

VICTOR TOWN BOARD REGULAR MEETING - JULY 14, 2008

RESOLUTION #259

MODOCK SPRINGS VALUE PROTECTION PLAN

On motion of Councilman Accorso, seconded by Councilman Cody, the following resolution was

ADOPTED AYES 5 NAYS 0

WHEREAS, the New York State Department of Environmental Conservation (ADEC@) has conducted an investigation regarding contamination to a groundwater resource in the Town of Victor commonly known as Modock Springs; and

WHEREAS, the DEC has identified the presence of certain volatile organic compounds in the groundwater of Modock Springs in excess of state groundwater standards; and

WHEREAS, the DEC has taken steps to eliminate any opportunity for exposure to the contaminants in the Modock Springs groundwater, including testing of all wells in the area and providing public water to homes where evidence of contamination was identified above state standards and testing sub-slab vapors and providing sub-slab depressurizations systems where the potential for vapor intrusion existed; and

WHEREAS, the Town Board established the Modock Springs Citizens' Advisory Committee (the ACommittee@), consisting of a voluntary group of concerned citizens, business owners, and property owners of the Town of Victor, to consider the social and economic impacts caused by the condition of the Modock Springs groundwater and to provide the Town Board with its findings and recommendations; and

WHEREAS, the Committee has advised the Town Board that property values in the area of Modock Springs and in other portions of the Town of Victor have been and may continue to be negatively impacted by publicity and misperceptions relating to Modock Springs; and

WHEREAS, the Committee has recommended that the Town Board adopt a comprehensive program (APlan@) designated as ASchedule A@, dated 7/11/08, and kept in the subject file in the Town Clerk's office, to preserve the values of the homes and properties in the area of Modock Springs and, by doing so, to benefit the value of homes and properties throughout the Town of Victor; and

WHEREAS, the Town Board has met with the Committee and carefully reviewed the Plan recommended by the Committee and reviewed the Committee's findings and recommendations, including the proposed Plan, with the Town's counsel; and

WHEREAS, the Town Board supports the findings and conclusions of the Committee, and believes it is in the best interest of all of the residents of the Town of Victor to mitigate the adverse impacts to the values of the homes and properties in the Modock Springs area to the fullest extent permitted by law by implementing the Plan, in whole or part; now, therefore, be it

RESOLVED that the Town Board commends the Committee for its good and hard work regarding Modock Springs and fully and completely supports the findings and recommendations of the Committee, including the Committee's Plan, designated as Schedule A, dated 7/11/08, and kept in the subject file in the Town Clerk's office; and it is further

RESOLVED that the Town Board will immediately examine all lawful means to implement the Plan as recommended by the Committee, in whole or in part, including sources for funding from state and/or federal agencies and other strategies to provide the remedies recommended by the Committee in its Plan; and further

RESOLVED that a copy of this resolution be forwarded to the Michael Annechino, Chairman of the Modock Springs Citizens' Advisory Committee; Paul Lytle, PLC Assoc.; Atty. Richard Palumbo, and the Town Attorney.