

The regular meeting of the Victor Town Board was held on July 9, 2018 starting at 7:00 PM with the following members present:

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

**OTHERS PRESENT:** Karen Bodine-Town Clerk, Joe Picciotti- Attorney, Mark Years- Highway Superintendent, Barb Cole-Finance Director, Brian Emelson-Parks & Recreation Director, Wes Pettee, Steve Metzger, Lee Wagner, David Nankin, Al Benedict, Neil Stein, Fred Rainaldi, Matt Loomis, Tim Brown, Steve Straight, Joseph Hurley, Miguel Reyes, Edwin Rueda, John Welch, Daniel Rose, Brian Ferguson, Maria Rudzinski, and Jack Lauder

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

- Everyone was asked to sign in on the attendance sheet, cell phones & all electronic devices were requested to be turned off, and any private conversations 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 #397**

**APPROVAL OF MINUTES**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

RESOLVED, to approve the minutes from the regular meeting of June 4, 2018 as submitted.

**RESOLUTION #398**

**PAYMENT OF BILLS**

Councilman Tantillo made a motion, seconded by Councilman Guinan to approve the payment of bills for Manifest #12 with vouchers totaling \$110,072.27.

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

RESOLVED that the bills be paid on Manifest #12 in the amount of \$110,072.27.

These expenditures can be found on vouchers filed by numbers: # 20181246 - 20181353.

A- General Townwide	\$44,174.04
B- General Outside Village	\$ 1,949.41
DB – Highway Townwide	\$30,296.82
H23 Route 96 Infrastructure	\$ 4,710.00
H24 Sanitary Conveyance Project	\$13,756.25
H25 S. Sewer Sys Mapping Project	\$ 270.00
SS – Consolidated Sewer Project	\$ 3,567.00
TA –Trust & Agency	\$11,348.75

Supervisor Marren reviewed each of the three large expenses that were in the range of, or exceeded \$10,000 included in Manifest #12.

- LaBella Associates for Professional Services-chargeback's to developers
- Isaac Heating- Rooftop air compressor
- Highway expenses- catch basins, concrete for gutter repairs, fuel, & PVC pipe for Cork Road

**PRIVILEGE OF THE FLOOR:**

No request for privilege of the floor.

**PUBLIC CONCERNS & COMMENTS:**

No one wished to address the Board.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Marren** recognized Tim Hadden as employee for the month of June - Tim helped Bill Brown with maintenance on equipment. Bill had some restrictions when returning to work after total knee replacement.

**Al Benedict** gave an update on the changes that have been made with the Agritourism code. A letter was sent out to many local farmers asking for feedback and a copy of the proposed draft is available on the Town's website. There has been feedback received and Al is reviewing the information. Al will continue to work with Maria Rudzinski from the County and Ag & Markets, also the County Planning Board for feedback. The Board discussed sprinkler systems in barns, understanding safety, but also noting it would be very costly for farmers and they do not want to burden them with something like this. Al noted that the whole idea behind Agritourism is to help put money back into farmer's pockets, not take it from them. It was suggested to have the Fire Marshall give some input on this.

**Councilman Condon** would like to see the final proposal having something that would not set residents up for having to file for variances with fees involved. Al will provide the Board with the schedule of fees for their review.

**Councilman Guinan** pointed out that these changes to the code would probably not affect the crop farmers.

**SUPERVISOR'S REPORT**

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

- American Legion Veterans Memorial Park & Post 931 Budget Request- Supervisor Marren recognized former Councilman Dan Crowley for his works on this. A letter was received from the American Legion requesting an increase for next year's budget.
- Shared Services Mulch Processing

**MOVE TO SCHEDULED PUBLIC HEARING @ 7:32pm**

**CONTINUATION OF PUBLIC HEARINGS- LOCAL LAW NO. \_\_\_\_\_ 2018 TO AMEND CHAPTER 211-27.4, DESCRIPTION OF USES IN THE HIGH POINT BUSINESS PARK PLANNED DEVELOPMENT DISTRICT AND LOCAL LAW NO. \_\_\_\_\_ 2018 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF VICTOR (REZONE A PORTION OF TAX MAP#1.02-1-2.000) AND CHAPTER 211 ZONING SECTION 211-27.5 CONIFER VILLAGE AT EASTVIEW PLANNED DEVELOPMENT DISTRICT**

**Legal Notice was read aloud by the Town Clerk**

**Supervisor Marren** asked if any members of the public would like to address the Town Board.

**Miguel Reyes** addressed the Board representing Edwin Rueda who is the owner of the property adjacent to the 5 ½ acre portion that is being added to the project. Mr. Reyes expressed concern that the buildings are huge with too many units and are offensive to the character of the neighborhood. Mr. Reyes also expressed concern with the feasibility study that was completed on this project, noting that a small percentage of renters would be able to afford these apartments.

**Daniel Rose Valentown Road** – his family owns the farm across the road is concerned with the traffic the new apartments would create. He spoke about his farm land being used in the past as a pasture lot and does not want to see that density of people.

**Doug Eldred – BME Associates** – had some concerns about the proposed resolutions. He had a small correction on the Conifer Eastview under section 2, that there would be 42 residential units and 2 three story buildings on the Conifer Village at Eastview property, not three. The amendment that allows for change in use to apartments, on the fifth page-2C-1, there are conditions that allow certain leniencies that the Planning Board can go through. He feels the Board may be giving a lot of flexibility to the Planning Board with respect to the lay out and density to the project. Doug expressed concern that they have spent a 1 year to 1 ½ going through the project to get something on paper that everyone is acceptable with and they don't want verbiage to take away from what has been proposed.

Supervisor Marren suggested that the two resolutions be pulled for further review. The Board was in full agreement.

**RESOLUTION #399****MOVE TO CLOSE THE PUBLIC HEARING & RETURN TO REGULAR MEETING OF THE VICTOR TOWN BOARD**

By motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

**Public Hearing closed at 7:50pm**

**SUPERVISORS VERBAL REPORT:**

- Called Bob Pippin about waiving the fee for the use of the VMP building for NIMS and he was very understanding.
- July 17<sup>th</sup> Steve Metzger and Supervisor Marren will be meeting with the Town of Farmington Supervisor, Superintendent of Sewers and engineer to go over the updates with the sewer flow study and to use the information for budgeting of our maintenance/capital plans for the next five years.
- July 24<sup>th</sup> Meeting with the Finger Lakes Railroad to continue to help make the connection with North Folk Southern from Geneva to Lyons. We will build an economic development case with how much the railroad can help Ontario County. In addition, conversation about the county selling the railroad and part of that would be the Town getting the abandonment we are looking for here.
- Transformative Corridor – two weeks ago at the Finger Lakes Regional Economic Development Council Meeting the council submitted three transformative corridor projects that they felt needed state and federal funding. The goal is to elevate our Rt. 96 project to #1 to subsequently be in line for future funding.

- Fishers Fire District Audited Financial statement – The Board had a brief discussion on this and Councilman Tantillo felt there should have been comments, he felt this was just analysis. Supervisor Marren will follow-up and thank them for this report and would like a list of the recommendations that the auditing firm made to them. Councilman Condon suggested maybe reaching out to our State Legislature with regard to changes to the laws with the Fire Districts.

**TOWN OFFICIALS REPORTS:**

Highway

Historian

Victor Fire Chief

**The Town Clerk** received two applications for liquor licenses: one from Colies Café & Eatery at Eastview Mall and one from the New York Beer Project, LLC. The Board had no objections.

**Supervisor Marren** complimented Mark Years and his team on a job well done cleaning out a clogged drain in Crossman pond. Jeffrey and Carol Baker 165 Benson Road, Fishers sent an email to the Supervisor with their thanks.

**TOWN BOARD LIASION COMMITTEE REPORTS:**

**Councilman Tantillo** gave an update on the Parks & Recreation survey. He handed each member a survey card. He also explained to the public it has been ten years since the master plan for Parks and Recreation has been updated and encouraged residents to fill out the survey. Brian Emelson informed the Board that representatives from the Parks & Recreation's citizens advisory committee and Baer Associates will be at the summer of the Square Event on Saturday from 6-9 to gather public input.

**BUSINESS:**

**RESOLUTION #400**

**AMEND RESOLUTION #242 - AUTHORIZATION TO ENTER INTO AGREEMENT - ALLISON MURPHY - YOUTH ART INSTRUCTION**

By motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, on June 4, 2018 the Town Board adopted Resolution #242 Authorization to enter into agreement with Allison Murphy for art instruction for youth and teens; and

WHEREAS, an error regarding the payment type was made; now, therefore, be it

RESOLVED that the resolution for the agreement with Alison Murphy Stein be amended as follows:

**AUTHORIZATION TO ENTER INTO AGREEMENT WITH ALLISON MURPHY FOR YOUTH ART INSTRUCTION**

WHEREAS, the Department of Parks and Recreation seeks to offer art 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 Allison Murphy to provide instruction in art to be held on various dates & times for a fee of Forty Two Dollars (\$42.00) per participant; 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 Allison Murphy for art instruction for youth and teens to be held at various dates & times for a fee of Forty Two Dollars (\$42.00) per participant, 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 Mike Stockman, Assistant Director of Recreation and Parks; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Allison Murphy.

**RESOLUTION #401**

**AUTHORIZATION TO ENTER INTO AGREEMENT WITH TORNADO T'S LLC FOR T-SHIRT CONCESSION AT SUMMER DAY CAMP**

By motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Department of Parks and Recreation seeks to offer participants at their summer day camp the opportunity to design and print artistic t-shirts at the program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Tornado T's LLC to provide a t-shirt design and printing concession on July 30 and 31, 2018 with the Town receiving Ten Percent (10%) of the gross sales from the activity 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 Tornado T's LLC. to provide a t-shirt design and printing concession on July 30 and 31, 2018 with the Town receiving Ten Percent (10%) of the gross sales from the activity revenue; and further

RESOLVED, that a copy of this resolution be forwarded to Steve Hendrickson, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Kevin Bailey, Tornado T's LLC.

**RESOLUTION #402**

**AUTHORIZATION TO ACCEPT DONATION FOR BENCH AT BOUGHTON PARK**

By motion of Councilman Kahovec, seconded by Councilman Condon, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Department of Parks and Recreation has received a donation of One Thousand Seven Hundred Four dollars and Sixty Three cents (\$1,704.63) from the Outhouse Family for the purchase of a bench to be placed at Boughton Park; and

WHEREAS, the Director of Parks and Recreation has ordered the bench in accord with the donation at the request of the family; and

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit this donation in support of the purchase of the bench which will incur costs and require expenditures within Budget Line A7110.4 Parks Contractual; now, therefore be it

RESOLVED that the Town Board accepts the donation in the amount of One Thousand Seven Hundred Four dollars and Sixty Three cents (\$1,704.63) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by One Thousand Seven Hundred Four dollars and Sixty Three cents (\$1,704.63) in the 2018 Budget in addition to an offsetting increase in the expense line A7110.4 Parks Contractual of One Thousand Seven Hundred Four dollars and Sixty Three cents (\$1,704.63) with the budget entry to be done upon Town Board approval; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barbara Cole, Director of Finance; Peg Beaulieu, Finance Clerk; Mary Lyng, Secretary for the Boughton Park Commission; and Karen Bodine, Town Clerk.

**RESOLUTION #403**

**ACCEPTANCE OF THE RETIREMENT OF KENNETH WILSON JR.**

By motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, Kenneth Wilson submitted a letter of retirement from his position as the Deputy Water Superintendent for the Town of Victor's Highway/Recycle Department on May 3, 2018, with an effective date of July 21, 2018; and

WHEREAS, Kenneth Wilson will be ceasing work on July 12, 2018 and will be taking his remaining vacation days as leave until his retirement date of July 21, 2018; now, therefore be it

RESOLVED that the Town Board accepts the retirement of Kenneth Wilson, and wishes to thank Ken for his hard work and dedication to the residents of the Town of Victor over the past 30 years, and wishes him all of the best on his retirement; and be it further

RESOLVED that a copy of this resolution be forwarded to Kenneth Wilson, Human Resources Dept., Finance Department, Town Clerk, and Ontario County Human Resources.

**RESOLUTION #404****CREATION OF TWO PART-TIME CLEANER POSITIONS FOR THE TOWN OF VICTOR**

By motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Town has the need for cleaning services for all Town buildings; and

WHEREAS, the Town Supervisor has reviewed the pricing to contract these services versus the cost of hiring two part-time cleaners to do this work; and

WHEREAS, the Town Supervisor has found that it is more cost-effective to create two part-time cleaner positions within the Town; and

WHEREAS, the Town Supervisor and Human Resources have worked with Ontario County Human Resources to define the job description, roles, and responsibilities of these positions; now, therefore be it

RESOLVED that the two positions of Part-Time Cleaners be created, and are to be funded from the 2018 Budget line items

Town Courts	A.1110.400
Highway Building	DB.5110.400/DB.5142.400
Recycle Office Building	A.8160.400
Parks & Recreation Building	A.7021.400
Town Hall	A.1620.400

and be it further

RESOLVED that a copy of this resolution be forwarded to Human Resources, Finance Department, Town Clerk, and the Ontario County Department of Human Resources.

**RESOLUTION #405****APPOINTMENT OF KENNETH WILSON TO THE POSITION OF PART-TIME CLEANER**

By motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Town Board passed Resolution No. \_\_\_\_\_ – Creation of Two Part-Time Cleaner Positions on July 29, 2018; and

WHEREAS, Kenneth Wilson will be retiring on July 21, 2018 as the Deputy Water Superintendent for the Town and has expressed an interest in a Part-Time Cleaners position; and

WHEREAS, Kenneth Wilson has prior cleaning experience and is knowledgeable regarding Town buildings and operations; now, therefore be it

RESOLVED that Kenneth Wilson be appointed to the position of Part-Time Cleaner for the Town of Victor, effective July 23, 2018, at a Grade 1 step A hourly rate salary of Fifteen dollars and Thirteen cents per hour (\$15.13/hour) and is to be funded from line A.1620.100 Buildings. Personal Services in the 2018 Operating Budget; and be it further

RESOLVED that a copy of this resolution be forwarded to Kenneth Wilson, Human Resources, Finance Department, Mary Lyng, Town Clerk, and the Ontario County Department of Human Resources

**RESOLUTION #406**

**AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 909 FENWICK LANE TO ALLOW ENCROACHMENT INTO UTILITY EASEMENT**

By motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, Matthew P. Loomis and Danielle Loomis are the record owners (the "Owners") of the premises at 909 Fenwick Lane, Tax Map #16.10-1-59.000, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a utility easement, as shown in Book 987 of Deeds at page 516 in the Ontario County Clerk's Office, which utility easement is situated running in an east-west direction along the southern side of the Property between Lots 59 and 60 approximately twenty (20) feet wide as shown on Map # 24018 filed in the Ontario County Clerk's Office ("Utility Easement"); and

WHEREAS, Monroe County Water Authority ("MCWA") is the owner of a water main easement, as shown in Book 987 of Deeds at page 259 in the Ontario County Clerk's Office, which water main easement is situated running in an east-west direction along the northern side of the Property between Lots 58 and 59 approximately twenty (20) feet wide as shown on Map # 24018 filed in the Ontario County Clerk's Office ("Water Main Easement"); and

WHEREAS, the Owners of the property propose to install six (6) sections of Privacy Fence (the "Fence"), 3 sections on the northern side in the Water Main Easement and 3 sections of Privacy Fence on the southern side in the Utility Easement on the Property, and

WHEREAS, the Owners entered into a License Agreement with MCWA dated June 25, 2018 to allow the sections of the proposed Fence to encroach into the Water Main Easement; and

WHEREAS, said Fence 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 Fence to encroach onto the Utility 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 Fence to be constructed, but would require the Owners to remove and/or repair said Fence, hold the Town harmless, and return the Property within the Utility Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Utility Easement in a manner which would require removal of the Fence, 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 Fence and have indicated that the aforementioned proposed encroachment of the Fence into the Utility Easement would not materially adversely affect the integrity, purpose, or function of the Utility Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the Utility 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 Matthew P. Loomis and Danielle Loomis, in a form approved by the Attorney for the Town, to allow the proposed fence to encroach into the Utility 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 upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with Matthew P. Loomis and Danielle Loomis 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 #407**

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 1 FOR CONSTRUCTION DESIGN SUPPORT AND INSPECTION - VICTOR COMMUNITY CONNECTIVITY SHARED USE PATH AND SIDEWALK PROJECT P.I.N. 4755.95**

By motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Town of Victor received construction authorization from the New York State Department of Transportation (NYSDOT) for the construction of a paved, shared use path adjacent to Lane Road and a concrete sidewalk on High Street known as the Victor Community Connectivity project P.I.N. 4755.95; and

WHEREAS, the Town of Victor entered into a consultant agreement with Fisher Associates on July 27, 2015 (Resolution #225) to complete the surveying, preliminary engineering, public input, and project design in association with the project; and

WHEREAS, the Town of Victor will be required to have design support and full-time construction inspection during the construction phase of the project as part of its' Construction Management Plan (CMP) per the Town's agreement with NYSDOT; and

WHEREAS, the Director of Parks and Recreation has agreed to be responsible for construction management and construction inspection duties while acting as the Resident Engineer (RE) on the contracted portions of the project as outlined in the CMP; and

WHEREAS, the Director of Parks and Recreation, acting as the Responsible Local Official (RLO), has received the following proposals for construction inspection for the Town and Village Force Account work on the project:

Fisher Associates	\$31,256.00
LaBella Associates	\$31,276.00

And

WHEREAS, the Director of Parks and Recreation recommends that we enter into agreement with Fisher Associates for construction inspection duties at a cost not to exceed Thirty One Thousand Two Hundred Fifty Six Dollars (\$31,256.00); and

WHEREAS, the Director of Parks and Recreation recommends that we enter into agreement with Fisher Associates, the Consultant Engineer of record for construction design support at a cost not-to-exceed Ten Thousand Dollars (\$10,000.00); and

WHEREAS, there is funding available in the Victor Community Connectivity Capital Project fund (H21.5410.2) for the construction inspection and support services portions of the project; now, therefore be it

RESOLVED, that the Town Board of the Town of Victor authorizes the Supervisor to sign Supplemental Agreement No. 1 with Fisher Associates in an amount not to exceed Forty One Thousand Two Hundred Fifty Six Dollars (\$41,256.00) for construction design support and construction inspection through the completion of the project; and further

RESOLVED, that a copy of this resolution by forwarded to Karen Bodine, Town Clerk; Barb Cole, Finance Director; Jay Reisinger, Local Projects Liaison / NYSDOT Region 4; Brian Emelson, Director of Parks and Recreation / RLO; and Emily Smith, Fisher Associates.

**RESOLUTION #408**  
**SEQRA DETERMINATION OF SIGNIFICANCE FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN**

By motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Town Board has been presented with the “Route 96 Transformative Corridor Strategic Infrastructure Plan” (“the Plan”) which the Town will now consider both adopting and implementing; and

WHEREAS, the Plan calls for the development of six “High Priority Projects” (“the Projects”) as well as the potential establishment of a Transportation Development District (“the TD District”, a type of Development Facilitation Improvement District under NYS law), and the Town Board is therefore considering undertaking, funding and/or approving the Projects and establishment of the TD District in addition to formal adoption of the Plan; and

WHEREAS, in order to comply with the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as “SEQRA”), the Town Board proposes conducting an environmental review of a proposed action (“the proposed Action”) that includes all of the foregoing components, namely, 1) formal adoption of the Plan, 2)

approving, undertaking and/or funding of the Projects, and 3) establishment of the TD District; and

WHEREAS, construction of the Projects would likely require approval, undertaking and/or funding from other local, regional and state government agencies needing to comply with SEQRA, including the Village of Victor, the County of Ontario, the New York State Department of Transportation (NYS DOT), and the New York State Department of Environmental Conservation (NYS DEC), and

WHEREAS, on June 4, 2018 by Resolution No. 233, the Town Board accepted the Part 1 Environmental Assessment of the proposed Action, prepared by LaBella Associates, and determined that the proposed Action is a Type I action as defined under SEQRA; and

WHEREAS, on June 4, 2018 by Resolution No. 233, the Town Board also determined that because the proposed Action may involve one or more other agencies, that an environmental review coordinated with other involved agencies and necessitating establishment of a lead agency would be required under SEQRA, and announced its intent to serve as Lead Agency in the environmental review of the proposed Action; and

WHEREAS, on June 4, 2018 by Resolution No. 233, the Town Board resolved that the Town Clerk, assisted by the Town Engineer, should notify other identified involved agencies of the Town Board's intent to be established as Lead Agency for this review, provide each with a copy of the Part 1 Environmental Assessment Form, and request that the those agencies consent to establishment of the Town Board as Lead Agency; and

WHEREAS, as of July 6, 2018, no involved agencies have objected to establishment of the Town Board as Lead Agency despite thirty days having passed since the identified involved agencies were notified of the Town Board's intent to serve as Lead Agency and requested to consent; and

WHEREAS, the Environmental Assessment Form Part 2, prepared by LaBella Associates, kept in the subject file in the Town Clerk's office, identifies several instances in which moderate to large environmental impacts may occur as a consequence of the proposed Action including impacts on: land; surface water; transportation; noise, odor and light; and, consistency with community plans; and

WHEREAS, Environmental Assessment Form Part 3, prepared by LaBella Associates, kept in the subject file in the Town Clerk's office, evaluates and assesses multiple potential impacts to the environment that could occur as a consequence of the proposed Action; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the Environmental Assessment Parts 2 and 3 of the proposed Action, prepared by LaBella Associates; and, be it further

RESOLVED, that the Town Board has determined that, in accordance with the New York's SEQRA regulations, the Town Board has now been established as the SEQR Lead Agency empowered to conduct a coordinated environmental review of the proposed Action under SEQRA; and, be it further

RESOLVED, that in accordance with the New York's SEQRA regulations, the Town Board has further determined that the proposed Action may result in one or more significant adverse impacts on the environment, as described in the Environmental Assessment Parts 2 and 3 prepared by LaBella Associates, and that an environmental impact statement must therefore be

prepared to further assess the impacts and possible mitigation and to explore alternatives to avoid or reduce those impacts; and, be it further

RESOLVED, that in accordance with the New York's SEQRA regulations, the Town Board has further determined that a Positive Declaration should therefore be issued; and, be it further

RESOLVED, that the Town Clerk, assisted by the Town Engineer, shall file the attached Environmental Assessment Form Part 3 Evaluation and Determination of Significance: 1) with the Chief Executive Officer of any political subdivision within which the proposed Action would be principally located; 2) with other involved agencies; and, 3) with the Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>; and, be it further

RESOLVED, that the Town Board has further determined that the proposed Action: 1) consists of a number of separate actions in a given geographic area which, if considered singly may have minor impacts, but if considered together may have significant impacts; 2) includes a sequence of actions contemplated by the Town of Victor as well as other agencies; 3) includes separate actions having generic or common impacts; 4) represents an entire program or plan having wide application; and, 5) represents an entire program or plan which will restrict the range of future alternative policies or projects; and, be it further

RESOLVED, that in accordance with the New York's SEQRA regulations, the Town Board has further determined that the environmental impact statement to be prepared shall be a "Generic" environmental impact statement, as defined under SEQRA; and, be it further

RESOLVED, that LaBella Associates, the Town Engineer, in conjunction with CPL, the Town Traffic Engineer, shall prepare for consideration by the Town Board a proposed Draft Generic Environmental Impact Statement that is consistent with the accepted Environmental Assessment Parts 2 and 3; and, be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Town Engineer, CPL, Village of Victor, Ontario County, NYSDEC, and NYSDOT.

**RESOLUTION #409**

**EXTENSION OF THE TOWN OF VICTOR DRAINAGE IMPROVEMENT AREA**

By motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Tantillo, Kahovec**

WHEREAS, the Town Board of the Town of Victor (the "Town Board") on May 9, 2016 approved the establishment of the Town of Victor Drainage Improvement Area (the "VDIA"); and

WHEREAS, on February 14, 2018, the Town Board received an application, a Drainage Improvement Area Report ("DIR"), and a petition from Antonelli Development LLC (the "Petitioner") seeking to extend the VDIA to include the Anton Valley residential subdivision located in the corner of County Road 9 (a/k/a Victor-Egypt Road) and Gillis Road, as more specifically described in the DIR; and

WHEREAS, the boundaries of the Anton Valley residential drainage area comprises of a parcel of real property located at County Road 9 and Gillis Road, Tax Map Number 16.00-1-53.00, the metes and bounds description of which is set forth in the DIR; and

WHEREAS, the proposed drainage improvements include the maintenance of the stormwater drainage system for the Anton Valley residential subdivision, the creation of a basin pond and outlet control structure, and the maintenance of landscaped dry swales, all of which have been approved by the Town of Victor Planning Board; and

WHEREAS, the maximum amount proposed to be expended for the stormwater drainage improvements to be constructed for the Anton Valley residential subdivision is the sum of Two Hundred Ninety-Five Thousand Dollars (\$295,000.00), the capital cost of which will be paid solely by the Petitioner, and then the maintenance of which shall be assessed, levied and collected annually from the property owners located within the VDIA in proportion to the benefit rendered to each lot or parcel of land situated within the VDIA; and

WHEREAS, since the Town of Victor will not incur any capital cost for the extension of the VDIA, no financing will be employed, and therefore it is unnecessary to obtain the approval of the New York State Comptroller's Office or to apportion costs of the proposed extension of the VDIA; and

WHEREAS, the Town Board, as required by the New York State Environmental Quality Review Act, Article 9 of the NY Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), have completed a Short Environmental Assessment Form ("SEAF") for the purpose of assessing the potential significant adverse environmental impacts associated with the proposed extension of the VDIA; and

WHEREAS, the Town Board duly held a public hearing in accordance with Article 12-c of the New York Town Law at the Town Hall, 85 East Main Street, Victor, New York on the 9<sup>th</sup> day of April, 2018 at 7:30 pm, for the purpose of hearing from any and all members of the public interested in the proposed extension of the VDIA; and

WHEREAS, no public comment was made during the April 9, 2018 public hearing opposing the extension of the VDIA to include the Anton Valley residential subdivision; now, therefore, be it

RESOLVED, that the Town Board has taken a comprehensive and thorough review of the SEAF and the potential adverse environmental impacts associated with the proposed extension of the VDIA for the Anton Valley residential subdivision, and in conjunction with the criteria set forth in Section 617.7 of the SEQRA regulations, hereby issues a Negative Declaration pursuant to SEQRA finding that the proposed extension of the VDIA does not present a potential significant adverse environmental impact; and be it further

RESOLVED, that notice of the public hearing conducted by the Town Board on April 9, 2018 was duly provided; and be it further

RESOLVED, that the extension of the VDIA to include the Anton Valley residential subdivision is in the public interest of the Town of Victor since a properly functioning stormwater management system for that area of the Town benefits all that live and work in the Town in that such a system will protect Town residents from potential flooding and other drainage-related emergencies; and be it further

RESOLVED, that the Town Board does hereby approve and authorize the extension of the VDIA to include the Anton Valley residential subdivision, as herein described and more specifically set forth in the DIR; and be it further

RESOLVED, that the Town of Victor Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the Office of the Clerk of Ontario County, as well as file a certified copy of the recorded Resolution with the New York State Comptroller's Office, within ten (10) days of the adoption of this Resolution; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk.

**PUBLIC COMMENT**- No one wished to comment tonight.

**ADJOURNMENT:**

With no further business to come before the Board, the meeting was adjourned at 8:09pm on motion by Councilman Condon, seconded by Councilman Kahovec. Motion carried.

Respectfully Submitted,

Karen C. Bodine, Town Clerk