation of a general map, plan and report (the "MPR") for establishing a Drainage Improvement Area (to be known as the "Town of Victor Drainage Improvement Area" or the "DIA") in the Town of Victor to facilitate the Town's ability to address surface water runoff issues within the Town; and

(Resolution #204 con't)

WHEREAS, after said Town Engineer duly prepared and filed the said MPR in the Office of the Victor Town Clerk, the Town Board did duly adopt an Order reciting details of the proposed DIA in accordance with Town Law Article 12-C and specifying that the Town Board shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 9th day of May, 2016, for the purposes of conducting a public hearing on such proposal to establish said DIA and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, copies of said Order were duly published and posted according to law, and the Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof; and

WHEREAS, the boundaries of the Victor DIA includes various areas throughout the Town of Victor as more specifically set forth in the map which is part of the MPR, and which map is available for review and inspection by the public at the Office of the Victor Town Clerk; and

WHEREAS, no improvements are proposed to be constructed, as the DIA will incorporate existing improvements which have already been constructed, many of which have been a part of a previous Town of Victor drainage district or drainage improvement area; and

WHEREAS, existing improvements which will be included within the DIA include ponds, outlet structures, closed drainage systems, swales, etc. that are within the areas included on the DIA map, which improvements largely comprise existing drainage measures that have been previously approved as part of the subdivision review process by the Victor Planning Board; and

WHEREAS, the maximum amount proposed to be expended by the Town for the Victor for the Victor Drainage Improvement Area and associated improvements is the sum of zero dollars (\$0.00), as the improvements are already existing; and

WHEREAS, since there will be no capital cost to the Town for the DIA, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office or to apportion costs of the DIA; and

WHEREAS, management, maintenance, operation and repair of the DIA shall be a charge upon the area of the Town outside of the Village and will be levied and collected in the same manner and at the same time as other Town charges, as part of the Town tax, as provided for at Town Law Article 12-C; and

WHEREAS, the Town Board has issued a Negative Declaration in connection with the establishment of the DIA; and

WHEREAS, the evidence presented in connection with the establishment of the DIA, including the MPR, the public comments, etc., requires that the Town Board make the determinations hereinafter made; now therefore be it

RESOLVED, that notice of the public hearing for the establishment of the DIA was duly provided; and be it further

RESOLVED, that the Drainage Improvement Area is in the public interest of the Town because a properly functioning stormwater management system benefits all that live and work in the Town; and be it further

RESOLVED, that, the Town Board further finds that the DIA is in the public interest of the Town for a number of reasons, each enumerated and elaborated upon in the MPR (which is incorporated herein and made a part hereof), which includes the fact that without a DIA, drainage infrastructure often is not maintained, presenting a significant risk of flooding or other drainage-related emergencies; and be it further

(Resolution #204 con't)

RESOLVED, that the Town Board does hereby approve and authorize the establishment of the Town of Victor Drainage Improvement Area as herein described and as more specifically described in the MPR; and be it further

RESOLVED, that the Victor Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the Office of the Clerk of Ontario County within ten (10) days of the adoption of this Resolution.

TOWN BOARD DISCUSSION – CONSIDER THE PETITION TO ANNEX TOWN TERRITORY TO THE VILLAGE

Atty. David Hou reviewed the procedural actions that have taken place to obtain public testimony, and that the Town Board will now consider if the annexation is or is not in fact in the best interest of the public. He noted that after discussion he would help the Town Board identify and list the reasons in the Resolved portion of the draft resolution.

Supervisor Marren felt that it makes sense to align Hillcrest Drive with the entranceway preventing site view issues, and liked the additional row of single family homes as it pushes back before the proposed townhouses would begin. Felt that without an annexation, a development could move forward that would increase truck traffic for public services with Village services on one side and private hauler for refuse recycling on the other side. Noted that from comments received from residents, a request to the Village will be made to comply with R-2 zoning regarding residential homes.

Councilman Palermo reviewed that the Comprehensive Plan recently adopted identified the surrounding area of the Village with developable land as the best areas to develop, and that this proposal has received a negative declaration after going through the State Environmental Quality Review. He supported aligning a road with Hillcrest Drive from a safety standpoint. Felt that overall, this is one step in the process and that the Planning Board will look further into the details.

Councilman Crowley stated that he agreed with Councilman Tantillo's comments two weeks ago. He felt that development does not make sense at this time, and was concerned that by receiving Town Board approval for the annexation, the project would move forward.

Councilman Guinan felt that the annexation makes sense from the standpoint of it's the best way to address utilities, traffic at the top of the hill, and that people who have paid taxes on this land since the 60's, have the right to develop it if it's done in the right way. The Planning Board has the obligation to direct development to conform with what the Town wants, and this annexation is the first step in carrying out what the Comprehensive Plan designated. He felt it only makes sense for that area, if done properly within the guides of that plan and what the Planning Board sets forth.

RESOLUTION #205

AFTER PUBLIC HEARING – CONSIDER THE PETITION TO ANNEX TOWN OF VICTOR TERRITORY TO THE VILLAGE OF VICTOR

On motion of Councilman Palermo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 3 (Marren, Palermo, Guinan) NAYS 1 (Crowley)

WHEREAS, a petition (the "Petition"), pursuant to General Municipal Law Article 17, was presented by Lynaugh Road Properties, LLC, (the "Petitioner") to the Town Board of the Town of Victor, New York (the "Town"), on February 27th, 2015, for the annexation of certain territory (the "Territory") situated in the Town to the Village of Victor, New York (the "Village"), and said Territory consists of property identified as a portion of tax map #16.00-1-46.00, also identified as 995 County Road 9, consisting of approximately 2.2 acres and a portion of #16.18-3-1.200, also identified as 188 Church Street, said portion consisting of approximately 5,774 square feet, located on the east side of Church Street where it intersects with Hillcrest Drive at or about the boundary of the Village and the Town, and all of which is also described in the Petition which is annexed hereto as Exhibit "A", and which is also on file in the Town Clerk's Office

located at 85 East Main Street, Victor, New York, where it is and has been available for public inspection during regular business hours; and

WHEREAS, the Town Planning Board established itself as Lead Agency for review under the State Environmental Quality Review Act ("SEQRA") and found that, although potential environmental impacts were identified, none of the impacts were found to be significant. Therefore, the Town of Victor Planning Board issued a Negative Declaration. This review encompassed the entire project, including the proposed annexation; and

WHEREAS, a joint public hearing of the Town Board and the Village Board of Trustees was duly held on said Petition, according to the law in such cases made and provided, at the Town Hall on April 25th, 2016, at which time all parties interested in the matter were heard and all objections presented; and

WHEREAS, at the joint public hearing, it was announced that the Town Board and the Village Board of Trustees would consider all additional written comments and objections presented on or before Noon on May 2, 2016; and

WHEREAS, all such additional written comments and objections were read to and duly considered by the Town Board as part of the record of these proceedings;

WHEREAS, the Town Board has duly considered said Petition, the evidence and testimony presented at said hearing, and all other written submissions having been made part of the record of these proceedings; now, therefore, be it

RESOLVED, that the Town Board finds as follows:

(1) That the Petition for annexation substantially complies in form and content with General Municipal Law Article 17; that it was signed by a qualified person; that the Petition was signed by the owner(s) of a majority of the assessed valuation of real property in the Territory upon the last preceding assessment roll of the Town; and

(2) That the proposed annexation of the Territory in the Town to the Village, as described in the Petition is in the overall public interest (1) of the Territory, (2) of the Village, (3) of the remaining area of the Town, and (4) of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed, for the following reasons:

- The proposed annexation is in the overall public benefit, in that it would allow the north side of the proposed new street to align with the existing Hillcrest Drive, which would maximize sight distances on Church street, and therefore improve public safety by eliminating a potential blind hazard while turning left into the proposed new street if the annexation were not approved
- The proposed annexation is in the overall public benefit, in that it would allow development of the project as an MD District that is consistent with the Town Comprehensive Plan but also pushes back and mitigates the number of multi-family dwellings along the proposed new street, thereby reducing traffic, and would allow for single family homes within the Territory to be developed alongside existing single-family homes in the Village. With annexation, development of the Territory pursuant to Village zoning ordinances as an R-2 District would be consistent with existing single-family homes across the street. All of this achieves a unity of purpose and creates a community with surrounding uses.
- The proposed annexation is in the overall public benefit, in that absent annexation, the Territory would remain zoned as an MD District, and would not allow single family homes but

would allow two-family or multi-family dwellings, which is inconsistent with the project, inconsistent with existing single-family homes across the street from the proposed new street, and would not be in the best interest of the Town or Village in terms of achieving a unity of purpose with surrounding uses.

- The propose annexation is in the overall public benefit, in that the annexed Territory, developed as proposed single-family homes, would reduce truck traffic along the proposed street caused by essential services such as garbage trucks, and would also allow the management of utilities infrastructure for the same single-family homes to be unified with the single-family homes across the street.

(3) This Resolution approval applies only to the Petition for the annexation of the Territory, only, and is neither a finding nor approval with regard to any other development which may include the Territory. Any such development shall remain subject to any required approvals of the Town and Village Planning Boards, as the case may be, and any other involved review board or entity; now, therefore, it is

ORDERED that the consent and approval of the Town Board is hereby given for the annexation of the Territory and described in the Petition (Exhibit "A") to the Village, and it is further noted that a Special Election is not required pursuant to General Municipal Law § 713(1); and it is further

ORDERED, that the Town Clerk shall duly file this Order, together with the Petition, the notice of public hearing, written comments and objections, and the minutes of the joint public hearing as identified herein, in both the Office of the Village Clerk and the Office of the Town Clerk.

PUBLIC COMMENT

Mary McCarthy –questioned if the vote for annexation needed to be by roll call.

Supervisor Marren responded to Mrs. McCarthy noting that it was not necessary.

Atty. Hou advised that a roll call is required for local law amendments.

On motion of Councilman Crowley, seconded by Councilman Palermo, the meeting was adjourned at 8:30 PM.

Respectfully submitted, _____ Debra J. Denz, Town Clerk