

A regular meeting of the Victor Town Board was held on June 13, 2016 starting at 7:00 PM with the following members present:

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

OTHERS PRESENT: Debra Denz, Town Clerk; David Hou, Town Attorney; Randy Rader, Deputy Highway Superintendent; Steve Metzger, Town Engineer; Kent Kiikka, Dave Tillman, Neil Stein, Dave Nankin, Sean McAdoo, Mark Eifert, Dave Condon, Dolores Fanton, Ken Fanton, Adam Blanc, Melody Burri, Tim Brown and Gary Hadden.

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) Mark Years necessarily absent.
- 3) Councilman Crowley necessarily absent.
- 4) Announced June Employee Birthdays and noted Father's Day.

The flag was saluted.

#### RESOLUTION #225

##### APPROVAL OF MINUTES

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

RESOLVED that the minutes of the regular meeting of May 9, 2016 be approved.

#### RESOLUTION #226

##### PAYMENT OF BILLS

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

RESOLVED that the bills be paid on Manifest #11 in the amount of \$411,361.64. Documentation for these expenditures can be found on vouchers filed by numbers #20161132-20161300.

A- General Townwide	\$120,434.96
B- General Outside Village	\$3,088.32
DB – Highway Townwide	\$55,489.14
H19 –High Street Capital Improvement Project	\$124,809.75
H22 –Acquisition of Equipment	\$42,061.65
SL1 –Fishers Light	\$160.27
SL2 –Brookwood Meadows Light	\$169.81
SL3 –High Point Light	\$126.17
SL4 –Cobblestone Light	\$2,413.82
SL5 –Quail Ridge Light	\$473.07
SL6 –Rolling Meadows Light	\$500.52
SL7 –Legacy at Fairways	\$514.76
SL8 –Stoneleigh Light	\$18.06
SS –S5 CVS Sewer	\$32,600.58
TA –Trust & Agency	\$28,500.76

Supervisor Marren reviewed each of the seven large expenses that were included in Manifest #11.

PRIVILEGE OF THE FLOOR

Dolores Fanton, 8082 Taylor Rd. reviewed her concern with excessive noise from dirt bike routes on neighboring property. Questioned if Town has a noise ordinance.

Supervisor Marren advised that correspondence has been received from another neighbor also. He noted that the Town does have a Noise Ordinance, and Ms. Fanton's information will be forwarded to Town Code Enforcement Officers who work with law enforcement officials.

TOWN OFFICIALS

Supervisor Marren read the following resolution:

HOMETOWN HERO PROCLAMATION HONORING FIRST RESPONDERS

WHEREAS, on Sunday, April 17, 2016 at 12:14 pm, the Victor Fire Department (VFD) was dispatched to a three car crash at Main Street and Moore Avenue; and,

WHEREAS, Assistant Chief Mark Eifert responded from the fire house and arrived shortly after dispatch; and,

WHEREAS, Ontario County Sheriff Deputy Kevin Henderson was already on scene and reported one driver had agonal breathing. Deputy Henderson, along with a civilian, who was identified as a Physician Assistant, were holding C-spine stabilization on the woman; and,

WHEREAS, Assistant Chief Eifert observed the woman's lack of color and confirmed the agonal breathing. Assistant Chief Eifert with Deputy Henderson assisting, removed the woman as they needed to start CPR. Assistant Chief Eifert obtained the AED, a shock was advised and delivered, as soon as the AED was applied. CPR was continued and breathing was assisted by bag valve mask; and,

WHEREAS, Fire Police did an excellent job by shutting down surrounding streets; and,

WHEREAS, VFD Engine 2711 arrived with Captain Linda Tice and Fire Fighter/Paramedic Paul Centola. Captain Tice took over operations and stabilizing the crash scene, while Eifert & Centola continued with EMS; and,

WHEREAS, the fly car from the Victor Farmington Volunteer Ambulance Corp (VFVAC) arrived (Medic 66) on scene staffed by Paramedic Kevin Russo. Advanced life support was started with Russo and Fire Fighter Centola. Fire Fighter Zepkowski provided assistance by obtaining a backboard, and assisting Russo with CPR compressions. VFVAC EMT Keith Goldstein arrived on scene with the ambulance; and,

WHEREAS, the patient was transported to Strong Memorial Hospital and received additional care; and,

WHEREAS, the patient was released eight days later. She has recovered sufficiently to resume her life and activities; and,

WHEREAS, the 20 responding firefighters remained on scene until 2:50 pm providing 57 hours of service to the community; and,

WHEREAS, each responder quickly and decisively fulfilled their role in the chain of survival, each played a significant role in the successful incident outcome. This chain of events included all the critical links necessary for survival including: early access to 911, rapid dispatch and early arrival of first responder units, quality CPR by first responders, early AED defibrillation, advanced medical care on scene and transport.

NOW THEREFORE, I, Jack Marren, Supervisor of the Town of Victor, on behalf of the Town council and the entire community do hereby acknowledge and sincerely thank Victor Fire Department (VFD) Assistant Chief Mark Eifert, Ontario County Sheriff Deputy Kevin Henderson, Fire Fighter/Paramedic Paul Centola, Victor Farmington Volunteer Ambulance Corp (VFVAC) Paramedic Kevin Russo and Victor Fire Fighter/Fire Police members. These are recognized for their selfless devotion to duty and to this community. They are true Hometown Heroes and Victor is a better place to live because of them.

Supervisor Marren then requested that Sean McAdoo, Victor Fire Dept. Chief, and Councilman Palermo who is a Sergeant with the Gates Police Dept., Councilman Tantillo, and Councilman Guinan to join him while he presented framed recognition awards to VFD Asst. Chief Mark Eifert, Undersheriff Dave Tillman on behalf of Sheriff Kevin Henderson, and VFVAC Paramedic Kevin Russo. The woman whose life they saved then extended her heartfelt thank you and presented each of them with a plaque.

#### COUNCILMAN TANTILLO

Regarding Gullace Subdivision Incremental Impact on Traffic, reviewed information in a report he prepared noting that he has forwarded the report to the Planning Board Chairmen for the Village Planning Board meeting scheduled for 6/23/16 and the Town Planning Board meeting scheduled for 6/28/16 for their use in reviewing the Gullace Subdivision for Site Plan approval. He noted that he is requesting that an Executive Session be scheduled for discussion with key stakeholders in beginning to move forward implementing the first part of the Comprehensive Plan which is improving the traffic infrastructure as the Fishers Ridge project is progressing. This would include discussion for developing a Town Wide Transportation Fund and Transportation Mitigation Fee for any new development similar to what has been developed and is in place now for the Drainage Improvement District.

Supervisor Marren advised he will check if an Executive Session is the proper venue for the meeting, and that stakeholders would include the Village Mayor and his designee. He noted that grant funding has been awarded to the Town through the Governors Regional Council and Genesee Transportation Council, and the Director of Development is currently sending out RFP's for a traffic study that will be conducted.

#### SUPERVISOR

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

- 1) Memorial Day –thanked the Town Board for marching in the parade and attending the ceremony at Village Hall. Thanked Councilman Palermo for attending the Memorial Day Cemetery Committee brief ceremony. Thanked Brian Emelson and the Parks and Recreation staff for the ceremony and efforts for the Alex Davis Flag Pole dedication. Thanked American Legion Post 931 for their efforts with the Memorial Day events.
- 2) Victor Farmington Library celebrated their 20 year anniversary in their current building.
- 3) Copy of the MS4 Annual Report is available for review in the Supervisor's Office.
- 4) Senator Funke helped support a funding grant of \$50,000 to be used towards Parks and Recreation for the future development of community athletic fields that serve youth sports programs. Working toward support from Senator Funke to receive funding to pave from Turk Hill Road, the Monroe County line to State Route 96.
- 5) Request received from resident in Gypsum Mills to petition the speed limit to be under 30 mph. Will follow up with the Highway Superintendent as each street may need to be petitioned.

#### REPORTS SUBMITTED

Highway  
Assessors  
Planning and Building  
Parks and Recreation  
Economic Development  
Attorney  
Engineer  
Victor Fire Department

TOWN CLERK

Debra Denz reported:

- 1) Correspondence received from the secretary for the Zoning Board of Appeals advising of a public hearing for application 8Z-2016, Pooler Park LLC for a variance for a proposed motor vehicle repair facility within 500 Feet of the Lehigh Trail, and 9-Z-16, Jonathan Friedlander, for a variance to construct a barn within 500 ft. of Fishers Municipal Park. This was copied to the Town Board. On 5/27/16, Brian Emelson, Director of Parks advised that he had no objection to either application. **Town Board had no objections.**
- 2) Notice received from NYS Empire State Development for a public hearing scheduled 6/8/16 to consider the General Project Plan TOPTICA Photonics Inc.
- 3) Notice received from NYSDEC that public comments accepted from 6/15/16 to 7/15/16 for proposed cleanup plan for the Former H.B. Fuller-Monarch Div. Prop. Site located at 61 Gates Avenue, Geneva in Ontario County. Copied to the Town Board, posted
- 4) Town Clerk's report for the month of May, 2016 was distributed and is available for review in the Town Clerk's office.

COUNCILMAN PALERMO

Liaison report from Planning Board meeting, three approvals  
Keystone Fireworks –sell fireworks for two weeks  
Outdoor Accents –display sheds  
Fairways Phase 2 project

COUNCILMAN TANTILLO

Communication and Public Safety Surveys –over 300 responses. Waiting on results for a report.

COUNCILMAN GUINAN

Liaison for Local Development Corp. reported:  
Worked with LaBella in securing grant funding for study of Route 96 corridor, and meeting with Ontario County to apply for grants.

RESOLUTION #227

BALLERINA COURT SUBDIVISION, SECTION 1, LETTER OF CREDIT, RELEASE 3

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

WHEREAS, Affronti Development LLC, received Planning Board approval for Ballerina Court Subdivision, Section 1 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Lyons National Bank Irrevocable Letter of Credit No. 372 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. 3 dated May 18, 2016 and recommends in his letter June 2, 2016 that \$122,976.85, minus engineering and inspection fees, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Lyons National Bank Irrevocable Letter of Credit No. 372 in the amount of \$122,976.85, minus engineering and inspection fees, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$106,652.65 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Frank Affronti, and D. S. B. Engineers, PC.

RESOLUTION #228

APPROVAL AND AUTHORIZATION TO ISSUE A LIMITED PERMISSION ALCOHOLIC BEVERAGE PERMIT TO VICTOR BREWERY TO DISPENSE ALCOHOL AT SUMMER CONCERTS AND VICTORFEST

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

WHEREAS, the Town of Victor has a Limited Permission Alcohol Use Policy and Permit relating to the Consumption and/or Dispensing of Alcoholic Beverages in certain Town of Victor Parks during Special Events; and

WHEREAS, the Department of Parks and Recreation will be holding the annual summer concert series at Victor Municipal Park on Thursdays June 30<sup>th</sup>, July 14<sup>th</sup>, and July 21<sup>st</sup>, 2016; and

WHEREAS, the Department of Parks and Recreation will be holding the annual Victorfest event in the Victor Library parking lot on Saturday, September 12, 2016; and

WHEREAS, it is the desire of the Department of Parks and Recreation to permit the Victor Brewery to dispense alcohol at the 3 summer concerts and Victorfest; and

WHEREAS, Victor Brewery has applied for a Special Events - Temporary Bar and Wine Permit through the New York State Liquor Authority; now, therefore, be it

RESOLVED, that the Victor Town Board hereby authorizes the Special Events of the Summer concerts on Thursday, June 30, 2016, Thursday, July 14, 2016, Thursday, July 21, 2016, and Victorfest on Saturday, September 12, 2016 and; and be it further

RESOLVED, that conditioned upon 1) approval of the Special Events - Temporary Bar and Wine Permit Application by the New York State Liquor Authority to Victor Brewery for dispensing alcohol at the Special Events, and further conditioned upon 2) the issuance of a Certificate of Insurance from VB Brewery naming the Town of Victor as an Additional Insured, the Town Board of the Town of Victor hereby authorizes the issuance of a Limited Permission Alcoholic Beverage Permit by the Town of Victor Department of Parks and Recreation to VB Brewery to dispense alcohol at the summer concerts and Victorfest, so long as VB Brewery complies with the requirements thereof to the satisfaction of the Parks and Recreation Department as well as the requirements of the Town Code and Policy for the Dispensing and Consumption of Alcohol; and be it further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; and Tom Bullinger, Owner, VB Brewery.

RESOLUTION #229

ACKNOWLEDGEMENT OF THE APPOINTMENT OF ADAM BLANC TO THE POSITION OF FULL-TIME MOTOR EQUIPMENT OPERATOR FOR THE HIGHWAY DEPARTMENT

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

WHEREAS, the Town Board passed Resolution No. 199 on May 9, 2016, acknowledging the retirement of Stephen Goodberlet from the Motor Equipment Operator position for the Town of Victor Highway Department; and

WHEREAS, the Motor Equipment Operator position does need to be replaced, and was advertised and applications were received; and

(Resolution #229 con't)

WHEREAS, an interview committee consisting of Mark Years, Highway Superintendent; Randy Rader, Deputy Highway Superintendent; and Tina Kolaczyk, Human Resources, was formed, and interviews with position candidates were conducted on May 26, 2016; and

WHEREAS, the interview team has recommended Adam Blanc of Fairport, NY, to be appointed to the Full-Time Motor Equipment Operator position for the Highway Department; now, therefore be it

RESOLVED that Adam Blanc be reclassified from his current positions as a Part-Time Laborer and Part-Time Motor Equipment Operator for the Town of Victor Highway and Recycle Departments to the position of Full-Time Motor Equipment Operator for the Town of Victor Highway Department, effective May 31, 2016, at a Grade 4 step A hourly rate salary of Twenty Two dollars and Twenty Seven cents per hour (\$22.27/hour) and is to be funded from line DB.5110.100 General Repairs (summer)/DB.5142.100 Snow Removal (winter) Personal Services in the 2016 Operating Budget; and be it further

RESOLVED that a copy of this resolution be forwarded to Mark Years, Adam Blanc, Tina Kolaczyk, Mary Lyng, and the Ontario County Department of Human Resources

#### RESOLUTION #230

##### ACKNOWLEDGEMENT OF APPOINTMENT OF DANIEL BRADY TO A PART -TIME LABORER POSITION AT THE TOWN OF VICTOR RECYCLE DEPARTMENT

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

WHEREAS, the Town of Victor Recycle Department has a need for a Part-Time Recycle Laborer position due to the movement of Adam Blanc to a Full-Time Motor Equipment Operator position for the Highway Department; and

WHEREAS, Mark Years, the Highway Superintendent, requests this position to be filled; and

WHEREAS, interviews were held on May 26, 2016 with candidates who were interviewed by Mark Years, Highway Superintendent; Ken Wilson, Deputy Water Superintendent; John DeCook, Part-Time Recycle Laborer; and Tina Kolaczyk, Human Resources; and

WHEREAS, it was decided by the interview team that Daniel Brady possessed the qualifications necessary to fill this position; now, therefore be it

RESOLVED that Daniel Brady be appointed to the Part-Time Laborer position for the Town of Victor Recycle Department, effective on June 14, 2016, at a salary of Fourteen dollars and Eighty Three cents (\$14.83) per hour, which is a Grade 1, Step A on the 2016 Town of Victor Wage Scale, to be charged to the 2016 budget line item A.8160.100 Refuse & Garbage Personal Services; and further be it

RESOLVED that a copy of this resolution be sent to Daniel Brady, Mary Lyng, Tina Kolaczyk, Mark Years, Ken Wilson, Debra Denz, and Ontario County Human Resources.

#### RESOLUTION #231

##### ACKNOWLEDGEMENT OF APPOINTMENT OF DAVID ALLEN AND MICHAEL MURPHY TO PART - TIME SEASONAL LABORER POSITIONS AT THE TOWN OF VICTOR HIGHWAY DEPARTMENT

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

WHEREAS, the Town of Victor Highway Department has a need for two Part-Time Seasonal Laborers; and

WHEREAS, Mark Years, Highway Superintendent, requests these positions to be filled; and (Resolution #231 con't)

WHEREAS, interviews were held on April 27, 2016 and May 26, 2016 for candidates who were interviewed by Mark Years, Highway Superintendent; Ken Wilson, Deputy Water Superintendent; John DeCook, Part-Time Recycle Laborer; and Tina Kolaczyk, Human Resources; and

WHEREAS, it was decided by the interview team that David Allen and Michael Murphy possessed the qualifications necessary to fill these positions; now, therefore be it

RESOLVED that David Allen and Michael Murphy be appointed to the Part-Time Seasonal Laborer positions for the Town of Victor Highway Department, effective on June 14, 2016, at a salary of Nine dollars and Seventy Five cents (\$9.75) per hour, which is a Grade A on the 2016 Town of Victor Parks & Recreation and Highway Seasonal Non-Permanent Part-Time Wage Scale, to be charged to the 2016 budget line item DB.5110.100 General Repairs, Personnel Services, and further be it

RESOLVED that a copy of this resolution be sent to David Allen, Michael Murphy, Mary Lyng, Tina Kolaczyk, Mark Years, Ken Wilson, Debra Denz, and Ontario County Human Resources.

#### RESOLUTION #232

#### ACKNOWLEDGEMENT OF THE RESIGNATIONS OF JOHN PALOMAKI AND DIANNE PARKS FROM THE VICTOR HISTORIC ADVISORY COMMITTEE, AND THE APPOINTMENT OF ROBERT KELLY AND JASON SHELTON TO THE VICTOR HISTORIC ADVISORY COMMITTEE

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

WHEREAS, John Palomaki and Dianne Parks submitted their letters of resignation from the Victor Historic Advisory Committee; and

WHEREAS, the Victor Town Board and the Victor Historic Advisory Committee wish to thank John and Dianne for all of their hard work and dedication in preserving the history of Victor for ages to come; and

WHEREAS, these openings were advertised, applications were received, and interviews were held by the Victor Historic Advisory Committee on April 6, 2016; and

WHEREAS, Robert Kelly and Jason Shelton were selected to fill the unfulfilled terms of John Palomaki and Dianne Parks; now therefore, be it

RESOLVED that Jason Shelton be appointed to the unfulfilled term vacated by Dianne Parks, which expires on December 31, 2018; and be it further

RESOLVED that Robert Kelly be appointed to the unfulfilled term vacated by John Palomaki, which expires on December 31, 2016; and be it further

RESOLVED that a copy of this resolution be sent to Babette Huber, Katie Coyne, Chair of the Victor Historic Advisory Committee; Robert Kelly, Jason Shelton, Suzy Paquin, Debra Denz, and Tina Kolaczyk

#### RESOLUTION #233

#### ACKNOWLEDGEMENT OF THE RESIGNATION OF DIANNE PARKS FROM THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE, AND THE APPOINTMENT OF BONNIE WATERS TO THE CHAIR OF THE VICTOR CEMETERY PRESERVATION & RESTORATION COMMITTEE

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

WHEREAS, Dianne Parks submitted her letter of resignation from the Victor Cemetery Preservation and Restoration Committee; and

(Resolution #233 con't)

WHEREAS, the Victor Town Board and the Victor Cemetery Preservation and Restoration Committee wish to thank Dianne for all of her hard work and dedication in preserving the Victor cemeteries and histories of our residents for years to come; and

WHEREAS, Dianne Parks was the Chair of the Victor Cemetery Preservation and Restoration; and

WHEREAS, the Victor Cemetery Preservation and Restoration Committee wishes to appoint Bonnie Waters as the Chair of their committee; now, therefore be it

RESOLVED that Bonnie Waters be appointed to the unfulfilled term vacated by Dianne Parks, which expires on December 31, 2018; and be it further

RESOLVED that a copy of this resolution be sent to Babette Huber, Bonnie Waters, Suzy Paquin, Debra Denz, and Tina Kolaczyk.

#### RESOLUTION #234

#### ADOPTION OF THE TOWN OF VICTOR CONTRACT PROCEDURES

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

WHEREAS, the Town of Victor requires contracts to be signed with all contractors, vendors, consultants, construction, and service providers; and

WHEREAS, formal contracts and documentation are required from these contractors, vendors, consultants, construction, and service providers in order to properly execute the obtained services and to minimize risk and liability to the Town; and

WHEREAS, working in conjunction with the Town Attorney and the Town Insurance Agent, procedures were developed for the contract process, which are labeled as "Schedule A" and are kept both in the Town Clerk's subject files as well as are available for use by all Town employees on the Town's Intranet Shared Drive, and are as follows:

#### TOWN OF VICTOR CONTRACTOR/VENDOR LIABILITY POLICY

##### Requirements

The Town of Victor requires all paid contractors, vendors, any other non-Town of Victor employee conducting business with the Town of Victor on Town property to provide the following information when conducting business with the Town:

- A. An original signed, written contract and/or proposal from the vendor
- B. An original signed, standard Town of Victor contract form
- C. Certificate of Insurance with a provision that names the Town of Victor as an Additional Insured on a Primary and non-contributing basis in an amount as listed on "Schedule B."
- D. A W-9 form
- E. Proof of Worker's Compensation insurance

***No business will be conducted with anyone unless these items are provided to the Town prior to any work being done.***

In the event that work does get done without these documents being in place, then payment for services will be withheld until the documents have been received.

**All original/signed contracts MUST be given to the Town Clerk's Office, as they are the official repository for this documentation. Copies of the contracts can be kept in individual departments.**

#### Insurance Requirements

Vendors conducting business with the Town of Victor will provide a Certificate of Liability Insurance with their contracts/service agreements. Any exceptions to this will require Town Board approval prior to the execution of the contract.

These contracts will be placed on a single Town Board resolution for discussion and/or waivers.

*A resolution template is available on the Town "S" Drive in the "Contracts" folder, labeled as "Insurance Waiver Resolution Template".*

Approved Insurance Waiver Resolutions will also be sent to Mary Lyng to be placed in the Town Insurance Certificate binder.

### **Town Contract Forms**

All Town contract forms are located of the Town's "S" drive in the "Contracts" folder, and are labeled as follows:

-**2016 Main TOV Contract Form** – Use this form for all services and vendor contracts, *as well as bids*.

-**2016 Construction Contract Form** - Use this form for construction and maintenance, and the purchase or lease of merchandise or equipment *as well as bids*.

-**2016 Parks & Rec Independent Contractors Contract** – Use this form for program instructors, and event services that will be completed in less than a one-year period. Any contracts that are greater than a one-year period must use the 2016 Main TOV Contract Form.

-**2016 Standard Town Contract Schedules** – These are the "Schedule B" attachments that are to be sent with ALL contracts, as they identify specifics about the Town's insurance requirements. There is a table located in this packet which identifies the required amount of liability insurance depending on the vendor classification/service provided.

-**2016 Town Contract Letter** – This cover letter is to be sent with ALL town contracts and explains what the vendor is required to submit.

***All forms MUST be received back prior to placing the contract resolution on the Town Board agenda.***

### **Contract Approval Process – All Departments**

Town employees initiating contracts, service agreements, bids, etc. shall:

- A. Receive approval from their Department Head to initiate contract process.
- B. Review the Town's Procurement Policy to ensure compliance with the Town's purchasing guidelines and requirements (the Procurement Policy as listed on "Schedule C").
- C. Receive vendor's contract/proposal/bid for service. This becomes the "**Schedule A**" of the contract packet.
- D. Formulate Town Board resolution for all contracts (HR and the Town Clerk's Office can help with the resolutions).
- E. Forward the recommended contract/proposal, along with any other additional quotes/proposals received, and Town Board resolution to Human Resources for review.

#### **1. Human Resources will:**

- a. Review vendor contract/proposal/bid.
- b. Review recommended draft Town Board resolution.
- c. Send recommended vendor contract/proposal to Town Attorney for legal approval.
- d. Send recommended vendor contract/proposal to Town Insurance Agent for approval
- e. Send out "Contract Packet" to vendor:
  - i. Letter to Contractor explaining contract process and enclosures.
  - ii. 2 copies of Town of Victor Standard Agreement Form.
  - iii. Request for Certificate of Liability Insurance with Sample.
  - iv. Request for W-9 form.
  - v. Request for verification of worker's compensation coverage.
- f. Initiate Contract Tracking Form on the Town's computer "S" Drive.

- g. Log in contract information on “Contract Expiration Tracking Sheet” on “S” Drive.
2. When “Contract Packet” is received back, **Human Resources** will:
    - a. Ensure that documents are signed and completed, and that insurance certificates meet the Town’s requirements.
    - b. Provide copies of W-9 and Certificate of Liability Insurance to Finance Clerk and originating contract department.
    - c. Send Certificate of Liability Insurance to Town’s insurance agent for review.
    - d. Prepare contract packet for Town Board approval. (yellow folder)
    - e. Give Confidential Secretary the contract packet and resolution to be placed on the agenda.
  3. The **Confidential Secretary** will:
    - a. Place the resolution on the next Town Board agenda.
    - b. Notify the appropriate Department Head of the date that their contract will be on the Town Board agenda.
    - c. Place copies of the contract packet with the Town Board resolution in the Town Board packets for approval.
    - d. Prepare the Town Clerk’s Town Board packet with the original signed proposals/contracts and Town of Victor Standard Agreement for Town Supervisor signature, highlighting required signature lines. (Yellow folder).
  4. The **Town Clerk** will:
    - a. Get the Town Supervisor’s signature on the contract/proposal and Town of Victor Standard Agreement Form after Town Board approval and upon receipt of Certified Resolution.
    - b. Send a copy of one original fully-executed contract/proposal, Town of Victor Standard Agreement Form, and Resolution to the vendor.
    - c. Complete the Contract Tracking sheet in the “S” drive on the Town’s computer system with the date the contract is filed.
    - d. Notify the appropriate Department Head that the contract has been completed and services can commence.
    - e. Provide a copy of the final contract/proposal and Town of Victor Standard Agreement Form to the Department Head, if needed.
    - f. File the completed contract/proposal and Town of Victor Standard Agreement in the Town Clerk’s Office.
    - g. Manage all State, NYSDOT, and Ontario County contracts and required documentation.

The **Town Clerk** will be the back-up for **Human Resources** in this process.

**All original/signed contracts MUST be given to the Town Clerk’s Office, as they are the official repository for this documentation. Copies of the contracts can be kept in individual departments.**

**Parks & Rec Independent Contractor process when asking for a waiver of the Certificate of Liability Insurance and/or Workers Compensation Insurance**

- A. Provide the vendor with the 2016 Parks & Recreation Independent Contractors Contract
- B. Request the Certificate of Liability Insurance
- C. Request Worker’s Compensation Insurance - If they don’t have it and/or are a sole proprietor, they must obtain and sign a waiver from the New York State Workers Compensation Board at [http://www.wcb.ny.gov/content/ebiz/wc\\_db\\_exemptions/wc\\_db\\_exemptions.jsp](http://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/wc_db_exemptions.jsp). In order to obtain the waiver of Worker’s Compensation insurance, follow these steps:
  1. On the first page, click on “[Request for WC/DB Exemption](#) (Form CE-200)
  2. Click “select to access web based exemption application” button
  3. Enter information on Sign On page
  4. “Request new WC/DB” Exemption button
  5. Read “Overview” pages and hit “continue”
  6. Enter “Applicant Personal Information” and hit “continue” button

7. Enter "FEIN" (federal employer ID #) or "SSN" (social security number) in Legal Entity Form as well as other requested information, and hit "enter"
8. Under "Permit/License/Contract Information"
  - a. Scroll through list for "Nature of Business" for the correct business the person is in. Most will probably be "other", and can put in "program consultant"
  - b. Scroll through list for "Applying for" and select appropriate category for the business. Most will probably select "vendor license/permit"
  - c. For "Issuing Government Agency" – type in "Town of Victor"
9. On "Workers Compensation Coverage Exemption" page, scroll down and select the appropriate description of the business. Most will probably select option #b.) The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.
10. On Disability Coverage Exemption page, scroll down and select the appropriate description of the business. Most will probably select option # b.) The business MUST be either: 1) owned by one individual; OR 2) is a partnership (including LLC, LLP, PLLP, RLLP, or LP) under the laws of New York State and is not a corporation; OR 3) is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation each individual must be an officer and own at least one share of stock); OR 4) is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)
11. Complete the Closing Statement.
12. Print Certificate
  - a. Contractor must sign and date certificate.
  - b. Attach original certificate to contract.

NOTE: Once the contractor has established an account for these Exemptions, they can go back into the program, and can print multiple certificates. We would need an original signed and dated copy for each new contract, even if it is for the same consultant.

We can do these forms for independent contractors and have them sign the forms, which attest to the fact that they are not required to carry this insurance

- If they do not have a Certificate of Liability insurance, we will place all requests for waivers on one resolution to the Town Board, where it will be discussed and either granted or not. ***The Town Board will be making the decisions on all waivers.*** This will need to be coordinated so that the contracts are prepped in plenty of time for the Town Board meetings. See the "Insurance Requirements" section above for additional information.

### **Vendor Security Expectations**

All service providers to Town buildings will check in with the Town Clerk's office (Town Hall), Court Clerk (Town Courts) and Administrative Assistants (Parks & Rec and Highway/Recycle) and sign in with them prior to any work being done, and sign out when work is completed and inspected

Vendors conducting work in Town Hall will be expected to wear a Town-issued badge, which will be given to them when they arrive and sign in at the Town Clerk's office, and will be collected from them when they sign out.

**All employees have the right to question anyone performing work in their buildings that is not wearing a town-issued ID badge.**

### **Certificate of Liability Insurance Monitoring Process**

- A. All departments are responsible for maintaining copies of the Certificates of Insurance for the work that is being done in their area.

- B. A copy of each Certificate of Insurance from ALL departments will be sent to the Finance Clerk, as well as any Waiver Resolutions granted by the Town Board. A list of approved vendors will be maintained by the Finance Department and be updated monthly on the “Shared” drive.
  - 1. The Finance Clerk will send a copy of each Certificate of Liability Insurance, as it is received, to the Town’s insurance broker for a review of coverage. (currently Rob Anderson at [randerson@andersonvanhorne.com](mailto:randerson@andersonvanhorne.com))
- C. 3-Ring binders with 12-month divider tabs will be used to file each Certificate of Insurance by expiration month.
  - 1. The binders will be maintained by the Administrative Support person for each department.
  - 2. The “Master Binder” will be kept in the Finance Office.
- D. The Finance Clerk will be responsible for checking each month for certificates that are due to expire within 30 days. The Finance Clerk will send letters to the contractors/vendors with expiring certificates requesting a current Certificate of Insurance.
  - 1. Copies of these letters will be forwarded to the Department Head to be maintained in the 3-ring binder until the new certificate has been received.
- E. If a new valid Certificate of Insurance is not received within the 30 day period, a second letter will be sent informing the contractor/vendor that payments and work requests will be stopped until the certificate is received. No business will be conducted (vouchers paid) until the new certificate has been received.
- F. If any problems exist in obtaining the Certificate of Insurance, contact the Finance Department.

**Town of Victor Procurement Policy Regarding Contracts/Bids/Purchases**

Victor Town Code Chapter 39 Procurement Policy as listed on “Schedule C.”  
now, therefore be it

RESOLVED that the Contract Procedures set forth herein be adopted by the Town Board and shall be followed by all Town employees, and be it further

RESOLVED that copies of this resolution be sent to all Town of Victor Department Heads, Rob Anderson, the Town Engineer, and David Hou.

**RESOLUTION #235**

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH NABERHOOD RESTORATIONS FOR THE RESTORATION OF THE ABANDONED SCHOOL STREET PUMP HOUSE**

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

WHEREAS, pursuant to New York’s Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services, including but not limited to contracts for legal, consulting, accounting, and engineering services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103-b and the Town’s Procurement Policy, the Town Board may direct a policy for the acquisition of the Town’s professional services; and

WHEREAS, Requests for Proposals (RFP’s) were received on June 3, 2016 for the restoration of the Abandoned School Street Pump House, and were evaluated with respect to services provided and cost to the Town as follows:

Contractor	Brick Repair	Roof Repair	Door Repair	All Components
TSW Masonry	\$17,000.00			
GCC Contracting Group	\$13,222.00			
Heritage Masonry	\$10,500.00	\$8,750.00	\$2,500.00	\$ 21,750.00
Naberhood Restorations	\$10,500.00			

and

(Resolution #235 con't)

WHEREAS, Naberhood Restorations has been identified by the Town Historian as having the appropriate restoration skills needed for this project; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Naberhood Restorations for the restoration of the brickwork of the Abandoned School Street Pump House project, for a limited term of one year under the terms and conditions as provided in the 2016 Town of Victor Standard Agreement at a fee not to exceed Ten Thousand Five Hundred dollars (\$10,500.00), and is to be funded from a grant received from the Historic Preservation and Parkland Improvements Grant; and further be it

RESOLVED that a copy of this Resolution be forwarded to Naberhood Restorations, the Finance Department, the Town Historian, and the Town Clerk.

RESOLUTION #236

AUTHORIZATION FOR TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF STATE FOR THE LOCAL GOVERNMENT EFFICIENCY GRANT CONTRACT #C1000614 FOR THE PUBLIC SAFETY/EMERGENCY SERVICES GRANT

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

WHEREAS, the New York State Department of State has allocated Twenty Four Thousand dollars (\$24,000.00) to the Town of Victor through a Local Government Efficiency Grant to be used towards the Public Safety/Emergency Services study currently being conducted by the Center for Government Research (CGR); and

WHEREAS, the New York State Department of State requires the Town to sign the Master Contract for Grants regarding the administration of the grant funds; now, therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor to enter into a contract with the New York State Department of State for the Local Government Efficiency Grant Contract #C1000614 for the Public Safety/Emergency Services study; and be it further

RESOLVED that a copy of this resolution be sent to Christopher Grant, New York State Department of State; Tina Kolaczyk, Debra Denz, and the Finance Office.

RESOLUTION #237

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CLEANING SERVICES AGREEMENT WITH ROCHESTER REHABILITATION

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

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103 and the Town's Procurement Policy, the Town Board may direct a policy for the acquisition of the Town's services; and

WHEREAS, Requests for Proposals (RFP's) for cleaning services were received on June 8, 2016, and were evaluated with respect to services provided and cost to the Town as follows:

Sheen and Shine, Rochester, NY (NYSID)	\$61,903.49
Rochester Rehabilitation, Rochester, NY (NYSID)	\$53,428.07
Spot On Cleaning Company, Canandaigua, NY (NYSID)	\$79,563.00
Beatty's Cleaning Services, New York, NY	\$57,743.98
Vanguard Cleaning, East Rochester, NY	\$58,950.00
Indoor Air Technologies, Victor, NY	\$67,120.00

And,

WHEREAS, it is recommended that Rochester Rehabilitation be hired to provide the cleaning services for Town buildings, effective from July 5, 2016 through July 5, 2017; and

WHEREAS, Rochester Rehabilitation has provided references for their cleaning services; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Rochester Rehabilitation for a limited term of one year under the terms and conditions as provided in the 2016-2017 contract at an annual fee not to exceed \$53,428.07 (fifty-three thousand four hundred twenty-eight dollars and seven cents) in effect from July 5, 2016 through July 5, 2017; and be it further

RESOLVED that Rochester Rehabilitation will provide the cleaning services to several Town buildings – Town Hall, Parks & Recreation, Town Courts, Highway Building, Recycle Office Building, and Parks Maintenance Building and the services will be charged to the following accounts:

Town Courts	A.1110.400	\$7,934.63
Highway Building	DB.5110.400/DB.5142.400	\$7,912.02
Recycle Office Building	A.8160.400	\$5,894.78
Parks & Recreation Building	A.7021.400	\$21,083.35
Town Hall	A.1620.400	\$10,603.29

And be it further

RESOLVED that a copy of this Resolution be forwarded to Rochester Rehabilitation, the Finance Department, Deb Denz, Victor Town Courts, Parks & Recreation, the Highway Superintendent, and the Human Resources Department.

**RESOLUTION #238**

**AWARD OF RFP#204 COLACINO INDUSTRIES INC FOR CONSTRUCTION SERVICES FOR PUMP STATION 18 ELECTRICAL UPGRADE**

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

WHEREAS, on May 5, 2016 the Town Engineer solicited RFP's for the service upgrade of the Victor Pump Station 18 (8 High Street); and

WHEREAS, the Town Engineer received three (3) quotes on May 23, 2016 as follows:

Colacino Industries, Inc.	\$26,899.47
Blackmon - Farrell Electric, Inc.	\$28,100.00
Hewitt Young Electric LLC	\$34,330.00

and;

WHEREAS, the Town Board has authorized this expenditure using funds from the 2016 Budget line item SS.8120.400 Sanitary Sewers Contractual; and

WHEREAS, the Town Engineer has reviewed the quotes and found no discrepancies in the quotes; now, therefore, be it

(Resolution #238 con't)

RESOLVED that Colacino Industries, Inc. meets all specifications as defined in the RFP documents; and, further

RESOLVED that Colacino Industries, Inc. is awarded the quote at a cost not to exceed Twenty Six Thousand Eight Hundred Ninety Nine dollars and Forty Seven cents (\$26,899.47) for the improvements that principally consist of the upgrade to the electrical service of Victor Pump Station 18 at 8 High Street, said funds are available in the 2016 Budget line item SS.8120.400 Sanitary Sewers Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Dave Degear, Farmington Sewer Superintendent; Steve Metzger, LaBella Associates; Gloria Dunton, Fiscal Manager; Debra Denz, Town Clerk; and Colacino Industries, Inc.

RESOLUTION #239

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY  
PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW - 7134 & 7136  
CHALLENGER CIRCLE

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

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to 7134 and 7136 Challenger Circle located, in the town of Victor; and

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

WHEREAS, the easement, is located along the common property line of 7134 and 7136 Challenger Circle (Tax Acct. Nos. 6.20-1-106.100 and 6.20-1-105.400), which are owned by The Fairways Townhomes, LLC, and is approximately 20' x 13 on the Challenger Circle frontage respectively as shown on Schedule "B"; 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 7134 and 7136 Challenger Circle (Tax Acct. Nos. 6.20-1-106.100 and 6.20-1-105.400) 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.

## RESOLUTION #240

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH CECI, LLC – 830 CANNING PARKWAY

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and CECI, LLC (“CECI”) in Ontario County (Index numbers 2013-109884, 2014-111364 and 2015-112814) for the 2013-14, 2014-15 and 2015-16 tax years entitled *CECI, LLC v. The Assessor, et al.*, relating to property owned by CECI located at 830 Canning Parkway (“property”) in the Town of Victor (“actions”); and

WHEREAS, the property was assessed at One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) for the 2013, 2014 and 2015 tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2013, 2014 and 2015 actions be settled by discontinuing all the actions and reducing only the 2015-16 assessment on the referenced property to One Million One Hundred Thousand dollars (\$1,100,000.00); and

WHEREAS, CECI will be entitled to refunds of the taxes collected on the original 2015 assessment, which is One Hundred Eighty Thousand dollars (\$180,000.00) higher than the revised 2015 assessment.

WHEREAS, as a result of this settlement and the application of Real Property Tax Law §727, the assessment on the property will remain at One Million One Hundred Thousand dollars (\$1,100,000.00) through 2018, absent any statutory exceptions; and it is therefore

RESOLVED that the Town Board approves a settlement of the 2013, 2014 and 2015 actions in which the 2013, 2014 and 2015 action will be discontinued and the assessment on the property for only the 2015-16 tax year will be reduced from One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) to One Million One Hundred Thousand dollars (\$1,100,000.00) and CECI will be entitled to collect refunds on the revised 2015 assessment; and

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2013, 2014 and 2015 actions will be discontinued and the 2015-16 assessment will be reduced to One Million One Hundred Thousand dollars (\$1,100,000.00) and, if no statutory exceptions are triggered, will remain at One Million One Hundred Thousand dollars (\$1,100,000.00) for the 2016, 2017 and 2018 tax years; and be it further

RESOLVED that the Town Supervisor and attorneys for the Town are authorized to execute all documents necessary to effectuate the referenced settlements; and be it further

RESOLVED that a copy of this Resolution be forwarded to the attorneys for the Town, Assessor Wayne Pickering, the Victor Central School District, the Ontario County Department of Real Property Tax Services and Town Clerk Debra Denz.

## RESOLUTION #241

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP II LLC (NETLINK) - 7670-7676 NETLINK DRIVE

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and VHCP II (Netlink) (“Netlink”) in Ontario County (Index numbers 2011-106737, 2012-108261, 2013-109885, 2014-111363 and 2015-112812) for the 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16 tax years entitled *VHCP II LLC (Netlink) v. The Assessor, et al.*, relating to property owned by Netlink located at 7670-7676 Netlink Drive (the “Subject Property”) in the Town of Victor (“actions”); and

(Resolution #241 con't)

WHEREAS, the property was assessed at One Million Four Hundred Thousand dollars (\$1,400,000.00) for the 2011 tax year and at One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) for the 2012, 2013, 2014 and 2015 tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2011, 2012, 2013, 2014 and 2015 actions be settled by discontinuing all actions and reducing only the 2011-12 assessment on the property from One Million Four Hundred Thousand dollars (\$1,400,000.00) to One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) with no change to the 2012, 2013, 2014 and 2015 assessments of the Subject property; and

WHEREAS, Netlink is entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced assessment; it is therefore

RESOLVED that the Town Board approves a settlement of the 2011, 2012, 2013, 2014 and 2015 actions in which the assessment on the property for the 2011-12 tax year will be reduced from One Million Four Hundred Thousand dollars (\$1,400,000.00) to One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) with no change to the 2012, 2013, 2014 and 2015 assessments, and Netlink will be entitled to only collect refunds of taxes paid that were in excess of the taxes that would have been due on the 2011 reduced assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the Court, the 2011-12 assessment will be reduced to One Million Two Hundred Eighty Thousand dollars (\$1,280,000.00) with no change to the 2012, 2013, 2014 and 2015 assessments of the Subject Property; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor Wayne Pickering, the Victor Central School District, the Ontario County Department of Real Property Tax Services and Town Clerk Debra Denz.

RESOLUTION #242

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION FOR PROPERTY LOCATED AT 820 PHILLIPS ROAD

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and VHCP II (Netlink) ("Netlink") in Ontario County (Index Numbers 2013-109885, 2014-111363 and 2015-112812) for the 2013-14, 2014-15 and 2015-16 tax years entitled *VHCP II LLC (Netlink) v. The Assessor, et al.*, relating to property formerly owned by VHCP, LLC and now owned by Phillips Victor, LLC located at 820 Phillips Road (the "property") in the Town of Victor ("actions"); and

WHEREAS, the property was assessed at One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00) for the 2013, 2014 and 2015 tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2013, 2014 and 2015 actions be settled by discontinuing all actions and reducing the 2013-14, 2014-15 and 2015-16 assessments on the property from One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00) to One Million Two Hundred Thousand dollars (\$1,200,000.00); and

(Resolution #242 con't)

WHEREAS, Netlink is entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced assessments; it is therefore

RESOLVED that the Town Board approves a settlement of the 2013, 2014 and 2015 actions in which the assessment on the property for the 2013-14, 2014-15 and 2015-16 tax years will be reduced from One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00) to One Million Two Hundred Thousand dollars (\$1,200,000.00), and the Petitioner will be entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced One Million Two Hundred Thousand dollars (\$1,200,000.00) assessments; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the Court, the 2013-14, 2014-15 and 2015-16 assessments will be reduced to One Million Two Hundred Thousand dollars (\$1,200,000.00); and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. attorneys for the Town are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor Wayne Pickering, the Victor Central School District, the Ontario County Department of Real Property Tax Services and Town Clerk Debra Denz.

#### RESOLUTION #243

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH DIFELICE LANDS LLC, DIFELICE STRUCTURES LLC, PFM ENTERPRISES LLC, ROUTE 96 PROPERTIES LLC, DIFELICE ASSOCIATES LP, VHP LLC, 51 VHP LLC, 833 PHILLIPS LLC and AUBURN HILLS LLC

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and DiFelice Lands LLC, DiFelice Structures LLC, PFM Enterprises LLC, Route 96 Properties LLC, DiFelice Associates LP, VHP LLC, 51 VHP LLC, 833 Phillips LLC and Auburn Hills LLC ("DiFelice") in Ontario County (Index numbers 2012-108296, 2013-109877, 2014-111375 and 2015-112840) for the 2012-13, 2013-14, 2014-15 and 2015-16 tax years entitled *DiFelice Lands LLC, et al. v. Town of Victor Assessor, et al.*, relating to property listed below owned by DiFelice (the "Subject Property") in the Town of Victor ("actions"); and

WHEREAS, the Subject Property was assessed at the amounts listed below for the relevant tax years; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2012, 2013, 2014 and 2015 actions be settled and that most properties receive no reduction in assessment and that three (3) parcels receive only a prospective reduction without refunds; and

WHEREAS, the assessor recommends that the assessments of the parcels set forth below be reduced as set forth below and Petitioners have agreed to waive all refunds that would have been due as a result of these adjustments; and

Owner	Address [Tax ID #]	Original Assessed Values for 2012, 2013, 2014 and 2015	Revised Assessed Values for 2012, 2013, 2014 and 2015
51 VHP LLC	51 Victor Heights Parkway [15.01-1-36.000]	\$1,600,000.00	\$1,432,500.00
VHP, LLC	75 Victor Heights Parkway	\$775,000.00	\$745,000.00

	[15.01-1-35.400]		
DiFelice Structures LLC	91 Victor Heights Parkway [15.01-1-24.000]	\$330,000.00	\$300,000.00

WHEREAS, the terms of RPTL §727 shall apply to these assessments to hold the assessments for 2016, 2017 and 2018, even if the Town conducts a town-wide revaluation; and

WHEREAS, the assessments of the parcels set forth below shall remain the same and the terms of RPTL §727 shall apply holding these assessments for 2016, 2017 and 2018, even if the Town conducts a town-wide revaluation; and

Owner	Address [Tax ID #]	Original Assessed Values for 2012, 2013, 2014 and 2015	Revised Assessed Values for 2012, 2013, 2014 and 2015
DiFelice Lands LLC	61 Victor Heights Parkway [15.01-1-35.100]	\$115,000.00	\$115,000.00
833 Phillips LLC	7624 State Route 251 [15.01-1-44.000]	\$175,000.00	\$175,000.00
833 Phillips LLC	833 Phillips Road [15.01-1-43.000]	\$1,300,000.00	\$1,300,000.00

Continued

Owner	Address [Tax ID #]	Original Assessed Values for 2012, 2013, 2014 and 2015	Revised Assessed Values for 2012, 2013, 2014 and 2015
DiFelice Lands LLC	716 Ashford Way [15.02-1-42.000]	\$78,700.00	\$78,700.00
Route 96 Properties LLC	Break of Day Road [28.04-1-13.100]	\$70,000.00	\$70,000.00
Route 98 Properties LLC	Break of Day Road [28.04-1-14.000]	\$61,000.00	\$61,000.00
DiFelice Lands LLC	7600 State Route 251 [15.01-1-39.000]	\$100,000.00	\$100,000.00
PFM Enterprises LLC	963 Oak Ridge Drive [15.03-2-8.000]	\$248,000.00	\$248,000.00
PFM Enterprises LLC	7472 State Route 251 [15.01-1-26.100]	\$145,000.00	\$145,000.00

WHEREAS, the assessments of the parcels set forth below shall remain unchanged and RPTL §727 shall not apply to hold these assessments in the future; and it is therefore

Owner	Address	Tax ID #
PFM Enterprises LLC	5998 State Route 96	29.11-1-21.100
PFM Enterprises LLC	5696 State Route 96	29.00-2-14.000
Route 96 Properties LLC	6527 Anthony Drive	28.00-1-49.330
Route 96 Properties LLC	6532 Anthony Drive	28.00-1-49.311
Route 96 Properties LLC	6534 Anthony Drive	28.00-1-49.311
Route 96 Properties LLC	6535 Anthony Drive	28.00-1-49.340
Route 96 Properties LLC	6536 Anthony Drive	28.00-1-49.311
Route 96 Properties LLC	6543 Anthony Drive	28.04-1-49.351
Route 96 Properties LLC	6548 Anthony Drive	28.02-1-49.390
Route 96 Properties LLC	Break of Day Road	28.04-1-14.100
Route 96 Properties LLC	Break of Day Road	28.04-1-13.000
Auburn Hills LLC	Modock Road (Ph. 2)	27.00-1-10.200
Auburn Hills LLC	Modock Road (Ph. 2)	27.00-1-11.110

Auburn Hills LLC	Modock Road (Ph. 2)	27.00-1-11.111
Auburn Hills LLC	Modock Road (Ph. 1)	27.00-1-11.120
Auburn Hills LLC	State Route 251 (Ph. 1)	15.03-3-100.000
Auburn Hills LLC	1046 Warters Cove	15.03-3-30.000
Auburn Hills LLC	1044 Warters Cove	15.03-3-29.000
Auburn Hills LLC	1042 Warters Cove	15.03-3-28.000
Auburn Hills LLC	1040 Warters Cove	15.03-3-27.000
Auburn Hills LLC	1038 Warters Cove	15.03-3-26.000
Auburn Hills LLC	1005 Warters Cove	15.03-3-25.000
Auburn Hills LLC	1007 Warters Cove	15.03-3-24.000
Auburn Hills LLC	1009 Warters Cove	15.03-3-23.000
Auburn Hills LLC	1011 Warters Cove	15.03-3-22.000
Auburn Hills LLC	1013 Warters Cove	15.03-3-21.000
Auburn Hills LLC	1015 Warters Cove	15.03-3-20.000
Auburn Hills LLC	1010 Warters Cove	15.03-3-19.000
Auburn Hills LLC	1006 Warters Cove	15.03-3-18.000
Auburn Hills LLC	1032 Warters Cove	15.03-3-17.000

Continued

<b>Owner</b>	<b>Address</b>	<b>Tax ID #</b>
Auburn Hills LLC	1006 Warters Cove	15.03-3-18.000
Auburn Hills LLC	1032 Warters Cove	15.03-3-17.000
Auburn Hills LLC	1018 Warters Cove	15.03-3-16.000
Auburn Hills LLC	1026 Warters Cove	15.03-3-15.000
Auburn Hills LLC	1021 Warters Cove	15.03-3-14.000
Auburn Hills LLC	1023 Warters Cove	15.03-3-13.000
Auburn Hills LLC	1025 Warters Cove	15.03-3-12.000
Auburn Hills LLC	1026 Warters Cove	15.03-3-15.000
Auburn Hills LLC	1027 Warters Cove	15.03-3-11.000
Auburn Hills LLC	1029 Warters Cove	15.03-3-10.000
Auburn Hills LLC	1031 Warters Cove	15.03-3-9.000
Auburn Hills LLC	1033 Warters Cove	15.03-3-8.000
Auburn Hills LLC	1035 Warters Cove	15.03-3-7.000
Auburn Hills LLC	1039 Warters Cove	15.03-3-6.000
Auburn Hills LLC	1041 Warters Cove	15.03-3-5.000
Auburn Hills LLC	1043 Warters Cove	15.03-3-4.000
Auburn Hills LLC	1045 Warters Cove	15.03-3-3.000
Auburn Hills LLC	1047 Warters Cove	15.03-3-2.000
Auburn Hills LLC	1049 Warters Cove	15.03-3-1.000

RESOLVED that the Town Board approves a settlement of the 2012, 2013, 2014 and 2015 actions in which certain assessments on the Subject Property will be reduced without refunds and RPTL §727 shall apply, and the assessments of other parcels will remain the same and RPTL §727 shall apply and the assessment of other parcels will remain the same and RPTL §727 shall not apply, all as set forth above; and be it further

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the assessments of the Subject Property will be reduced or remain the same as set forth above; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

(Resolution #243 con't)

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor Wayne Pickering, the Victor Central School District, the Ontario County Department of Real Property Tax Services and Town Clerk Debra Denz.

RESOLUTION #244

APPROVE SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH VHCP, LLC - 7612 COUNTY ROAD 42

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

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor and VHCP, LLC ("VHCP") in Ontario County (Index number 2015-112815) for the 2015-16 tax year entitled *VHCP, LLC v. The Assessor, et al.*, relating to property owned by VHCP located at 7612 County Road 42 (the "property") in the Town of Victor ("action"); and

WHEREAS, the property was assessed at Eight Hundred Twenty Five Thousand dollars (\$825,000.00) for the 2015 tax year; and

WHEREAS, after reviewing all documentation, including the proposed Judgment and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2015 action be settled by discontinuing the action and reducing the 2015-16 assessment on the property from Eight Hundred Twenty Five Thousand dollars (\$825,000.00) to Seven Hundred Seventy Five Thousand dollars (\$775,000.00); and

WHEREAS, VHCP is entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced assessment; it is therefore

RESOLVED that the Town Board approves a settlement of the 2015 action in which the assessment on the property for the 2015-16 tax year will be reduced from Eight Hundred Twenty Five Thousand dollars (\$825,000.00) to Seven Hundred Seventy Five Thousand dollars (\$775,000.00), and VHCP will be entitled to collect refunds of any taxes paid in excess of taxes that would have been due on the reduced assessment; and

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2015-16 assessment will be reduced to Seven Hundred Seventy Five Thousand dollars (\$775,000.00); and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor Wayne Pickering, the Victor Central School District, the Ontario County Department of Real Property Tax Services and Town Clerk Debra Denz.

RESOLUTION #245

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 783 DUCK HOLLOW (TAX MAP #16.07-1-5.00) TO ALLOW A FENCE TO ENCROACH ONTO THE TOWN'S UTILITY EASEMENTS

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

WHEREAS, Christian T. Donovan and Lisa Donovan are the record owners of the premises at 783 Duck Hollow, Tax Map #16.07-1-5.00, (the "Premises") in the Town of Victor; and

(Resolution #245 con't)

WHEREAS, owners of the Premises desire to construct a fence on said Premises; and

WHEREAS, the Town is the owner of two utility easements, as shown on the Utility Easement recorded on October 16, 2001 in the Ontario County Clerk's Office in Book 01064 of Deeds at page 0442 which utility easements are situated along the western and eastern boundaries of the Property ten (10) feet wide on each side of the Property as shown on Map #25633 filed in the Ontario County Clerk's Office ("Easements"); and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement to allow a portion of the proposed fence to encroach into the Utility Easements, to be recorded with the Ontario County Clerk's Office; now, therefore, be it

RESOLVED that, upon approval of the License and Hold Harmless Agreement by the attorneys for the Town, the Supervisor is authorized to execute the License and Hold Harmless Agreement with Christian T. Donovan and Lisa Donovan to allow the proposed fence to encroach into the Utility Easements; and further be it

RESOLVED that a copy of this Resolution be provided to the Town Building Department, Debra Denz, and Christian and Lisa Donovan.

RESOLUTION #246

AUTHORIZATION FOR SUPERVISOR TO EXECUTE A PERMANENT UTILITY EASEMENT WITH RG&E

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

WHEREAS, the Rochester Gas and Electric Corporation ("RG&E") desires and has deemed it necessary to extend existing utility facilities to presently unserved residential parcels; and

WHEREAS, RG&E desires and has deemed it necessary to extend said existing utility facilities under a strip of land on premises known as County Road 9; Tax ID No. 1.03-1-53.00 owned by the Town of Victor (the "Town") and located within the Town; and

WHEREAS, to complete the placement and to secure the future maintenance of said utility facilities, RG&E has also deemed it necessary to obtain an easement over the Property, said easement being identified in the proposed Utility Easement ("Easement") attached hereto; and

WHEREAS, the Town Engineer has reviewed and approved the proposed Easement; and

WHEREAS, the attorneys for the Town have reviewed the proposed Easement provided by RG&E and have determined that any potential divestiture of property rights is de minimus in light of the size of the Easement area and that said utility facilities will be primarily located underground, and that it is therefore acceptable in form and substance and meets the Town's needs in all important respects; and

WHEREAS, the Town Board concludes that RG&E's extension of its utility facilities will benefit the residents of the Town of Victor as it will improve and expand necessary utility services to currently unserved properties; now, therefore, be it

RESOLVED that the Town Supervisor is authorized to execute the Utility Easement with RG&E; and further

RESOLVED that copies of this resolution be forwarded to the Town Engineer, RG&E, and the Town Clerk.

## RESOLUTION #247

SET PUBLIC HEARING – LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-3B ENTITLED “GENERAL REGULATIONS FOR LAND USE,” AND SECTION 211-24C(8) ENTITLED “LIGHT INDUSTRIAL DISTRICT REGULATIONS,” TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES

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

WHEREAS, the Town Board has identified the need to amend the Victor Town Code by at Chapter 211-3B and Chapter 211-24C(8) in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures; and

WHEREAS, the Attorneys for the Town of Victor have submitted draft amendments of said Local Law to the Town Board and said draft Local Law amendments are on file with the Town Clerk; and

WHEREAS, the Town Board seeks to set a public hearing with respect to the adoption of said local law; now, therefore, be it

RESOLVED, by the Victor Town Board that a Public Hearing shall be had on the 27<sup>th</sup> day of June, 2016, at 7:30 p.m., for the purpose of adopting a local law to amend the Victor Town Code at Chapter 211-3B and Chapter 211-24C(8) in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to refer the Local Law to the Ontario County Planning Board pursuant to NY General Municipal Law Section 239-m; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Zoning Board of Appeals, Planning Board, and Town Planning and Building Department.

## RESOLUTION #248

SET PUBLIC HEARING - LOCAL LAW NO. \_\_\_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING” IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS “EASTVIEW COMMONS”

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

WHEREAS, on or about March 3, 2016, the Town of Victor received an application (the “Application”) from Mitchell Design Build seeking to amend the Eastview Commons Planned Development District at Tax Map # 6.00-1-3.100 commonly known as 7607 Commons Blvd., (the “Property”); and

WHEREAS, the Applicant seeks to amend the PDD to generally allow for the construction and operation of a self-storage facility as well for the relocation of business offices related to its small business; and

WHEREAS, after review by the Town Attorney and Town Engineer and after advisement by the same, the Victor Town Board has determined that the Application is complete; and

WHEREAS, the Victor Town Board has referred the Application to the Victor Planning Board and the Ontario County Planning Board; and

(Resolution #248 con't)

WHEREAS, the Application has preliminarily been determined as an Unlisted Action and the Town Board will address SEQR with respect to this Application; and

WHEREAS, the Town Attorney has prepared draft Local Law No. \_\_\_\_ - 2016 to amend the Town Code at Chapter 211 entitled "Zoning" in order to modify the Planned Development District Known as "Eastview Commons;" and

WHEREAS, the Attorney for the Town has submitted a draft of said Local Law 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 held on the 27<sup>th</sup> day of June, 2016, at 7:30 p.m., for the purpose of considering the adoption of Local Law No. \_\_\_\_ - 2016 to amend the Town Code at Chapter 211 entitled "Zoning" in order to modify the Planned Development District Known as "Eastview Commons;" and be it further

RESOLVED, that the Town Clerk advertise for said public hearing in a manner consistent with law; and be it further

RESOLVED, that a copy of this resolution and draft Local Law be forwarded to the Town Engineer, the Town Attorney, the Town Clerk, the Victor Town Planning Board and the Owner; and be it further

RESOLVED, that a copy of the Application and proposed Local Law be forwarded to the County Planning Board pursuant to General Municipal Law Section 239-m.

#### PUBLIC COMMENT

Neil Stein, 1722 Strong Road –questioned how many Recycling Center permits were purchased this year.

Supervisor Marren reported approximately 1,800 permits held at this time.

#### RESOLUTION #249

##### MOVE TO EXECUTIVE SESSION

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

RESOLVED that the Victor Town Board enter into Executive Session for discussion of proposed, pending, or current litigation and employment history of a particular person, leading to said promotion/appointment. The Town Attorney was requested to stay, the Town Clerk was excused. No Town Board action to take place following the Executive Session

Time: 8:00 PM

#### RESOLUTION #250

##### RE-OPEN OPEN MEETING

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

RESOLVED that the open meeting of the Victor Town Board be reconvened. Time: 8:52 PM.

On motion of Councilman Palermo, seconded by Councilman Guinan, the meeting was adjourned at 8:52 PM.

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