

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, June 27, 2022
DRAFT RESOLUTION PACKET**

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

Executive Session, 6:30 PM (Supervisor's conference room) - to discuss proposed acquisition, sale, or lease of real property

Victor Town Board Meeting Agenda - Monday June 27, 2022

Regular Meeting – Call to Order

Flag Salute

Public Hearing start at 7:00 PM

- Proposed Local Law to amend Chapter 180 Streets and Sidewalks –
Legal Notice was posted & published in the Daily Messenger on June 12, 2022.

Approval of the May 23, 2022 & June 13, 2022 Regular Town Board meeting minutes

Payment of Bills

Privilege of the Floor

Public Comments and Concerns

Reports of Town Officials

- ❖ Finance
- ❖ Historian
- ❖ Highway
- ❖ IT
- ❖ VLDC
- ❖ Parks & Recreation

Resolutions

Highway

1. Authorization to Petition the New York State Department of Transportation to Evaluate the Speed Limit on High Street between Highview Trail and State Route 96

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>

Human Resources

2. Accept the retirement of Renee McConnell from the Town Clerk's Office
3. Town Engineer Contract Extension for LaBella Engineering

IT

4. Surplus Computer Equipment Declaration & Disposition

Parks & Recreation

5. Authorization for purchase of custom printed, high intensity, aluminum signage for Auburn and Lehigh Valley trails
6. Authorization for the rental of inflatable movie screen, video projection system and sound system for movie in the park
7. Agreement with Mike Rook for youth fishing instruction
8. Agreement with Doug Rougeux for a bubble mania show
9. Agreement with Empire Tennis Academy for tennis instruction for youth and adults
10. Agreement with Mark Rust for a kids and family concert at the summer day camp
11. Agreement with Rich Stein for a magic show for kids and families at the summer day camp
12. Agreement with Rich Stein for instruction in magic and balloon twisting for youth
13. Request for certificate of liability insurance waivers
14. Authorization for purchase of (2022) Canycom BFP602 bucket style, rubber tracked carrier from track equipment company for parks and trails operations

Town Clerk

15. Appointment of Registrar of Vital Statistics
16. Letter of Credit amendment – The Fairways Phase III - Release 1
17. John & Janet Hartman, Hold Harmless - 6746 Canterbury Trail, fence in utility easement
18. Accept Surety – Southgate Hills Phase II
19. Release 10 Piper Meadows

PUBLIC COMMENT

ADJOURN

NOTICE OF PUBLIC HEARING
PROPOSED LOCAL LAW TO AMEND CHAPTER 180 STREETS AND
SIDEWALKS

PLEASE TAKE NOTICE that a draft Local Law has been introduced to the Town Board of the Town of Victor, New York, on May 23, 2022, designated as a proposed Local Law to amend Chapter 180 Streets and Sidewalks.

PLEASE TAKE FURTHER NOTICE that a public hearing upon said Local Law has been scheduled for June 27, 2022 at 7:00 PM, to be held by the Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY. At such time and place all persons interested in this subject matter will be heard. Said Local Law is on file in the Victor Town Clerk's Office located at 85 East Main Street, Victor, New York, 14564 where it is available for public inspection during regular business hours. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on June 27, 2022. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork>.

Dated: June 7, 2022

Karen C. Bodine, Town Clerk

LOCAL LAW TO AMEND CHAPTER 180 STREETS AND SIDEWALKS

BE IT ENACTED, by the Town Board of the Town of Victor, Ontario County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with New York Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. __-2022 to amend Chapter 180 Streets and Sidewalks at Section 180-5 Sidewalk Policy and 180-6 Sidewalk Policy Enforcement. The purpose of this Local Law is to update the sidewalk policy and its enforcement.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the definition of Off-Road Vehicle needs to be updated.

Section IV. Amendment

Chapter 180 Streets and Sidewalks shall be amended as follows:

Section 180-5 Sidewalk policy.

The Town is responsible for maintaining safe and adequate sidewalks for pedestrian use by the regulating the manner of construction, reconstruction, repair and maintenance of sidewalks and the materials to be used and the grades and widths thereof. Every owner of any real property shall keep the sidewalks their full width in front of or by the side of such house or other building and lot or vacant lot free from ice, snow, dirt, rubbish or other obstruction. No vehicle shall be permitted to be parked in such a manner as to block or interfere with the use of any sidewalk within the town.

Section 180-6 Sidewalk policy enforcement

The provisions of this chapter may be enforced by any officer of the Town of Victor appointed to carry out such duties by the Victor Town Board.

A. Commencement of proceedings. Any owner of real property which is found to be in violation of this chapter may be issued an appearance ticket for such violation and shall be prosecuted in the manner herein provided.

B. Appearance tickets and process. Any person authorized to enforce this chapter may issue appearance tickets therefor and is hereby authorized to serve any process relating to any proceeding pursuant to this chapter. In the event that an appearance ticket is unanswered, the Justice Court shall permit the filing of an information from the appropriate enforcement officer and issue a warrant of arrest for the alleged violator.

C. Prosecution of violations. A violation of this chapter shall be punishable by a fine of not more than \$25, except that for a second violation of this chapter the fine shall be not more than \$50 and for a third or subsequent violation of this chapter the fine shall be not more than \$100. Each day during which a property shall be found not in compliance with the posting standards set forth herein shall be deemed a separate and distinct violation of this chapter

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Victor which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

#1

RESOLUTION NO. _____ PETITION NEW YORK STATE DEPARTMENT OF
TRANSPORTATION - EVALUATE THE SPEED LIMIT ON HIGH STREET

WHEREAS, the Highway Superintendent has concerns regarding residential development, fire department traffic and vehicular traffic due to school activities, on High Street between Highview Trail and State Route 96; now, therefore, be it

RESOLVED the Town Clerk proceed with petitioning the NYS State Department of Transportation to evaluate the speed limit of High Street between Highview Trail and State Route 96; and further

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

#2

RESOLUTION NO. ACCEPTANCE OF THE RETIREMENT OF RENEE MCCONNELL,
DEPUTY TOWN CLERK, FROM THE TOWN OF VICTOR TOWN CLERK'S OFFICE

WHEREAS, Renee McConnell has worked for the Town of Victor Town Clerk's Office for 20 years, and

WHEREAS, Renee McConnell has submitted her letter of retirement, effective on June 15, 2022, from her position as Deputy Town Clerk; now, therefore be it

RESOLVED that the Victor Town Board accepts the retirement of Renee McConnell from the from the Town of Victor Town Clerk's Office and her position as Deputy Town Clerk, and be it further

RESOLVED, that the Victor Town Board wishes Renee McConnell all the best in her new adventures, and thanks her for her years of dedicated service to both the employees and residents of the Town of Victor, and be it further

RESOLVED that a copy of this resolution be sent to Renee McConnell, Town Clerk's Office, Finance Department, and Human Resources.

#3

RESOLUTION NO. _____ AUTHORIZATION FOR SUPERVISOR TO EXTEND EXISTING
PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LABELLA ASSOCIATES, P.C.

WHEREAS, the Town Board passed Resolution #201-20 on May 26, 2020 extending the Professional Engineering Services Agreement with Labella Associates for the Town of Victor, and

WHEREAS, this contract expired on April 26, 2022, and

WHEREAS, the Town Board wishes to extend the Professional Engineering Services Agreement with Labella Associates for the Town of Victor until April 26, 2024; and

WHEREAS, Labella Associates has submitted pricing for the extension as noted in the attachments marked as "Schedule A" and kept on file in the Town Clerk's office; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the Town Supervisor to extend the Professional Engineering Services Agreement with Labella Associates for the Town of Victor until April 26, 2024; and be it further

RESOLVED that copies of this resolution be forwarded Labella Associates, Human Resources, Town Clerk, and the Finance Office.

#4

RESOLUTION NO. SURPLUS COMPUTER EQUIPMENT DECLARATION & DISPOSITION

WHEREAS, the IT Department maintains the inventory of computer & technology equipment for the Town of Victor and has advised the Town Board of equipment that has been taken out of service and held in storage in the Town Hall; and

WHEREAS, it has been determined that the equipment no longer meets minimum standard requirements and any hardware that can be used has been salvaged; and

WHEREAS, it has been recommended by the IT Department and determined by the Town of Victor that it is in the best interests of the Town that this out of service computer & technology equipment be declared surplus and disposed of per Resolution #352, Town of Victor Technology Hardware and Software Disposal Policy, which was approved on October 12, 2010; now, therefore, be it

RESOLVED, that the equipment be picked up and disposed of by EWaste+ for a cost not to exceed Two Hundred Twenty-Five dollars (\$225.00), said funds are available in the 2022 Budget line-item A.1680.400, Central Data Processing.Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Bernie Ward, Account Manager EWaste+, Manager of Technology Support, Finance Director; and Town Clerk.

#5

RESOLUTION NO. AUTHORIZATION FOR THE PURCHASE OF CUSTOM PRINTED, HIGH INTENSITY, ALUMINUM SIGNAGE FOR AUBURN AND LEHIGH VALLEY TRAILS

WHEREAS, the Department of Parks and Recreation has the need to purchase custom printed, high intensity, aluminum signage to replace the existing signage on the Auburn and Lehigh Valley Trails; and

WHEREAS the materials are available for purchase from Elderlee, Incorporated at a cost of One Thousand Five Hundred Ninety-Eight Dollars and Ninety Cents (\$1,598.90) per the attached quote; and

WHEREAS, funds are available in the 2022 Budget line item A7110.400 Parks.Contractual for said project; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase custom printed, high intensity, aluminum signage to replace the existing signage on the Auburn and Lehigh Valley Trails from Elderlee, Incorporated at a cost of One Thousand Five Hundred Ninety-Eight Dollars and Ninety Cents (\$1,598.90) per the attached quote, and said funds are available in the 2022 Budget line item A7110.400 Parks.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Trails MEO, Director of Parks and Recreation, Town Clerk and Director of Finance.

#6

RESOLUTION NO. _____ AUTHORIZATION FOR THE RENTAL OF INFLATABLE MOVIE SCREEN, VIDEO PROJECTION SYSTEM AND SOUND SYSTEM FOR MOVIE IN THE PARK

WHEREAS, the Department of Parks and Recreation has the need to rent an inflatable movie screen, video projection system, sound system and related equipment for a family movie at Dryer Road Park on Saturday, August 27, 2022; and

WHEREAS, the Director of Parks and Recreation has requested and received the following quotes;

| VENDOR | PRICE |
|------------------------|-----------------|
| Blue Apple Productions | \$2,622.21 |
| Zuper Bounce, Inc. | Unable to Quote |

and

WHEREAS, funds are available in the 2022 Budget line item A7550.400 Celebrations. Contractual for said project; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to rent an inflatable movie screen, video projection system, sound system, and related equipment from Blue Apple Productions at a cost of Two Thousand Six Hundred Twenty-Two Dollars and Twenty-One Cents (\$2,622.21) per the attached quote for a family movie at Dryer Road Park on Saturday, August 27, 2022, and said funds are available in the 2022 Budget line item A7550.400 Celebrations. Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Director of Parks and Recreation; Town Clerk; Director of Finance and Steve Korchynsky, Blue Apple Productions.

#7

RESOLUTION NO. AGREEMENT – MIKE ROOK

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mike Rook for youth fishing instruction; 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 Mike Rook under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A.7020.400 Rec Admin.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 will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Mike Rook.

#8

RESOLUTION NO. AGREEMENT – DOUG ROUGEUX

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Doug Rougeux for a Bubble Mania Show; 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 Doug Rougeux under the terms and conditions as provided for in the 2022 contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Four Hundred Dollars (\$400.00) to be paid from the 2022 Budget Line item A.7020.400 Rec Admin.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 will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Doug Rougeux.

#9

RESOLUTION NO. AGREEMENT – EMPIRE TENNIS ACADEMY

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Empire Tennis Academy for tennis instruction for youth and adults; 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 Empire Tennis Academy 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 sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A.7020.400 Rec Admin.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 will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Jason Speirs, Empire Tennis Academy.

#10

RESOLUTION NO. AGREEMENT – MARK RUST

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mark Rust for a kids and family concert at the summer day camp; 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 Mark Rust 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 Seven Hundred Dollars (\$700.00) to be paid from the 2022 Budget Line item A.7020.400 Rec Admin.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 will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Mark Rust.

#11

RESOLUTION NO. AGREEMENT – RICH STEIN

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Rich Stein for a magic show for kids and families at the summer day camp; 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 Rich Stein 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 Two Hundred Fifty Dollars (\$250.00) to be paid from the 2022 Budget Line item A.7020.400 Rec Admin.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 will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Rich Stein.

#12

RESOLUTION NO. _____ AGREEMENT – RICH STEIN MAGIC AND BALLOON TWISTING CAMP

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Rich Stein for instruction in magic and balloon twisting for youth; 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 Rich Stein 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 sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A.7020.400 Rec Admin.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 will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Rich Stein.

#13

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:

| Vendor | Activity / Event | Location of Event | Amount of Contract | Duration of Contract | Reason for Exemption |
|------------|---------------------|---|----------------------|----------------------|-----------------------|
| Mark Rust | Summer Concert | Victor School Campus | \$700.00 | December 31, 2022 | Insufficient Coverage |
| Mike Rook | Fishing Instruction | Victor Municipal Park | 70% / 30% | December 31, 2022 | Insufficient Coverage |
| Rich Stein | Magic Show & Camp | Victor School Campus & Victor Recreation Center | \$250.00 / 70% / 30% | December 31, 2022 | Insufficient Coverage |

Now, therefore, be it

RESOLVED that the Town Board grants the Certificate of Liability Insurance Waivers for the Mark Rust, Mike Rook and Rich Stein; and further

RESOLVED that a copy of this resolution be sent to Brian Emelson, Director of Parks and Recreation, Karen Bodine, Town Clerk, Mark Rust, Mike Rook and Rich Stein.

#14

RESOLUTION NO. _____ AUTHORIZATION FOR PURCHASE OF (2022) CANYCOM BFP602 BUCKET STYLE, RUBBER TRACKED CARRIER FROM TRACK EQUIPMENT COMPANY FOR PARKS AND TRAILS OPERATIONS

WHEREAS, the Department of Parks has the need to purchase a Canycom BFP602 Bucket Style, Rubber Tracked Carrier for parks and trails operations; and

WHEREAS, this equipment is available for purchase from Track Equipment Company at a cost of Seven Thousand Eight Hundred Forty-Five dollars (\$7,845.00); and

WHEREAS, funds are available in the 2022 Budget line item A7110.400 Parks.Contractual for the purchase of a Canycom BFP602 bucket style, rubber tracked carrier; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks to purchase a 2022 Canycom BFP602 for parks and trails operations from Track Equipment Company (PO Box 1275, Bellingham, WA 98227) at a cost of Seven Thousand Eight Hundred Forty-Five dollars (\$7,845.00), and said funds are available in the 2022 Budget line item A7110.400 Parks.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Director of Parks and Recreation; Town Clerk; Finance Director; and Al Fife, Track Equipment Company.

#15

RESOLUTION NO. APPOINTMENT OF REGISTRAR OF VITAL STATISTICS

RESOLVED that Karen C. Bodine is appointed to the position of Registrar of Vital Statistics and Kimberly Reese be appointed as Deputy Registrar of Vital Statistics for the Town of Victor. This appointment will fill the position of Deputy Renee McConnell who retired from the Town of Victor on June 14, 2022. This appointment will run concurrent with the term of Town Clerk, effective June 27, 2022 to December 31, 2025.

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

#16

RESOLUTION NO. AMENDMENT TO RESOLUTION NO. 176 LETTER OF CREDIT
FAIRWAYS PHASE III - RELEASE 1

WHEREAS, upon Fairview Ponds LLC receiving Planning Board approval for The Fairways Phase III a Canandaigua National Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer recommended that \$756,256.00 be released from said Letter of Credit ending in 1339. This amendment also includes releasing \$38,697.34 from said Letter of Credit ending in 3644 conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 to reduce both Letters of Credit from the Canandaigua National Bank in the amount of \$756,256.00 and \$38,697.34 conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said releases, there now remains \$270,587.00 in said Letter of Credit ending in 1339 and \$12,866.66 remaining in Letter of Credit ending in 3644 and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Fairview Ponds LLC, Passero Associates, Finance Director, and Town Clerk.

#17

RESOLUTION NO. _____ LICENSE AND HOLD HARMLESS AGREEMENT 6746 CANTERBURY TRAIL TO ALLOW ENCROACHMENT INTO UTILITY EASEMENT

WHEREAS, John & Janet Hartman are the record owner (the "Owners") of the premises at 6746 Canterbury Trail, Tax Map #16.10-2-104.000, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a utility easement, UE-2, as shown in Book 1039 of Deeds at page 1 in the Ontario County Clerk's Office, which utility easement is situated running in a north-south direction along the eastern side of the Property approximately ten (10) feet onto the Owner's property as shown on the Quail Ridge East Phase 5, Final Subdivision Plan Map No. 25749 filed in the Ontario County Clerk's Office on July 21, 2000 ("Utility Easement"); and

WHEREAS, the Owner of the property proposes to install a fence (the "Fence") on the eastern side in the Utility 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 Utility 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 Owner 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 Highway Superintendent have reviewed the proposed Fence and have indicated that the aforementioned proposed encroachment into the Utility Easement would not materially adversely affect the integrity, purpose, or function of the Utility Easement, including but not limited to Utility, 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 John & Janet Hartman, 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 upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with John & Janet Hartman 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.

#18

RESOLUTION NO. ACCEPT LETTER OF CREDIT – SOUTHGATE HILLS PHASE 11

WHEREAS, BRW of Greece LLC received Planning Board approval for Southgate Hills 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed the developer's estimate of construction costs which includes contingencies, developer's assurance, and Town Engineering fees, and in his letter dated June 21, 2022, recommends a surety in the amount of Five Hundred Seventy Seven Thousand Seven dollars and Twelve cents (\$577,007.12); now, therefore, be it

RESOLVED that the Town Board accepts the Tompkins Community Bank Irrevocable Letter of Credit in the amount of Five Hundred Seventy Seven Thousand Seven dollars and Twelve cents (\$577,007.12), with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to the expiration date of June 21, 2023 the Town Clerk is authorized to draw the balance of the Letter of Credit and place said funds in an Escrow Account until such time as the Town Engineer 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 Planning and Building, LaBella, Town Clerk, and BRW of Greece LLC.