

**A regular meeting of the Village of Victor Board of Trustees was held on Monday, July 18, 2016, at the Village Hall, 60 East Main Street.**

**MEMBERS PRESENT:**

Mayor	Jason Ashton
Deputy Mayor	Michael Crowley
Trustee	Larry Rhodes
Trustee	Gary Hadden
Trustee	Carol Commisso
Village Attorney	Reid Holter
Director of Public Works	John Turner
Village Clerk	Pamela Hogenes

**OTHERS PRESENT:** Melody Burri, Carol and Charlie Criss, Lucy Santoro, David Keefe, Kathy Rayburn and Deputy Chief, Mark Eifert, VFD

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

Salute to the flag.

**Privilege of the Floor**

**David Keefe, Genesee Region Clean Communities**, distributed information regarding public charging stations for electric vehicles. Mr. Keefe noted the coalition has been in place since 2007. GRCC targeted 4 top areas for public charging stations, Victor being one of them. NYSERDA has allocated up to \$8,000/per station to help defray some of the costs of the stations. Mr. Keefe felt the Village Parking lot or the Library Parking lot would be good locations for a station.

Mr. Keefe and the board discussed options for paying for the stations and the cost of using it, current locations where the stations are now, other possible locations in the Town.

**Kathy Rayburn**, Director of Economic Development, came before the board to revisit the proposal she presented to the board in June regarding hiring a consulting firm, Dandras, to review our Master Plan for an update. Ms. Rayburn noted the cost of the proposal is \$3,880. The Village allocated \$1,000 for a grant with the Town of Victor that is no longer needed and suggested the board re-allocate the \$1,000 to this proposal and she will ask the LDC board if they will cover the rest.

**Resolution #91-16**

**Main Street Revitalization and Redevelopment Consulting Services**

On motion of Trustee Gary Hadden, seconded by Trustee Carol Commisso the following resolution was ADOPTED 5 AYES 0 NAYS

**Whereas**, the Village of Victor Board of Trustees has received a proposal from Dadras Architects to provide consulting services for the Main Street Master Plan update; and,

**Whereas**, the Board of Trustees has reviewed the Scope of Work outlined in the proposal along with Kathy Rayburn, Director of Economic Development; now, be it

**Resolved**, that the Village Board of Trustees accepts the proposal from Dadras Architects for Consulting Services: Main Street Assessment – Review and Update at a cost not to exceed \$1,000.00.

\*\*\*\*

### **Resolution #92-16**

#### **Technical Assistance Funding – Village Code Re-Write**

On motion of Trustee Michael Crowley, seconded by Trustee Larry Rhodes, the following resolution was APPROVED 5 AYES 0 NAYS

**Resolved**, that the Village Board of Trustees approves Kathy Rayburn, Director of the Victor Local Development Corp., on behalf of the Village of Victor to apply for a grant for funding for the Village Code Revision.

\*\*\*\*

Ms. Rayburn also noted the LDC board still has a vacancy missing a representative from the Village. Mayor Ashton offered to fill that position.

**Doug Scarson, Village Code Enforcement Officer**, provided his activity report to the Board including permits issued and violations he is working on. Mr. Scarson will be providing a report to the board once a month.

Mr. Scarson stated he is working with the Town and the open Village matters they have and transitioning them to the Village.

### **Open Discussion**

**Carol Criss**, came before the board on behalf of herself, Mr. Criss and Ms. Santoro as well as other neighbors regarding motorists not obeying the stop signs and speeding on East and Coville St. Ms. Criss stated it's very dangerous to walk/bike in that area.

Ms. Criss would like speed bumps installed on East St. or more law enforcement presence there. There is no stop sign exiting St. Patrick's Church, but the new Priest is installing a gate to prevent motorists exiting/entering there.

Ms. Santoro stated a neighbor has taken a video of people going through the stop signs. Mayor Ashton will contact the resident to view the video.

Mark Eifert stated there is a department within the State Police Dept. called TIMS (Traffic Incident Management) and he will get their information to Mayor Ashton to follow up. Mr. Eifert also stated the Village Board can request the Town Court not to reduce the fine for a ticket in that area.

**Deputy Chief Mark Eifert, VFD** reported about the fire in the Fire Hall in the pumper. It was determined that it was a total loss to the truck. Chief Eifert was pleased to present the new rescue vehicle.

### **Clerk Report**

#### **Resolution #93-16**

##### **Acceptance of Minutes**

On motion of Trustee Carol Comisso, seconded by Trustee Michael Crowley, the following resolution was APPROVED 4 AYES 0 NAYS 1 ABSTAIN Larry Rhodes

**Resolved** to accept the meeting minutes from June 20, 2016

\*\*\*\*\*

#### **Resolution #94-16**

##### **Payment of Bills**

**Whereas**, the Village Board of Trustees has audited and approved invoices for payment, that appear on Abstract #3 using vouchers #167-303; and,

**NOW**, therefore on a motion made by Trustee Gary Hadden, seconded by Trustee Larry Rhodes, the following resolution was ADOPTED 5 AYES 0 NAYS

**Resolved** to authorize the Treasurer to pay invoices from Abstract #3 in the following amounts:

General	\$	87,709.39
Water	\$	24,500.02
Sewer	\$	15,924.71
HL – Latchmere Dr. Reconstruction	\$	15,124.31
HR – Maple Ave. Reconstruction	\$	391.20
HW – WWTP Phase II Upgrades	\$	561.36
<b>TOTAL</b>	\$	144,210.99

\*\*\*\*\*

**Resolution #95-16**

**TIME WARNER CABLE PROPERTY TAX WAIVER**

On motion of Trustee Michael Crowley, seconded by Trustee Carol Commisso the following resolution was ADOPTED 5 AYES 0 NAYS

**Whereas**, the Village of Victor, hereinafter referred to as "Village", assessed poles, lines, and public right-of-way all located within the limits of the Village and owned by Time Warner; and,

**Whereas**, it was later determined that pursuant to the provisions of an agreement dated October 17, 1978 between the Village and Cablevision, now Time Warner Cable, that Time Warner Cable has made payment to the Village on or about February 9, 2016 in the amount of \$34,427.87, representing the franchise fee due under the terms of the aforesaid agreement; and,

**Whereas**, Section 626 of the Real Property Tax Law in the State of New York provides that payment of a franchise fee shall reduce the real property tax; and,

**Whereas**, Reid Holter, Village Attorney, has advised that the real property tax bill in the amount of \$390.12 should be cancelled and annulled,

**Now therefore, be it resolved as follows:**

1. That the real property tax bill in the amount of \$390.12 dated 6/1/16 and rendered by the Village to Time Warner Cable is hereby annulled and cancelled; and,
2. It is hereby directed that the Village Tax Roll for the year 2016 be corrected accordingly

\*\*\*\*

**Resolution #96-16**

**Car Wash, Victor Varsity Swim Boosters**

On motion by Trustee Larry Rhodes, seconded by Trustee Carol Commisso the following resolution was ADOPTED 5 AYES 0 NAYS

**Resolved** to give permission to the Victor High School Swimming Booster Club to hold a car wash in the Village Hall parking lot on August 27, 2016, and subject to the Victor High School Band Booster Club signing the hold harmless agreement, submitting proof of insurance, paying a water usage fee of \$25.00 and using bio-degradable, environmentally friendly soap.

\*\*\*\*

**Director of Public Works Report**

Mr. Turner reported the following:

- Chatfield Engineers has offered engineering services for a grant to defray the cost of the upcoming WWTP disinfectant upgrade
- MRB will be attending the August 15 meeting to outline the Sewer Master Plan

- Latchmere Reconstruction is complete
- Coville St. has been completed
- S. High St. will be paved the week of Aug. 22
- Oil and stone is complete
- No new information on the Maple Ave. reconstruction. Has been checking with Chatfield Engineers for updates. DOT approved the detour signs along RT 96
- YMCA is concerned about their Footrace on Sept. 10 because Maple Ave. has not been started yet. Will contact Rob Anderson Insurance to make sure all sides are covered.

### **Trustees Reports**

**Michael Crowley** – Mr. Crowley has not had a chance to meet with Chief McAdoo regarding the Fire Dept. cell phone proposal. We will revisit at the Aug. 1 meeting.

Mr. Crowley suggested the Village consider changing the insurance coverage on the FD vehicles as well as DPW vehicles. Currently, the vehicles are covered for market value, not replacement value.

### **Resolution #97-16**

#### **Appoint Brendan Crossing, Zoning Board of Appeals**

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

**Resolved** that the Village Board of Trustees appoints Brendan Crossing to the Zoning Board of Appeals to fill the unexpired term of Jim Caggiano until April, 2017.

\*\*\*\*

**Larry Rhodes** – Mr. Rhodes thanked Mr. Turner on behalf of the Tree Board for keeping the trees watered and thriving. The Tree Board will coming in front of the Village Board at the August 15 meeting for their annual report.

**Carol Commisso** – Ms. Commisso stated the URA will be working closer with the LDC and talking to developers. Still looking at the buy-a-brick project to raise funds to pay for the Façade Improvement Project reimbursements.

**Gary Hadden** – Mr. Hadden will follow up with Rob Anderson regarding the Fire Dept. equipment coverage and also ask about the Village's liability as it relates to the Maple Ave. reconstruction and the YMCA 5K race in Sept.

### **Mayor Report**

Mayor Ashton read a request from Gerald Barry, Fire Dept. Inc. President, to refund the Inc. for utilizing the Village rolloff twice for the Summer Music Fest.

**Resolution #98-16**

**Rolloff Reimbursement – Victor Fire Dept. Inc.**

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

**Resolved,** that the Village Board of Trustees approves reimbursement to the Victor Fire Dept. Inc. for roll off rental in the amount of \$380.00.

\*\*\*\*

Mayor Ashton reported the following:

- National Night Out is coming together (Aug. 3)
- Code Enforcement Transition meeting – moving open cases from the Town to the Village – Doug will meet with Bob Graham on transitioning Fire Inspections
- Met with Katie Evans on the RT 96 Infrastructure Project. Need representative from the Village on the committee. Anita Bruckner has expressed interest in getting involved with this project. Mayor Ashton will reach out to her and Mr. Crowley has volunteered to initially attend the meetings.
- Met with Victor Seniors Group, they would like to find a new space to hold their meetings. Mayor Ashton and Mr. Hadden will work on a solution.
- Setting up a meeting with Finger Lakes Railway regarding the Ferris Terrace project.
- Tues. July 26 @ 6:00pm at the Village Hall will be a ceremony commemorating the American with Disabilities Act.
- RG&E and the Tree Board met to discuss better communication in the future.
- Presented variations of a new Village Logo. The majority picked one but would like one minor change on color.
- Frontier Communications would like to present to both the Boards (Town and Village) to pitch their franchise proposal.
- Still working through issues with Jarmusz Funeral Home and the cell tower people

**Attorney Report**

Mr. Holter has reviewed the Mutual Aid Agreement and presented the following:

**Resolution #99-16**

**Mutual Aid Agreement – Victor Fire Department & Fishers Fire District**

On motion made by Trustee Carol Commisso, seconded by Trustee Gary Hadden the following resolution was ADOPTED 5 AYES 0 NAYS

**Whereas,** the Victor Fire Department and the Fishers Fire District have, for a number of years, provided services in each other's geographic areas under mutual aid agreements; and

**Whereas,** continuing such mutual aid services is in the best interest of the Village; and

**Whereas,** the Victor Fire Chief presented a proposed "Revision of Existing Mutual Aid Agreement between Fisher Fire District & Victor Fire Department", a copy of which shall be attached to this resolution; and

**Whereas,** the Victor Fire Chief advised the Board that it would be in the best interest of the Village to modify and extend the existing mutual aid agreements in accordance with the proposed agreement; and

**Whereas,** this Board has determined that it is in the best interest of the Village to enter into the proposed "Revision of Existing Mutual Aid Agreement between Fishers Fire District & Victor Fire Department" with the Fishers Fire District, now, be it therefore

**Resolved,** that the Village Board of Trustees approves the "Revision of Existing Mutual Air Agreement between Fishers Fire District & Victor Fire Department" and the Victor Fire Chief is hereby authorized and directed to execute such agreement on behalf of the Victor Fire Department.

Revision of Existing Mutual Aid Agreement

Between

Fishers Fire District & Victor Fire Department

The Fishers Fire District and the Victor Fire Department having an existing Mutual Aid Agreement and both entities recognizing that the existing Mutual Aid Agreement is in need of revision and the above mentioned parties having reached an understanding as to the appropriate revisions to the existing Mutual Aid Agreement and both parties agree to the following terms and conditions as revisions to the existing Mutual Aid Agreement, and both parties further agree that all provisions that are not modified by this revision shall remain in full force and effect.

## SECTION 1 ~ OBJECTIVE

### A. Definition of Mutual Aid

Mutual Aid is organized, supervised, coordinated, cooperative, reciprocal assistance in which personnel, equipment and physical facilities of all participating fire districts, departments and other appropriate emergency response agencies, regardless of types or

size, are utilized for fire or other emergencies in which the services of a firefighter or other appropriate first responder would be used throughout the Fishers Fire District and/or Victor Fire Department coverage areas.

This plan in no way changes any mutual aid agreement(s) or plans now in existence with any fire district, company or department, save for the current mutual aid agreement in existence by and between the Fishers Fire District and the Victor Fire Department.

B. Amendments

- A. Amendments to this Agreement may be made periodically by the mutual written agreement of the District(s) and/or Department(s) participating herein and any other governmental agency required to approve, regulate or carry out the purpose of the this Agreement.

C. Annual Review

Each year this Agreement shall be reviewed by the District(s) and/or Department(s) participating herein.

SECTION 2 ~ PARTICIPATION

A. Extent and Limit of Participation by Fire Districts and Departments

All Fire Districts, Departments and/ or Companies in the Town of Victor may fully participate in this agreement.

These Districts, Departments and/or Companies presently consist of

Fishers Fire District  
Victor Fire Department

B. Liability

Any loss or damage to, or expense incurred in the operation of the fire apparatus or other equipment answering a call for assistance from outside territory for the assisting municipality/entity, shall be a charge upon the municipality/entity which issued the call for assistance. This paragraph shall not apply to the case of damage or expense to fire

apparatus or equipment which occurred while responding to a request for assistance or returning from the scene upon completing the assistance and while the apparatus or equipment was not involved in the emergency operation, and which was caused by :

1. The act or omission of a firefighter in the performance of their duties who is a member of the assisting force which suffered damage; or
2. The act or omission of a third party or through an instrumentality not connected with the actual emergency operation.

While responding to a call for assistance, the municipality or entity shall be liable for the negligence for firefighters of that municipality or entity occurring in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties within the area regularly served and protected by said unit.

Any such claim for loss, damage, expense or cost shall not be allowed unless within sixty (60) days after the same shall have been sustained, a written notice of such claim, under oath, itemizing such loss, or expense is served by mail upon the fiscal officer of the municipality/entity which requested the assistance.

Coverage must be from the time of the call to the return to service, inclusive.b.  
Liability for Worker's Compensation for the Firefighters involved in a cross border incident remains with the Firefighters' home fire company.

### 3. Procedure

According to standard operating procedures of the individual fire districts, departments and/or companies.

### D. Participating in the Agreement

Any duly established fire district, department and/or company in the Town of Victor may participate in this plan by adopting a resolution and by the agreement of the currently participating districts, departments or companies.

Such resolution shall state that such Fire District, Department and/or Company elects to participate in this agreement and that the then participating District(s), Department(s) and/or Company(s) are in agreement with the new participant joining the Agreement.

The resolution shall also state that the fire district, department and/or company shall recognize a call for assistance from another fire district, department and/or company the Ontario County Fire Control Center or a fire radio base station. A copy of the resolution adopted by the legislative body of each participating city, town or village or by a board of fire commissioners of each participating fire district, the town board, village board of each town and/or village fire department or company serving the Town of Victor shall be distributed to each then participating fire district, department or company.

Such resolution shall state that no restrictions against a call for assistance outside the area regularly served and protected by the fire district, department or company within the meaning of Section 209 (1) of the General Municipal Law (Mutual Aid), which would affect the power of such fire district, department or company to participate in this Agreement, except as noted in the resolution.

If the "outside services" or mutual aid activities of a participating fire district, department or company are restricted pursuant to Section 209(10) of the General Municipal Law, notice of any such restriction shall be given promptly to the other participants of this Agreement.

Any such restriction imposed by the legislative body of the city, town, village or Board of Fire Commissioners shall take effect in accordance with the resolution imposing the restriction.

If equipment and/or manpower is needed somewhere, a request will be made for voluntary assistance and the responding agency will be directed as to how and where to respond. It will not be an order. The obligation to respond rests with the responding agency.

#### E. Withdrawal from the Agreement

Any fire district, department or company may elect to withdraw from this agreement by adopting a resolution to such effect. Such a resolution will become effective sixty (60) days after filing the notice with the other participating districts, departments or companies and the Ontario County Commissioner of the Fire Safety Division. Such withdrawal shall remain effective until reinstated by the resolution as defined under Section 209 (1) of the General Municipal Law.

Withdrawal from the agreement may have an adverse effect on mutual aid operations, both on the withdrawing district, department and/or company and the remaining participants in the agreement and should be thought out before such action is taken.

#### SECTION 4 ~ STATUS OF THE LOCAL FIRE DISTRICT, DEPARTMENT OR COMPANY

A. Maintenance of Individuality

Each Fire district, department or company participating in this agreement shall retain its' internal command and individuality.

B. Authority of Requesting Fire Chief or Incident Commander

1. A requesting fire chief or incident commander is one who requests mutual aid for his district, department or company in accordance with this agreement.
2. The command structure at a fire or other emergency in which the service of firefighters would be used for firefighters and officers entering the area under mutual aid remains with the chief of the fire company or incident commander of the district, department or company requesting the mutual aid.
3. The fire officer in command will utilize the incident command system in working with chiefs, senior officers and company officers of districts, departments or companies providing the mutual aid.
4. The firefighters in the assisting district, department or company will be supervised by their own officers, who are in turn, commanded by officers of the district, department or company requesting the mutual aid.

The Fishers Fire District and the Victor Fire Department have an existing mutual aid agreement by and entering into this revision hereby revises that agreement as follows:

The Fishers Fire District shall respond to the Victor Fire Department calls routed through the Ontario County Emergency Center on Monday through Fridays from 0700 to 1700 hours with an engine and daytime crew to

1. All calls
2. New York State Thruway - enter at Exit 45/Seneca Service area, same as Fishers Fire District's current Standard Operating Procedures, additional unit to be staged.
3. No Emergency Medical Calls, Wires Down, Water jobs, Trees down or CO calls unless specifically requested.

The Victor Fire Department shall respond to the Fishers Fire District's calls twenty four (24) hours a day, seven (7) days a week with a Rescue vehicle with an appropriate crew with additional Fire Police on Motor Vehicle Accident calls to

1. All Motor Vehicle Accident calls, except for those on State Route 490
2. New York State Thruway - enter at Exit 45/Seneca Service Area, same as Fishers Fire District current Standard Operating Procedures, and additional unit to be staged
3. All gas and odor calls
4. All aviation related incidents
5. No Emergency Medical Service calls, Wires Down, Water jobs, trees down or CO calls, unless specifically requested.

The current Fire Related Mutual Aid Agreement shall remain in full effect except as modified by this agreement.

Agreed to and entered into by the

Dated: August 1, 2016

Dated: August 1, 2016

Victor Fire Department

Fishers Fire District

By: \_\_\_\_\_

By: \_\_\_\_\_

\*\*\*\*

**Adjournment**

Meeting adjourned on motion at 9:20pm.

---

Pamela Hogenes, Village Clerk