

**SPECIAL MEETING** - Town Board Executive Session was held to discuss proposal acquisition, sale or lease of real property.

Special Meeting called to order at 6:02 PM.

PRESENT: Supervisor Marren, Councilman Condon, Councilman Tantillo, Councilman Guinan, Councilman Kahovec, Vince Pettrone, Steve Metzger, Barb Cole, Brian Emelson, & Mark Years.

RESOLUTION #137

MOVE TO EXECUTIVE SESSION

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the Victor Town Board enter into Executive Session for discussion of proposed acquisition, sale or lease of real property. No Town Board action to take place following the Executive Session

RESOLUTION #138

RE-OPEN OPEN MEETING

On motion of Councilman Guinan, seconded by Councilman Condon, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED to close the executive session and the special meeting of the Victor Town Board be convened @ 6:59PM.

Supervisor Marren called for a break until 7:10PM

The regular meeting of the Victor Town Board was held on April 9, 2018 starting at 7:10 PM with the following members present:

PRESENT: Supervisor Jack Marren  
Councilman David Condon  
Councilman David Tantillo  
Councilman Mike Guinan  
Councilman Ed Kahovec

OTHERS PRESENT: Karen Bodine-Town Clerk; Frank Pavia-Town Attorney; Mark Years- Highway Superintendent; Kim Kinsella-Planning & Building, Al Benedict-Code Enforcement Officer, Barb Cole-Finance Director; Brian Emelson-Parks & Recreation Director, Lee Wagner, David Nankin, Connor Gallagher, Steve Metzger-Town Engineer, Tim Brown, Joe Hurley.

**Supervisor Marren** called the meeting to order and 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.

The flag was saluted.

RESOLUTION #139

APPROVAL OF MINUTES

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the minutes of the regular meeting of **March 12, 2018** be approved.

RESOLUTION #140  
PAYMENT OF BILLS

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the bills be paid on Manifest #7 in the amount of \$70,444.93. Expenditures can be found on vouchers filed by numbers: # 20180581-20180675.

**Fund**

A	General Townwide	\$27,138.60
B	General Outside Village	\$1,379.07
DB	Highway Townwide	\$35,782.94
H21	Community Connectivity Capital Project	\$4,080.32
H24	Sanitary Conveyance Capital Improvement	\$1704.00
TA	Trust & Agency	\$360.00

Supervisor Marren reviewed each of the 2 large expenses that were in the range of, or exceeded \$10,000 included in Manifest #7.

- 1) American Rock Salt- road salt
- 2) Lehigh Hanson – stone for Cork Road construction project

**PUBLIC CONCERNS & COMMENTS:**

No one wished to address the Board

**REPORTS FROM TOWN OFFICIALS:**

Highway	Town Engineer
Parks and Recreation	Victor Fire Chief

**Supervisor Marren** noted that each Board member received correspondence from Tim Davis- Executive Director of Cornell Cooperative Extension in Ontario County.

**Al Benedict – Code Enforcement Officer** presented a draft of a proposed agritourism code for the Town of Victor looking for feedback and direction with items maybe needing to be expanded upon, removed, and or changed. Al defined agritourism as trying to bring farms and farm products to light, to help farmers sell their products, additional ways to make money income to keep their farms viable for years to come. Al put together this code as part of the comp plan, getting input from farmers, NYS Ag & Markets website, other towns and also Maria Rudzinski from Ontario County. Al sent the draft to Cornell Cooperative Extension for their feedback in which Tim Davis responded with comments on parts of the draft.

**Frank Pavia** commented that it is important for the Town Board members to consider while they are deliberating upon any proposed agricultural tourism code that there are specific limitations placed on local municipalities under NYS Ag & Markets Law with respect to a municipality's ability to enforce and implement its land use zoning requirements on farm activities. Some of the activities, once designated farm activities may very well limit the Town's ability in terms of site plan approvals and code enforcement.

**Councilman Condon** agreed the board needs to consider some of the restrictions to continue to promote and not burden residents to keep them in business. He would like to see another draft with some of the suggestions from Tim Davis.

**Councilman Guinan** also feels there should be a definition of commercial and recreational for animals. He also complimented Al for all the work he has put into this so far and feels Victor should be promoting these Boutique Style Farms and welcome this moving to the future, not to lose our focus on big farms.

**Councilman Tantillo** asked about the code relating to how many pets a homeowner could have and do other Towns have limits on pets, He also agreed with the Board and suggested when this draft is complete and before a public hearing send out letters to the farms for their review so they can see what is being proposed.

**Kim Kinsella** noted that they had reached out to some of the local farmers and the Apple Farm for their feedback and will reach out to Maria Rudzinski for a list of more farmers.

**Supervisor Marren** felt there was a lot of positive feedback from Tim Davis of Cornell Cooperative Extension and our attorney also noting that we want to be proactive helping businesses.

**Joe Hurley-249 Benson Road owner operator of Kettle Ridge Farms** appreciated all the effort that has been put in so far but he is very concerned about the structuring of the applications and the fees and the uncertainty could actually hurt agritourism in Victor. This was his first reaction to the proposed code changes.

**Connor Gallagher** leases his grandparent's property - Song Hill Farm and Winery. Thanked AI for his research and work he has put into this. Mr. Gallagher is not allowed to be open to the public, so he feels it would be beneficial to him to have festivals and tastings at the property. Currently, under his Farm/Winery License they are allowed to have up to five satellite tasting rooms, but the overhead is too much for his small operation. He looks forward to something like this noting it could really help his business bringing people to the property. He also noted he has a use variance in order to do wine production on the property.

**Kim Kinsella** asked the Board to provide direction with the next steps because the draft has not been sent to the Town Attorney for review. She expressed this was one of the implementation strategies in the comp plan, so they need to know how the Board wants to proceed and give some kind of time frame.

**Councilman Condon** feels he needs some time to look at the current code. He would like AI to incorporate some of the comments from Tim Davis because he will know if something is in violation of the Ag & Markets Laws.

The Board agreed they would like to have a second draft to review before the Town Attorney reviews it.

#### RESOLUTION #141

#### MOVE TO SCHEDULED PUBLIC HEARING - ESTABLISH THE ANTON VALLEY DRAINAGE IMPROVEMENT AREA

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

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

Public Hearing was opened at 8:02 PM.

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

#### **No Public Comments.**

Public Hearing closed 8:04 PM

#### RESOLUTION #142

#### MOVE TO CLOSE THE PUBLIC HEARING OF THE VICTOR TOWN BOARD

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the regular meeting of the Victor Town Board be reconvened.

#### **REPORT FROM FINANCE DIRECTOR:**

**Barb Cole** presented the Board with an update of the financial status for the Town of Victor & Initiatives for 2018. Barb mentioned that Tom Zuber will be presenting at the next Board meeting the outcome of the audit for 2017. Successes that were noted: Fund Balance within normal limits, paid BAN in full and returned to cash equipment purchases and reduction in outstanding developer chargeback balances resulting from greater collection efforts.

**Councilman Tantillo** thanked Barb for a tremendous job well crafted, well done and very easy to understand. He also noted a few suggestions relating to factors bearing on the Town's future such as having our own Town Courts building, updated highway facility, Route 96 study implementation plan,

access management plan, and wanted Barb to make sure it is captured in the Capital Plan. Also include the cost associated with future fire protection because there was no consolidation. He also noted great job on the fund balance and wanted to make sure the three Intermunicipal agreements were captured in her plan as well.

**Councilman Condon** also complimented Barb on a job well done.

**Councilman Guinan** also thanked Barb and noted a great job on establishing a realistic forecast when budgeting.

### **SUPERVISOR'S REPORT**

Supervisor Marren submitted a report to the Board with the following items:

1. Household Hazardous Waste Collection Day on April 21<sup>st</sup> 7:00-3:00, call for an appointment 394-3977 (Ext. 427)
2. Assessors Association Seminar for Town Assessor \$130.00 to attend
3. Great job to all agencies for a great job last Wednesday in the wind storm (staff here at the Town Hall command center, highway, fire department) RG & E responded well.
4. Met with new representative from Congressman Collins office and shared with his grant writer our sewer infrastructure plan as well as the Route 96 Corridor study plan and also shared the same with Senator Schumer's office and they are interested in the sewer project and they provided the Town with a grant opportunity to pursue.
5. Presentation of April 26, 2108 at the Ontario County Municipal Summit on shared services – Tub Grinding
6. Councilman Condon and Supervisor Marren will be meeting with Town Supervisor of Farmington and Victor/Farmington Volunteer Ambulance
7. Biaggi's Restaurant closed
8. Met with Village Mayor regarding next steps involved to become their own fire district.
9. Workshop on the Route 96 Corridor Strategic Plan and steps moving forward- **Frank** commented and asked the Board Members if they had any questions about what was discussed at the last workshop, the approach, the process. A big part of this project is the SEQR review requirement and which path is likely to be required. **Councilman Tantillo** asked about a sunset clause, for SEQR purposes, if you assess the transportation or traffic district as part of SEQR, there would not be a sunset provision as long as there is no changes that are made to what is originally assessed on the GIS.

### **TOWN BOARD LIASION COMMITTEE REPORTS:**

**Councilman Condon** gave an update on the Boughton Park Commission on the strong possibility of Farmington joining Boughton Park and how much of an increase it may bring, not wanting to change the construct of the park.

**Supervisor Marren** pointed out that the Farmington Supervisor was willing to actually set a number per year of how many permits would be issued so it would grow gradually over a three year period. The next step will be a presentation to the East Bloomfield Town Board.

**Councilman Tantillo** brought up a question about assessments and whether or not homeowners who have finished basements have permits and the effect on the homeowner when the house is sold if they do not have a permit.

### **BUSINESS**

RESOLUTION #143

#### **ACCEPTANCE OF LETTER OF CREDIT, ROYAL CAR WASH (DEMOLITION AND RESTORATION)**

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Royal Car Wash Victor, LLC., received Planning Board approval for Royal Car Wash (Demolition and Restoration) with the condition that a form of surety be submitted to cover the cost of upgrades to Pump Station 28 and protect the integrity of the historic structures located within the PDD and/or or complete repairs to such historic structures due to damages sustained during the construction activities; and

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineering fees in his letter dated March 22, 2018 and has recommended a Letter of Credit totaling \$441,461.00; and

WHEREAS, Royal Car Wash Victor, LLC. has submitted Canandaigua National Bank Irrevocable Letter of Credit No. 1107101955 in favor of the Town of Victor in the amount of \$441,461.00 as recommended by the Town Engineer and is due to expire March 26, 2019; now, therefore, be it

RESOLVED that the Victor Town Board does hereby accept Canandaigua National Bank Irrevocable Letter of Credit No. 1107101955 in the amount of \$441,461.00 with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to its expiration date of March 26, 2019, the Town Clerk is authorized to draw the balance of this Letter of Credit and place said funds in an Escrow Account in the Town official depository until such time as the Engineer for the Town recommends the release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Codes and Development, LaBella, Passero Associates and Royal Car Wash Victor, LLC.

**RESOLUTION #144**

**ACCEPTANCE OF LETTER OF CREDIT, ROYAL CAR WASH**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Royal Car Wash Victor, LLC., received Planning Board approval for Royal Car Wash with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineering fees in his letter dated March 22, 2018 and has recommended a Letter of Credit totaling \$123,638.39; and,

WHEREAS, Royal Car Wash Victor, LLC. has submitted Canandaigua National Bank Irrevocable Letter of Credit No. 1107102137 in favor of the Town of Victor in the amount of \$123,638.39 as recommended by the Town Engineer and is due to expire March 26, 2019; now, therefore, be it

RESOLVED that the Victor Town Board does hereby accept Canandaigua National Bank Irrevocable Letter of Credit No. 1107102137 in the amount of \$123,638.39 with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to its expiration date of March 26, 2019, the Town Clerk is authorized to draw the balance of this Letter of Credit and place said funds in an Escrow Account in the Town official depository until such time as the Engineer for the Town recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Codes and Development, LaBella, Passero Associates and Royal Car Wash Victor, LLC.

**RESOLUTION #145**

**AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON A PORTION OF SCHOOL ROAD**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on a portion of School Road; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for a portion of School Road; and further

RESOLVED that a copy of this resolution be forwarded to the Ontario County Superintendent of Highways, Karen Bodine, Town Clerk; and Mark Years, Highway Superintendent.

**RESOLUTION #146**

**AUTHORIZATION TO ENTER INTO AGREEMENT WITH COBBLESTONE CREEK COUNTRY CLUB FOR GOLF INSTRUCTION**

On motion of Councilman Guinan, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Department of Parks and Recreation seeks to offer golf instruction for youth in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Cobblestone Creek Country Club to provide instructional staff, equipment and a golf facility for youth golf instruction to be held on various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Cobblestone Creek Country Club for youth golf instruction to be held at various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Christine Winter, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Mike Surtel.

**RESOLUTION #147**

**AUTHORIZATION TO ENTER INTO AGREEMENT WITH ROC CITY SAMMICH LLC FOR FOOD TRUCK AT SUMMER CONCERTS**

On motion of Councilman Kahovec, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Department of Parks and Recreation seeks to offer food truck services at a summer concert; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Roc City Sammich LLC to provide a food truck at a summer concert to be held on Thursday, June 21, 2018 from 6:30 – 8:30 pm with the Town receiving Ten Percent (10%) of the gross sales from the event revenue; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Roc City Sammich LLC. to provide a food truck at a summer concert to be held on Thursday, June 21, 2018 from 6:30 – 8:30 pm with the Town receiving Ten Percent (10%) of the gross sales from the event revenue; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Joseph Cario.

**RESOLUTION #148**

**AUTHORIZATION TO ENTER INTO AGREEMENT- SINGLETRACK MOUNTAIN BIKE ACADEMY FOR MOUNTAIN BIKING INSTRUCTION**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Department of Parks and Recreation seeks to offer mountain biking instruction for youth and teens in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Singletrack Mountain Bike Academy c/o Jeff Wright to provide instructional staff for mountain biking to be held on various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Singletrack Mountain Bike Academy c/o Jeff Wright for instruction in mountain biking to be held at various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Christine Winter, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Jeff Wright.

**RESOLUTION #149**

**AUTHORIZATION TO ENTER INTO AGREEMENT - COVERED WAGON TOURS FOR TRIPS PROGRAM**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Department of Parks and Recreation offers trips for adults and senior citizens as a seasonal recreation program; and

WHEREAS, the Director of Parks and Recreation issued a Request for Proposals (RFP) including proposed trip themes, itineraries and locations to two (2) local transportation service contractors and received the following proposals:

Destination	Covered Wagon Tours Proposal	Koning Day Tours Proposal
Theatre	\$112.00 / per person	No proposal
Concert	\$82.00 / per person	No proposal
Holiday	\$99.00 / per person	No proposal
Historical / Cultural	\$110.00 / per person	No proposal
Overnight	\$699.00/ per person	No proposal

and

WHEREAS, the Town of Victor will charge senior citizen residents Seventy Five percent (75%) of the cost on non-overnight trips, and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A6772.4 Programs for the Aging – Contractual; and

WHEREAS, the Director of Parks and Recreation recommends that Covered Wagon Tours be awarded the contract with the Town for this service for 2018; now therefore, be it

RESOLVED, that the Town Board authorizes the Director of Parks and Recreation to enter into agreement with Covered Wagon Tours to provide transportation and trip arrangements at a cost not to exceed Fifteen Thousand Dollars (\$15,000.00), said funds are included and available in the 2018 Operating Budget line item A6772.4 Programs for the Aging – Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Karen Bodine, Town Clerk, Barb Cole, Finance Director, Michael Stockman, Assistant Director of Parks and Recreation, Brian Emelson, Director of Parks and Recreation

**RESOLUTION #150**

**AUTHORIZATION TO ENTER INTO AGREEMENT - O'BRIEN'S SEPTIC AND PORTABLE TOILETS FOR PORTABLE TOILET RENTALS – HIGHWAY DEPARTMENT**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Highway Department has the need to rent seasonal, portable toilet units during road construction projects; and

WHEREAS, funds are included and available in the 2018 Budget line item DB.5110.400 General Repairs Contractual; and

WHEREAS, the Highway Superintendent has obtained a quote from O'Brien's Septic and Portable Toilets of One Hundred Twenty dollars (\$120.00) Per Unit / Per Month; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and Highway Superintendent to enter into agreement with O'Brien's Septic and Portable Toilets to rent seasonal, portable toilet units during road construction projects at a cost not to exceed One Hundred Twenty dollars (\$120.00) per unit / per month, said funds are included and available in the 2018 Budget line item DB.5110.400 General Repairs Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Mark Years, Highway Superintendent; Karen Bodine, Town Clerk; Barbara Cole, Director of Finance, and Kathy O'Brien, O'Brien's Septic and Portable Toilets.



RESOLUTION # 151

AMEND RESOLUTION #361-17 AUTHORIZATION FOR SUPERVISOR TO SIGN AMENDMENT TO THE NYSDOT SNOW AND ICE AGREEMENT INDEXED LUMP SUM CONTRACT FOR PAYMENT FACTOR ADJUSTMENT

On motion of Councilman Guinan, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, on September 11, 2018 the Town Board approved Resolution #361 Authorizing the Town Supervisor to Sign Amendment to the NYSDOT Snow and Ice Agreement Indexed Lump Sum Contract for Payment Factor Adjustment; and

WHEREAS, the Town was notified that the State provided the incorrect amounts; now, therefore, be it

RESOLVED, that Resolution #361 be amended to read as follows:

AUTHORIZATION FOR SUPERVISOR TO SIGN AMENDMENT TO THE NYSDOT SNOW AND ICE AGREEMENT INDEXED LUMP SUM CONTRACT FOR PAYMENT FACTOR ADJUSTMENT

WHEREAS, The New York State Department of Transportation (NYSDOT) entered into Contract #D009778 with the Town of Victor to control snow and ice on State Routes 444 and 251 each winter; and

WHEREAS, due to the severity of the winter during 2016/2017 the Municipality requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the winter season; and

WHEREAS, in correspondence dated March 13, 2018 the NYSDOT provided a corrected Amendment B for the index adjustment increasing the amount due from Seventy Five Thousand Two Hundred Ten dollars and Seventy Three cents (\$75,210.73) to Ninety Six Thousand Three Hundred Forty Four dollars and Ninety Five cents (\$96,344.95); now, therefore, be it

RESOLVED, that the Victor Town Board does hereby authorize the Supervisor to sign Amendment B to Contract #D009778 with an index adjustment increasing the amount due from Seventy Five Thousand Two Hundred Ten dollars and Seventy Three cents (\$75,210.73) to Ninety Six Thousand Three Hundred Forty Four dollars and Ninety Five cents (\$96,344.95); and further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Finance Department, Mark Years, Highway Superintendent; and the New York State Department of Transportation, Ontario/Wayne County Residency.

RESOLUTION # 152

AUTHORIZATION TO ENTER INTO AGREEMENT WITH NYSDOT TO EXTEND MUNICIPAL SNOW AND ICE AGREEMENT (EXTENSION SEASON 2019/2020)

On motion of Councilman Guinan, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the New York State Department of Transportation (NYSDOT) contracts with the Town of Victor to control snow and ice on State Routes 444 and 251 each winter; and

WHEREAS, the Indexed Lump Sum Snow and Ice Agreement #D009778 currently expires June 30, 2019; now, therefore, be it

RESOLVED that the Supervisor is hereby authorized to enter into an Indexed Lump Sum Municipal Snow and Ice Agreement (Extension Season 2019/2020) with the State of New York to plow and sand State Route 251 and State Route 444 within the Town of Victor to expire June 30, 2020 at an estimated cost of Eighty Three Thousand Seven Hundred Forty Three dollars and Seventy Three cents (\$83,743.73) funded from DB5142.400 Snow & Ice Equipment; and be it further

RESOLVED that a copy of this resolution be forwarded to the New York State Department of Transportation, the Finance Department, and the Town Highway Superintendent.

RESOLUTION #153

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7955 BRAMWELL PARK TO ALLOW ENCROACHMENT ONTO DRAINAGE EASEMENT

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Marlies A. Sullivan is the record owner (the "Owner") of the premises at 7955 Bramwell Park, Tax Map # 14.02-1-19.100, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a utility easement ("Easement") on the Property, as shown in Book 1117 of Deeds at page 462 in the Ontario County Clerk's Office, which Easement runs north-south on the western portion of the Property; and

WHEREAS, the Owner of the Property desires to erect a fence ("Alterations") that encompasses the area around the southern and western portions of the home on the Property, and a portion of said proposed Alterations would encroach onto the Easement; and

WHEREAS, said Alterations would require the approval of an area variance from the Town Zoning Board of Appeals ("ZBA"); and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Alterations to encroach onto the Easement, (subject to the approval of any area variances required by the ZBA), said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Alterations to be constructed, but would require the Owners to remove said Alterations, hold the Town harmless, and return the Property within the Easement to its pre-Alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the Alterations, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed Alterations and have indicated that the aforementioned proposed encroachment of the Alterations into the Easement would not materially adversely affect the integrity, purpose, or function of the Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Marlies A. Sullivan, in a form approved by the Attorney for the Town, to allow the proposed Alterations to encroach into the Easement, and any other document reasonably necessary to effect said Agreement; and

RESOLVED, that said approval and authorization is also subject to the approval of any area variances as may be required by the ZBA; and further be it

RESOLVED, that a copy of the filed License and Hold Harmless Agreement with Marlies A. Sullivan will be provided to the Town Clerk; and further

RESOLVED, that a copy of this Resolution be provided to the Town Planning and Building Department, the Town Clerk and the Owner.

RESOLUTION#154

SET PUBLIC HEARING – LOCAL LAW NO. \_\_\_\_ -2018 TO AMEND CHAPTER 27 FEES SECTION 27-8 FEES ENUMERATED RELATING TO THE TRANSFER STATION

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town Board finds that it is necessary to amend the Code relating to Transfer Station permits in order to clarify that the various permits are non-refundable and/or non-transferable; and

WHEREAS, a draft Local Law has been submitted 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 had on the 23<sup>rd</sup> day of April, 2018, at 7:30 p.m., for the purpose of adopting a Local Law to amend Chapter 27 Fees; and be it further

RESOLVED that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #155

SET PUBLIC HEARING – LOCAL LAW NO. \_\_\_\_ -2018 TO AMEND CHAPTER 188 TAXATION, AT SECTION 188-19 OPT-OUT OF EXEMPTIONS PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town Board finds that it is necessary to amend the Town Code in order to add Opt-out of Exemptions for micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system; and

WHEREAS, a draft Local Law has been submitted 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 had on the 23<sup>rd</sup> day of April, 2018, at 7:30 p.m., for the purpose of adopting a Local Law to amend Chapter 188 Taxation at Section 188-19 Opt-out of Exemptions; and be it further

RESOLVED that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #156

RESCISSION OF APPROVAL TO DISSOLVE THE TOWN OF VICTOR FIRE PROTECTION DISTRICT AND ESTABLISH THE VICTOR CONSOLIDATED FIRE DISTRICT

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town Board of the Town of Victor (the “Town Board”) and the Village Board of Trustees of the Village of Victor (the “Board of Trustees”) worked together to establish a joint fire district for the Village of Victor (the “Village”) and the Town of Victor (the “Town”) to be known as the “Victor Consolidated Fire District;” and

WHEREAS, in conjunction with the Town Board and the Board of Trustees undertaking the process of establishing the Victor Consolidated Fire District, the Town Board simultaneously began the process of dissolving the Town of Victor Fire Protection District; and

WHEREAS, the transfer of the bonded and non-bonded assets of the Fisher Fire District to the Victor Consolidated Fire District was a condition of the Town Board and the Board of Trustees in agreeing to establish the Victor Consolidated Fire District; and

WHEREAS, the Town Board begun the process to establish the Victor Consolidated Fire District pursuant to Section 189-a of the New York Town Law for the purpose of providing joint fire protection services to the residents of the Village and the Town; and

WHEREAS, the Town Board passed Resolution No. 286-17 authorizing the endorsement of a plan to dissolve the Town of Victor Fire Protection District in order to establish the Victor Consolidated Fire District; and

WHEREAS, the Town Board passed Resolution No. 287-17 issuing a negative declaration pursuant to the NY State Environmental Quality Review Act for the establishment of the Victor Consolidated Fire District; and

WHEREAS, the Town Board adopted Resolution No. 288-17 authorizing the Supervisor of the Town to solicit proposals for fire services for the Town of Victor Fire Protection District; and

WHEREAS, the Town Board adopted Resolution No. 289-17 providing for the establishment of the Victor Consolidated Fire District; and

WHEREAS, on March 20, 2018, the Commissioners of the Fishers Fire District voted to reject the transfer of the bonded and non-bonded assets to the Victor Consolidated Fire District, and therefore object to the creation of consolidated fire protection districts for the Town and the Village; Now, therefore, be it

RESOLVED that the Town Board hereby rescinds Resolution Nos. 286-17, 287-17, 288-17 and 289-17, and rescinds its agreement to establish the Victor Consolidated Fire District due to the decision by the Commissioners of the Fishers Fire District to oppose the consolidation of the Village and Town fire protection districts; and be it further

RESOLVED that any prior resolution and/or decision by the Town Board to dissolve the Town of Victor Fire Protection District is hereby rescinded, and that the proposed dissolution plan considered by the Town Board is annulled; and be it further

RESOLVED that the Town of Victor Fire Protection District is hereby re-established for the purpose of providing fire protection services to the residents of the Town; and be it further

RESOLVED, that the Town Supervisor is authorized to take any and all additional actions as necessary to effectuate the rescission of the approval of the Victor Consolidated Fire District and re-establish the Town of Victor Fire Protection District; and be it further

RESOLVED, that copies of this Resolution shall be forwarded to the Town Clerk Karen Bodine, the Village Board of Trustees for the Village of Victor, and the Victor Fire Protection District, as well as published for public review as may be required by any applicable statute, ordinance or regulation.

**PUBLIC COMMENT**

**Tim Brown** 1249 Cork Road asked about the Fire Department Consolidation wondering if it was going to be up for vote again and if the Commissioners of the Fishers Fire Department are paid a salary.

**Supervisor Marren** explained that the Fishers Fire Department Commissioners do not receive a stipend and if it is the intent of the Victor Fire Department to create their own district with the support of the Village Board and the Town Board those Commissioners will not receive a stipend as well. He also explained that the consolidation is out at this time, and could potentially come back next year for a vote. The Village Mayor and Fire Chief shared with the Supervisor that in next year's budget the Fire Chief has included two forty hour a week firemen to fill during the day and one full-time administrator to assist with paper work.

On a motion by Councilman Tantillo, seconded by Councilman Guinan, the meeting was adjourned at 9:02 PM.

Respectfully submitted, \_\_\_\_\_ Karen C. Bodine, Town Clerk