

This meeting will be held in person at the Victor Town Hall and live streamed via YouTube with text commenting available. Go To:

<https://www.youtube.com/c/townofvictornewyork>

**Victor Town Board Meeting Agenda
Monday, March 28, 2022
DRAFT RESOLUTION PACKET**

*"Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting."*

Workshop 6:30pm – Community Development Block Grant Policies

Victor Town Board Meeting Agenda - Monday March 28, 2022

Regular Meeting – Call to Order

Flag Salute

Public Hearings start at 7:00 PM - Establish the Blumont Rise Drainage Improvement Area
Legal Notice was posted & published in the Daily Messenger on March 13, 2022

Approval of the February 28 & March 14, 2022 Regular Town Board meeting minutes.

Payment of Bills

Privilege of the Floor- Randy Shea - Update on Victor Veterans' Memorial Garden

Public Comments and Concerns

Reports of Town Officials

- ❖ Building & Planning
- ❖ Economic Development/LDC
- ❖ Engineer
- ❖ Highway
- ❖ IT
- ❖ Supervisor
 - Discussion item – Sidewalk Obstruction code proposal
- ❖ Town Clerk
- ❖ Victor Fire Department

Resolutions

Finance

1. Correction of Manifest #5-2022

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2. Amend Resolution No. #113-21 create A Type Sewer Capital Reserve Fund for purposes of construction and/or reconstruction of sewer infrastructure in the portion of the Town of Victor served by the Farmington Sewer District
3. Amend 2021 A Fund Budget increasing Building and Land Reserves from unappropriated unassigned fund balance
4. Amend 2021 DB Highway Fund Budget increasing DB Capital Reserves for Building and Land from excess year end fund balance

Highway

5. Amend Resolution No. 360-21 - Purchase 2023 Western Star Tandem Axle Truck with Tenco plow equipment, piggybacking off of the Onondaga County Contract Bid and declare the 2013 Western Star tandem axle truck surplus

Local Development Corporation

6. Certifying Officer for the Water System Improvements – CDBG Project No. 258PW51-20
7. Compliance with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
8. Section 3 MWBE Procurement
9. Section 3 Coordinator
10. Request for Certificate of Liability Insurance Waiver
11. Agreement – Barn Door Events

Parks & Recreation

12. Request for Certificate of Liability Insurance Waivers
13. Agreement – Scott McNitt (Mr. Heartache)
14. Agreement – Matthew Beeman (Acoustic Brew)
15. Agreement – Frederick Seager (Wheeler Station)
16. Agreement – Mike Moreland’s Lawn & Landscape, Inc.
17. Purchase Toro Turfmaster HDX 30” Walk-Behind Mower

Supervisor

18. Drainage Improvement Area Extension – Blumont Rise

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19. Agreement - Midland Appraisal Associates, Inc. - Real Property Appraisal Services

20. Victor Consolidated Sewer District 2022 Pump Station Improvement - Set Public Hearing

Town Clerk

21. Letter of Credit – Willis Hill Estates Phase 2 - Release 1

22. License and Hold Harmless Agreement – 1505 Beaumont Way, 6420 Claremont Court, 6427 Claremont Court, 6429 Claremont Court, 6431 Claremont Court and 6433 Claremont Court (Blumont Rise Subdivision) to allow encroachment into a Utility, Drainage, and Sewer Easements

23. License and Hold Harmless Agreement – 711 Ashford Way to allow encroachment into a Storm Sewer Easement

PUBLIC COMMENT

ADJOURN

PH

TOWN OF VICTOR - ORDER PUBLIC HEARING - ESTABLISH THE BLUMONT RISE DRAINAGE IMPROVEMENT AREA

WHEREAS, the Town Board of the Town of Victor ("the Town") has received a petition to extend the Town of Victor Drainage Improvement Area ("VDIA") and a Drainage Improvement Area Report ("DIR") from Woodstone Custom Homes (the "Petitioner") requesting the extension of the VDIA to include the Blumont Rise residential subdivision located at 6300 County Road 41 on the south side of County Road 41, west of the Town of Victor / Town of Farmington Town Line as more specifically described in the DIR; and

WHEREAS, the boundaries of the Blumont Rise Drainage District comprise a parcel at 6300 County Road 41, tax map #40.00-1-28.100, the metes and bounds description of which is set forth in the MPR referred to herein and available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, the proposed drainage improvements include the creation of a Stormwater Management Facility and the maintenance of the stormwater drainage system for the residential subdivision; and

WHEREAS, the capital cost of Blumont Rise Drainage District will be paid the Petitioner and the maintenance of which shall be assessed, levied, and collected annually from the property owners within the VDIA in proportion as nearly as may be to the benefit which each lot or parcel of land in the VDIA shall benefit from; and

WHEREAS, since there will be no capital cost to the Town for the extension, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office; now, therefore be it

RESOLVED that the Town Board shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 28th day of March, 2022 at 7:00 p.m. for the purpose of conducting a public hearing on the petition to extend the VDIA to include the Blumont Rise residential subdivision, at which time and place all persons interested in the subjects thereof may be heard; and be it further

ORDERED and RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to duly publish and post a copy of this Order in the official Town newspaper, on the bulletin board in the office of said Town Clerk, and on the Town website not less than ten (10) days before and not more than twenty (20) days before the public hearing date as is required by Town Law and complete or arrange for the securing of Affidavits of Publication of Notice and Affidavits of Posting Notice of Public Hearing.

Dated: March 1, 2022

Karen C. Bodine, Town Clerk

#1

RESOLUTION NO. CORRECTION OF MANIFEST #5-2022

WHEREAS the Finance Dept. has submitted the following voided check due to payment made twice in error resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED that the following Manifest be corrected:

03/14/2022 Manifest # 5-2022 total amount was \$204,265.13 be corrected to \$203,704.03 with the voided check # 65175 (Voucher # 20220499) – Adam Blanc in the amount of \$525.00.
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and further

RESOLVED that a copy of this resolution be forwarded to the Finance Department and the Town Clerk.

#2

RESOLUTION# AMEND RESOLUTION NO. #113-21 CREATE A TYPE SEWER CAPITAL RESERVE FUND FOR PURPOSES OF CONSTRUCTION AND/OR RECONSTRUCTION OF SEWER INFRASTRUCTURE IN THE PORTION OF THE TOWN OF VICTOR SERVED BY THE FARMINGTON SEWER DISTRICT

WHEREAS, on April 12, 2021 the Town Board approved Resolution #113 Creating A Type Sewer Capital Reserve Fund; and

WHEREAS, Identifying the source of funds being deposited into the Reserve Fund was missing; now, therefore, be it

RESOLVED that Resolution No. 113-21 be amended to read as follows:

CREATE A TYPE SEWER CAPITAL RESERVE FUND FOR PURPOSES OF CONSTRUCTION AND/OR RECONSTRUCTION OF SEWER INFRASTRUCTURE IN THE PORTION OF THE TOWN OF VICTOR SERVED BY THE FARMINGTON SEWER DISTRICT

RESOLVED that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the Capital Reserve RT6 (Reserve Town 6) Sewer Infrastructure. The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of sewer infrastructure construction or reconstruction served by the Farmington Sewer District; and further

RESOLVED that the One-Time Charges for new connections to the Consolidated Sewer District established by Resolution #78 adopted on March 8, 2021 as the source of funds; and further

RESOLVED that the chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Victor. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year render to the Board a detailed report of the operations and conditions of the Reserve Fund; and further

RESOLVED that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal

#2

Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c; and further

RESOLVED that a copy of this resolution be forwarded to the Town Clerk and the Finance Director.

#3

RESOLUTION NO. AMEND 2021 A FUND BUDGET INCREASING BUILDING AND LAND RESERVES FROM UNAPPROPRIATED UNASSIGNED FUND BALANCE

WHEREAS, the Town of Victor A Fund Unassigned Unappropriated Fund Balance is higher than the target range per the Town of Victor Fund Balance Policy; and

WHEREAS, a Buildings and Land Fund was established on January 22, 2001, by Resolution #58 to "finance the cost of construction, reconstruction or acquisition of buildings or other property; and

WHEREAS, the Capital Reserve – R1 Buildings and Land Fund exists in the Town budget as Account A.0878.001; now, therefore, be it

RESOLVED that the Town Board approves amending the 2021 A Fund budget to allocate excess Fund Balance in the amount of Two Million One Hundred Twenty-Five Thousand Dollars (\$2,125,000.00) to the Capital Reserve – R1 Buildings and Land Account for possible purchase of Town Court Facility at 11 Framark Drive and future Town Hall reconstruction:

	TO:			FROM:	
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
A.0878.001	Capital Reserve-R1 Buildings and Land	\$2,125,000	A.0917.000	Unassigned Fund Balance	\$2,125,000

And further

RESOLVED that the Town Board authorizes the Finance Director to make all necessary entries to achieve this budget amendment upon Town Board approval; and further

RESOLVED that a copy of this resolution be forwarded to the Town Clerk and the Finance Director.

#4

RESOLUTION NO. AMEND 2021 DB HIGHWAY FUND BUDGET INCREASING DB CAPITAL RESERVES FOR BUILDING AND LAND FROM EXCESS YEAR END FUND BALANCE

WHEREAS, the Town of Victor Highway DB Fund has a budgetary surplus at year end; and

WHEREAS, the creation of a Capital Reserve Fund for Highway Construction and Reconstruction was established by Resolution #287 to "finance the cost of construction, reconstruction or acquisition of highway buildings, roads, or other property" for Town purposes; and

WHEREAS, the Capital Reserve – Buildings and Land Fund exists in the Town budget as Account DB.0878.001 and a new Highway Facility will be needed in the near future; now, therefore, be it

RESOLVED that the Town Board approves amending the 2021 Highway DB Fund budget to allocate excess Fund Balance in the amount of Two Million Seven Hundred Eighty-Seven Thousand Dollars (\$2,787,632.00) to the Capital Reserve – Buildings and Land Account for future Highway Facility construction

TO:			FROM:		
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
DB.0878.001	Capital Reserve- Buildings and Land	\$2,787,632	DB.0917.000	Unassigned Fund Balance	\$2,787,632

And further

RESOLVED that the Town Board authorizes the Finance Director to make all necessary entries to achieve this budget amendment upon Town Board approval; and further

RESOLVED that a copy of this resolution be forwarded to the Town Clerk and the Finance Director.

#5

RESOLUTION NO. _____ AMEND RESOLUTION NO. 360-21 -PURCHASE 2023 WESTERN STAR TANDEM AXLE TRUCK WITH TENCO PLOW EQUIPMENT, PIGGYBACKING OFF OF THE ONONDAGA COUNTY CONTRACT BID AND DECLARE THE 2013 WESTERN STAR TANDEM AXLE TRUCK SURPLUS

WHEREAS, on December 27, 2021 the Town Board approved Resolution No. 360 Purchase 2023 Western Star Tandem Axle truck with Tenco plow equipment, piggybacking off of the Onondaga County Contract bid and declare the 2013 Western Star Tandem Axle truck surplus; and

WHEREAS, the Western Star Tandem Axle Truck is no longer available; now, therefore, be it

RESOLVED that Resolution No. 360-21 be amended to read as follows:

RESOLUTION NO. _____ PURCHASE 2023 FREIGHTLINER TANDEM AXLE TRUCK WITH TENCO PLOW EQUIPMENT, PIGGYBACKING OFF OF THE ONONDAGA COUNTY CONTRACT BID AND DECLARE THE 2013 WESTERN STAR TANDEM AXLE TRUCK SURPLUS

WHEREAS, the Highway Department has the need to purchase a 2023 Freightliner Tandem Axle Truck with Tenco plow equipment for highway operations and declare the 2013 Western Star Tandem Axle truck surplus (VIN #5KKHAVDV6DPFH5586); and

WHEREAS, this vehicle is available for purchase by piggybacking off from the Onondaga County Contract #8996 for heavy duty trucks and #1989 for the Tenco plow equipment; now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase a 2023 Freightliner Tandem Axle Truck with Tenco plow equipment in the amount not to exceed Two Hundred Sixty Five Thousand Three Hundred Fifty Two dollars (\$265,352.00) by piggybacking off from the Onondaga County Contract #8996 for heavy duty trucks and #1989 for the Tenco plow equipment to be paid from the 2022 Budget Line item DB.5130.200 Machinery.Equipment; and further

RESOLVED that the 2013 Tandem Axle Western Star (VIN #5KKHAVDV6DPFH5586) be declared surplus and sold at auction; and further

RESOLVED that a copy of this resolution be forwarded to the Highway Superintendent, Finance Director, Town Clerk, Tracey Road Equipment, and Tenco Industries, Inc.

#6

RESOLUTION NO. CERTIFYING OFFICER FOR THE WATER SYSTEM IMPROVEMENTS
CDBG PROJECT NO. 258PW51-20

RESOLVED that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFP Part 58, the Town Board of the Town of Victor announces its intent to conduct an environmental review of a project to provide small businesses with funding within the Town community; and be it further

RESOLVED that the Town Board designates Jack Marren, Town Supervisor, as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with the NYS CDBG project number 1179cvsb25-21; and further

RESOLVED that a copy of this resolution will be forwarded to the Supervisor and the Town Clerk.

#7

RESOLUTION NO. _____ COMPLIANCE WITH TITLE II OF THE AMERICANS WITH
DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT OF 1973

WHEREAS, the Town of Victor has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities; now, therefore, be it

RESOLVED that the Town of Victor hereby adopts the policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 identified as Schedule A and kept in the subject file in the Town Clerk's office; and further

RESOLVED that the Town of Victor hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and further

RESOLVED that the Town Clerk is hereby directed to post the policy statement in the Town Clerk's Office and to publish a notice regarding the availability of the policy statement and complaint form.

#8

RESOLUTION NO. SECTION 3 M/WBE PROCUREMENT

WHEREAS, the Town of Victor has received funding under the Community Development Block Grant (CDBG) program; And

WHEREAS, under the CDBG program regulations, communities are required to comply with the procurement standards established for federal assistance programs; and

WHEREAS, these procurement standards require that, whenever possible, small, minority and women-owned businesses should be solicited as potential sources of supplies, services and construction and other contracts; now, therefore, be it

RESOLVED that the Town Board hereby amends its existing procurement policy to require that consideration in the solicitation of bids or quotes for services, supplies or contracts be given to:

- Small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and
- Qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation; and further

RESOLVED that these provisions shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities; and further

RESOLVED that a copy of this resolution will be forwarded to the Director of Economic Development, Human Resources, and the Town Clerk.

#9

RESOLUTION NO. SECTION 3 COORDINATOR

WHEREAS, the Town of Victor has received funding under the Community Development Block Grant (CDBG) Program for various housing rehabilitation and public infrastructure improvement projects; and

WHEREAS, the Town is required to maintain compliance with CDBG program regulations, including provisions of Section 3 of the HUD Act of 1968, as amended; and

WHEREAS, the Town is required to designate a Section 3 Coordinator for the CDBG funded projects; now, therefore, be it

RESOLVED that the Town Board hereby appoints the Director of Economic Development to serve as the Section 3 Coordinator for the CDBG Program; and further

RESOLVED that a copy of this resolution will be forwarded to the Director of Economic Development and the Town Clerk.

#10

RESOLUTION NO. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

WHEREAS, the Town Board adopted the Resolution # 234 – Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town's insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendor, who is requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Activity</u>	<u>Location</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Barn Door Events	Donation Solicitation	Varies	\$5,000	12/30/22	Insufficient Coverage

now, therefore be it

RESOLVED that the Town Board grants the Certificate of Liability Waiver for Barn Door Events; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Economic Development, Town Clerk and Karen Lynch of Barn Door Events.

#11

RESOLUTION NO. AGREEMENT - BARN DOOR EVENTS - COMMUNITY EVENT DONATIONS

WHEREAS, the Town of Victor seeks to offer a number of community events in 2022 and utilize the services of an independent contractor to secure donations to offset costs incurred with the events; and

WHEREAS, it is the intention of the Town of Victor to enter into agreement with Barn Door Events to coordinate the donation program, undertake an outreach to potential contributors, conduct coordination of levels for each event and follow-up for payments; and

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

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Economic Development to enter into agreement with Barn Door under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Five Thousand Dollars (\$5,000.00) to be paid from the 2022 Budget Line item A.6420.400 Economic Development.Contractual; and be it further

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 a copy of this resolution be forwarded to the Director of Economic Development, Finance Director, Town Clerk, and Karen Lynch of Barn Door Events.

#12

RESOLUTION NO. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

WHEREAS, the Town Board adopted the Resolution # 234 – Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town's insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Activity / Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Scott McNitt (Mr.Heartache)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2022	Insufficient Coverage
Matthew Beeman (Acoustic Brew)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2022	Insufficient Coverage
Frederick Seager (Wheeler Station)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2022	Insufficient Coverage

Now, therefore, be it

RESOLVED that the Town Board grants the Certificate of Liability Insurance Waivers for the following service provider:

<u>Vendor</u>	<u>Activity / Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Scott McNitt (Mr. Heartache)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2022	Insufficient Coverage
Matthew Beeman (Acoustic Brew)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2022	Insufficient Coverage
Frederick Seager (Wheeler Station)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2022	Insufficient Coverage

And be it

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, Finance, Scott McNitt, Matthew Beeman and Frederick Seager.

#13

RESOLUTION NO. AGREEMENT – SCOTT MCNITT (MR. HEARTACHE)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Scott McNitt (Mr. Heartache) for a Summer Concert; 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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Scott McNitt (Mr. Heartache) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Five Hundred Dollars (\$500.00) to be paid from the 2022 Budget Line item A.7550.400 Celebrations.Contractual; and further

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 a copy of this resolution will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Scott McNitt.

#14

RESOLUTION NO. AGREEMENT – MATTHEW BEEMAN (ACOUSTIC BREW)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Matthew Beeman (Acoustic Brew) for a Summer Concert; 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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Matthew Beeman (Acoustic Brew) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Five Hundred Dollars (\$500.00) to be paid from the 2022 Budget Line item A.7550.400 Celebrations.Contractual; and further

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 a copy of this resolution be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Matthew Beeman.

#15

RESOLUTION NO. AGREEMENT – FREDERICK SEAGER (WHEELER STATION)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Frederick Seager (Wheeler Station) for a Summer Concert; 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 the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Frederick Seager (Wheeler Station) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Five Hundred Dollars (\$500.00) to be paid from the 2022 Budget Line item A.7550.400 Celebrations.Contractual; and further

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 a copy of this resolution will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Frederick Seager.

#16

RESOLUTION NO. AGREEMENT – MIKE MORELAND’S LAWN & LANDSCAPE, INC.

WHEREAS, the Department of Parks and Recreation has the need to enter into agreement with a vendor to provide fertilizer and pesticide applications to its athletic fields at Dryer Road Park and Village on the Park, and to the Lehigh Station Recreation Center grounds; and

WHEREAS, the Director of Parks and Recreation has obtained the following proposals for said services on an annual basis:

Vendor	Cost
Mike Moreland’s Lawn & Landscape, Inc.	\$3,868.00
TruGreen Commercial	\$4,778.20

now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to enter into agreement with Mike Moreland’s Lawn and Landscape, Inc. under the terms and conditions as provided for in the agreement kept in the subject matter file in the Town Clerk’s Office in an amount not to exceed Three Thousand Eight Hundred and Sixty Eight Dollars to be paid from the 2022 Budget Line item A.7110.400 Parks & Rec Dept. Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Mike Moreland’s Lawn and Landscape Inc.

#17

RESOLUTION NO. PURCHASE TORO TURFMASTER HDX 30" WALK-BEHIND MOWER

WHEREAS, the Department of Parks and Recreation has the need to purchase a Toro Turfmaster HDX 30" Walk-Behind Mower for parks and trails operations; and

WHEREAS, this equipment is available for purchase from Grassland Equipment and Irrigation Company by piggybacking from New York State Contract PC68896 at a cost of One Thousand Nine Hundred Eighty-Six dollars and Thirty Three cents (\$1,986.33); now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a 2022 Toro Turfmaster HDX 30" Walk-Behind Mower from Grassland Equipment and Irrigation Company by piggybacking from New York State Contract PC68896 at a cost of One Thousand Nine Hundred Eighty-Six dollars and Thirty-Three cents (\$1,986.33) to be paid from the 2022 Budget line item A.7110.400 Parks.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant, Trails Motor Equipment Operator, Director of Parks and Recreation, Town Clerk, Finance Director, and Brent Lewis, Grassland Equipment and Irrigation Company.

#18

RESOLUTION # DRAINAGE IMPROVEMENT AREA EXTENSION – BLUMONT RISE

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 28, 2022, the Town Board received an application, a Drainage Improvement Area Report ("DIR"), and a petition from Woodstone Custom Homes (the "Petitioner") seeking to extend the VDIA to include the Blumont Rise residential subdivision located at 6300 County Road 41 on the south side of County Road 41, west of the Town of Victor / Town of Farmington Town Line, as more specifically described in the DIR; and

WHEREAS, the boundaries of the Blumont Rise residential drainage area comprises of parcels of real property located at 6300 County Road 41, Tax Map Number 40.00-1-28.100, the metes and bounds description of which is set forth in the DIR; and

WHEREAS, the proposed drainage improvements include the creation of a Stormwater Management Facility and the maintenance of the stormwater drainage system for the residential subdivision, all of which have been approved by the Town of Victor Planning Board; and

WHEREAS, the capital cost of Blumont Rise Drainage District will be paid solely by the Petitioner and the maintenance of which shall be assessed, levied, and collected annually from the property owners within the VDIA in proportion to the benefit rendered to each lot or parcel of land situated in 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 8 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 28th day of March, 2022 at 7:00 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 March 28, 2022 public hearing opposing the extension of the VDIA to include the Blumont Rise residential subdivision; now, therefore, be it

#18

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 Blumont Rise 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 March 28, 2022 was duly provided; and be it further

RESOLVED that the extension of the VDIA to include the Blumont Rise 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 Blumont Rise 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.

#19

RESOLUTION NO. _____ AGREEMENT - MIDLAND APPRAISAL ASSOCIATES, INC. -REAL
PROPERTY APPRAISAL SERVICES

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

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

WHEREAS, Requests for Quotes (RFQ's) for real property appraisal services were received and were evaluated with respect to services provided and cost to the Town as follows:

<u>Appraiser</u>	<u>Cost</u>	<u>Turnaround Time</u>
Bruckner, Tillett, Rossi, Cahill & Associates	\$2,900.00	4-5 weeks
Midland Appraisal Associates, Inc.	\$2,500.00	6-7 weeks
Emminger, Newton, Pigeon, & Magyar, Inc.	\$4,000.00	Within 60 days

And,

WHEREAS, it is recommended that Midland Appraisal Associates, Inc. be hired to provide the real property appraisal services for the Town of Victor, effective from March 29, 2022 through June 30, 2022; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Midland Appraisal Associates, Inc. for a limited term of ninety days (90) under the terms and conditions as provided in the 2022 contract at a fee not to exceed Two Thousand Five Hundred dollars (\$2,500.00) to be paid from the 2022 Budget Line Item A.1940.400 Purchase of Land/Right-of-Way.Contractual; and be it further

RESOLVED that a copy of this resolution be forwarded to Midland Appraisal Associates, Inc., Harris Beach, Finance Department, Town Clerk, and Human Resources.

#19

RESOLUTION NO. _____ AGREEMENT - MIDLAND APPRAISAL ASSOCIATES, INC. -REAL
PROPERTY APPRAISAL SERVICES

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

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

WHEREAS, Requests for Quotes (RFQ's) for real property appraisal services were received and were evaluated with respect to services provided and cost to the Town as follows:

<u>Appraiser</u>	<u>Cost</u>	<u>Turnaround Time</u>
Bruckner, Tillett, Rossi, Cahill & Associates	\$2,900.00	4-5 weeks
Midland Appraisal Associates, Inc.	\$2,500.00	6-7 weeks
Emminger, Newton, Pigeon, & Magyar, Inc.	\$4,000.00	Within 60 days

And,

WHEREAS, it is recommended that Midland Appraisal Associates, Inc. be hired to provide the real property appraisal services for the Town of Victor, effective from March 29, 2022 through June 30, 2022; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Midland Appraisal Associates, Inc. for a limited term of ninety days (90) under the terms and conditions as provided in the 2022 contract at a fee not to exceed Two Thousand Five Hundred dollars (\$2,500.00) to be paid from the 2022 Budget Line Item A.1940.400 Purchase of Land/Right-of-Way.Contractual; and be it further

RESOLVED that a copy of this resolution be forwarded to Midland Appraisal Associates, Inc., Harris Beach, Finance Department, Town Clerk, and Human Resources.

#20

RESOLUTION NO. VICTOR CONSOLIDATED SEWER DISTRICT 2022 PUMP STATION IMPROVEMENT - SET PUBLIC HEARING

WHEREAS, the Town Board (the "Town Board") of the Town of Victor (the "Town") is considering authorizing certain improvements to the Town of Victor Consolidated Sewer District (the "District") consisting of the replacement of pump stations PS-5 (Gypsum Mills), PS-7 (East Victor), and , and PS-11 (County Road 9) and installation of backup generators at pump stations PS-7, PS-12, PS-16, PS-32, and all ancillary and related work required in connection therewith (collectively referred to as the "Project"); and

WHEREAS, the Town's engineers have estimated that the maximum cost of undertaking the Project is Four Million Twenty Two Thousand dollars (\$4,022,000.00); and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to undertaking the Project at such estimated maximum cost; now, therefore, be it

RESOLVED by the Town Board of the Town of Victor that a public hearing shall be had on the 25th day of April, 2022 at 7:00 pm at the Victor Town Hall, 85 East Main Street, Victor, New York, to consider if it is in the public interest to undertake the Project at a maximum cost of Four Million Twenty Two Thousand dollars (\$4,022,000.00) and to hear all persons interested in the subject thereof; and it is further

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

#21

RESOLUTION NO. LETTER OF CREDIT – WILLIS HILL ESTATES PHASE 2 - RELEASE 1

WHEREAS, upon Woodstone Custom Homes LLC, receiving Planning Board approval for Willis Hill Estates Phase 2 a Canandaigua National Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and

WHEREAS, in their March 24, 2022 letter, the Town Engineer recommended that \$691,403.00 be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of \$691,403.00 conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$666,989.00 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Woodstone Custom Homes LLC, Marathon Engineering, Finance Director and Town Clerk.

#22

RESOLUTION #

LICENSE AND HOLD HARMLESS AGREEMENT – 1505 BEAUMONT WAY, 6420 CLAREMONT COURT, 6427 CLAREMONT COURT, 6429 CLAREMONT COURT, 6431 CLAREMONT COURT AND 6433 CLAREMONT COURT (BLUMONT RISE SUBDIVISION) TO ALLOW ENCROACHMENT INTO AN UTILITY, DRAINAGE, AND SANITARY SEWER EASEMENTS

WHEREAS, Woodstone Custom Homes, Inc. is the record owner (the "Owner") of the properties at 6420 Claremont Court – Tax Map #40.02-1-31.000, 6427 Claremont Court – Tax Map #40.02-1-32.00, 6429 Claremont Court – Tax Map #40.02-1-33.00, 6431 Claremont Court – Tax Map #40.02-1-34.000 and 6433 Claremont Court – Tax Map #40.02-1-35.000, (the "Claremont Properties") in the Town of Victor; and

WHEREAS, NVR Inc. is the record owner (the "Owner") of the property at 1505 Beaumont Way – Tax Map #40.02-1-1.000, (the "Beaumont Property") in the Town of Victor; and

WHEREAS, the Town is the owner of the following easements:

1. On the Beaumont Property – a drainage easement, as shown in Book 01469 of Deeds at page 0089 in the Ontario County Clerk's Office, which drainage easement is situated running in an east-west direction along the northern side of the Beaumont Property approximately twenty (20) feet wide as shown on Map #C2.1 filed in the Ontario County Clerk's Office ("Drainage Easement").

2. On the Claremont Property:

a) A sanitary sewer easement as shown in Book 01469 of Deeds at page 0108 in the Ontario County Clerk's Office, which sanitary sewer easement is situated running in an east-west direction along the northern side of 6420 Claremont Court approximately twenty (20) feet wide as shown on Map #C2.1 filed in the Ontario County Clerk's Office ("Sewer Easement").

b) A utility easement, that also includes a Storm Water Management Facility, as shown in Book 01469 of Deeds at page 00099 in the Ontario County Clerk's Office, which utility easement is situated running in an east-west direction along the northern side of 6427, 6429, 6431, and 6433 Claremont Court approximately one hundred fifty (150) feet wide as shown on Map #C2.1 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, , which water main easement is situated running in an east-west direction along the northern side of the Claremont Properties and the Beaumont Property approximately fifteen (15) feet wide filed in the Ontario County Clerk's Office ("Water Main Easement"); and

WHEREAS, the Owners of the property propose to install 750lf of fence (the "Fence") on the northern side in the Drainage Easement, Sewer Easement, Utility Easement, and the Water Main Easement (collectively the "Easements") on the Beaumont Property and Claremont Properties; and

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WHEREAS, the Owners of the property propose to install monument sign (the "Sign") on the northern side in the Utility Easement and the Water Main Easement the on 6429 Claremont Court of the Claremont Properties; and

WHEREAS, the Owners will enter into a License Agreement with MCWA to allow the proposed Fence and Sign to encroach into the Water Main Easement; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the proposed Fence and Sign to encroach into the Easements, said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Fence and Sign to be constructed, but would require the Owner to remove and/or repair said Fence and/or Sign, hold the Town harmless, and return the Property within the Easements to its pre-alteration condition should the Town need to exercise its rights relating to the Easements in a manner which would require removal of the portion of Fence and/or Sign, 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 Sign and have indicated that the aforementioned proposed encroachment into the Easements would not materially adversely affect the integrity, purpose, or function of the Easements, including but not limited to utilities, or be a hindrance in gaining access to any facilities or other infrastructure located within the Easements 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 Woodstone Custom Homes, Inc. and NVR Inc. in a form approved by the Attorney for the Town, to allow the proposed Fence and Sign to encroach into the Easements, and any other document reasonably necessary to effect said Agreement; and further be it

RESOLVED that upon filing with the Ontario County Clerk's office, a copy of the License and Hold Harmless Agreement with Woodstone Custom Homes, Inc. and NVR, Inc. will be provided by 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 Owners.

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RESOLUTION NO. _____ LICENSE AND HOLD HARMLESS AGREEMENT – 711 ASHFORD WAY TO ALLOW ENCROACHMENT INTO STORM SEWER EASEMENT

WHEREAS, John M. Sciortino and Elena C. Sciortino are the record owners (the "Owners") of the premises at 711 Ashford Way, Tax Map #15.02-1-45.000, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a storm sewer easement, as shown in Book 954 of Deeds at page 56 in the Ontario County Clerk's Office, which storm sewer easement is situated running in a northeast - southwest direction along the western side of the Property between Lots 7 and 8 approximately twenty (20) feet wide as shown on Map #014355.DWG filed in the Ontario County Clerk's Office ("Storm Sewer Easement"); and

WHEREAS, the Owners of the property propose to install a fence (the "Fence") on the western side in the Storm Sewer Easement; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Fence to encroach onto the Storm Sewer Easement, 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 Storm Sewer Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Storm Sewer 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 they have concerns regarding the aforementioned proposed encroachment of the Fence into the Storm Sewer Easement that it may materially adversely affect the integrity, purpose, or function of the Storm Sewer Easement, including but not limited to storm sewer, or be a hindrance in gaining access to any facilities or other infrastructure located within the Storm Sewer Easement to effect repairs, maintenance, and/or improvements; now, therefore, be it

RESOLVED that the Supervisor is authorized to execute the License and Hold Harmless Agreement with John M. Sciortino and Elena C. Sciortino, in a form approved by the Attorney for the Town, to allow the proposed fence to encroach into the Storm Sewer Easement, and any other document reasonably necessary to effect said Agreement; and

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RESOLVED that said approval and authorization is 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 John M. Sciortino and Elena C. Sciortino 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.