

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, August 22, 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, pending or current litigation

Regular Meeting, 7PM

Flag Salute

Public Hearings start at 7:00 PM

1. Southgate Hills 1 & 2 Town of Victor Drainage Improvement Area
2. Proposed Local Law to Amend Chapters 90 Dogs and 148 Parks
3. Proposed Change to Local Law Chapter 188, Article I Senior Citizens Exemption
4. Proposed Change to Local Law Chapter 188, Article IV Disabled Persons with Limited Income Exemption

Approval of the July 25 & August 8, 2022, Regular Town Board meeting minutes

Payment of Bills

Privilege of the Floor – 3 minutes

Ira Knickerbocker, Victor Insulators – Rail service to Victor Insulators

Public Comments and Concerns

Reports of Town Officials

- ❖ Highway
- ❖ Historian
- ❖ IT
- ❖ Parks & Recreation
- ❖ Planning & Building
- ❖ Town Clerk
- ❖ Victor Fire Department
- ❖ Victor Traffic

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Resolutions

Human Resources

1. Accept Resignation of Travis Thomas, Parks MEO
2. Acknowledgement of the Appointment of Chad Brown to the Position of Foreman for the Highway Department
3. Acknowledgement of resignation of Dave Knapp from MEO, TOV Highway Department
4. Appointment of Dave Knapp to MEO, TOV Parks Department

Economic Development

5. Allocation of Funds – Community Development Block Grant (CDBG)

Supervisor

6. Sewer Capital Improvement Bond Resolution
7. After Public Hearing, LL Ch 180 Streets & Sidewalks
8. Set Public Hearing for Video conferencing
9. Approving Settlement of Pending Tax Assessment Litigation with Widewaters Rt 96 Co LLC
10. Approving Settlement of Pending Tax Assessment Litigation with Seritage SRC Finance LLC
11. Approving Settlement of Pending Tax Assessment Litigation with GMRI, Inc. and High Point Retail LLC

Town Clerk

12. Snowplow agreements
13. Drumlins Section 3, Phase 3 Dedication & Maintenance Bond
14. Authorization to Open Checking Account for Collection of Pittsford School Taxes

PUBLIC COMMENT

ADJOURN

NOTICE OF THREE PUBLIC HEARINGS

SOUTHGATE HILLS 1 & 2 TOWN OF VICTOR DRAINAGE IMPROVEMENT AREA

PLEASE TAKE NOTICE that public hearings shall be held for the purpose of considering Southgate Hills Subdivision Sections 1 & 2 to be included in the Town of Victor Drainage Improvement Area; and

PROPOSED LOCAL LAW TO AMEND CHAPTERS 90 DOGS AND 148 PARKS

A draft Local Law has been introduced to the Victor Town Board, designated as a proposed Local Law to amend Chapters 90 Dogs & 148 Parks; and

PROPOSED CHANGE TO LOCAL LAW CHAPTER 188, ARTICLE I SENIOR CITIZENS EXEMPTION

A draft Local Law has been submitted to the Town Board implementing the change to Local Law, Chapter 188. Taxation, Article I Senior Citizens Exemption, §188-2 Exemptions Granted subsection B;

PLEASE TAKE FURTHER NOTICE that said draft Local Laws are on file with the Town Clerk, 85 East Main Street, Victor, New York where they are available for public review during regular business hours.

PLEASE TAKE FURTHER NOTICE that public hearings have been scheduled for August 22, 2022, at 7:00 PM, to be held by the Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY. An opportunity to be heard in regards thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on August 22, 2022. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork> with text commenting available.

Dated: August 2, 2022

Karen C. Bodine, Town Clerk

NOTICE OF PUBLIC HEARING

PROPOSED CHANGE TO LOCAL LAW CHAPTER 188, ARTICLE IV DISABLED PERSONS WITH LIMITED INCOME EXEMPTION

A draft Local Law has been submitted to the Town Board implementing the change to Local Law Chapter 188 Taxation, Article IV Disabled Persons with Limited Income Exemption §188-11 Exemptions Granted, subsection B;

PLEASE TAKE FURTHER NOTICE that said draft Local Law is on file with the Town Clerk, 85 East Main Street, Victor, New York where it is available for public review during regular business hours.

PLEASE TAKE FURTHER NOTICE that a public hearing has been scheduled for August 22, 2022, at 7:00 PM, to be held by the Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY. An opportunity to be heard in regards thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on August 22, 2022. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork> with text commenting available.

Dated: August 8, 2022

Karen C. Bodine, Town Clerk

#1

RESOLUTION NO. ACCEPTANCE OF THE RESIGNATION OF TRAVIS THOMAS FROM THE PARKS MOTOR EQUIPMENT OPERATOR POSITION

WHEREAS, Travis Thomas has been a member of the Town of Victor Parks Department since 2019, and

WHEREAS, Travis Thomas has submitted his letter of resignation from his position as a Parks Motor Equipment Operator, effective August 26, 2022; now, therefore be it

RESOLVED that the Town Board acknowledges the resignation of Travis Thomas, Parks Motor Equipment Operator, from the Town of Victor Parks Department effective August 26, 2022, and be it further

RESOLVED that the Victor Town Board thanks Travis Thomas for his service and dedication to the residents of Victor over the past 2.7 years, and wishes him all the best in his new adventures, and be it further

RESOLVED that a copy of this resolution be sent to Travis Thomas, Director of Parks & Recreation, Finance Director, and Human Resources.

#2

RESOLUTION NO. ACKNOWLEDGEMENT OF THE APPOINTMENT OF CHAD BROWN TO THE POSITION OF FOREMAN FOR THE HIGHWAY DEPARTMENT

WHEREAS, David Knapp, resigned his position as Foreman for the Highway Department effective August 31, 2022, and

WHEREAS, Chad Brown, who has been a Motor Equipment Operator for the Highway Department for the past 18 years, possesses the skills identified for the Foreman position and is being recommended for this position by both the Highway Superintendent and the Deputy Highway Superintendent; now, therefore be it

RESOLVED that Chad Brown be appointed to the position of Foreman for the Town of Victor Highway Department at a Grade 5c, step F hourly rate salary of \$30.06 (thirty dollars and six cents) to be funded from the 2022 Town Budget Line Item #DB.5110.100 – General Repairs. Personal Services, with a starting date of September 1, 2022, and be it further

RESOLVED that a copy of this resolution be forwarded to Chad Brown, Highway Superintendent, Human Resources & Finance Director.

#3

RESOLUTION NO. ACCEPTANCE OF THE RESIGNATION OF DAVID KNAPP FROM THE POSITION OF FOREMAN/MOTOR EQUIPMENT OPERATOR FOR THE TOWN OF VICTOR HIGHWAY DEPARTMENT

WHEREAS, David Knapp has been a Motor Equipment Operator for the Town of Victor Highway Department for the past 19 years, and

WHEREAS, David Knapp has also been a Foreman in the Town of Victor Highway Department since 2013, and

WHEREAS, David Knapp has qualified for the position of Parks Motor Equipment Operator for the Town of Victor, but must resign from his current position in order to be appointed to his new title and responsibilities; now, therefore be it

RESOLVED that David Knapp resigns from his position of Foreman/Motor Equipment Operator for the Town of Victor Highway Department effective August 31, 2022, and be it further

RESOLVED that a copy of this resolution be sent to David Knapp, Highway Superintendent, Finance Director & Human Resources.

#4

RESOLUTION NO. APPOINTMENT OF DAVID KNAPP TO THE PARKS MOTOR EQUIPMENT OPERATOR POSITION FOR THE PARKS DEPARTMENT

WHEREAS, David Knapp, who is currently a Motor Equipment Operator for the Highway Department, possesses the skills identified for the Parks Motor Equipment Operator position and is being recommended for this position, and

WHEREAS, there is no exam required for this position, and

WHEREAS, David Knapp has applied for the position and has been approved by Ontario County Human Resources as having the qualifications necessary for this position; now, therefore be it

RESOLVED that David Knapp be appointed to the position of Parks Motor Equipment Operator for the Town of Victor Parks Department at a Grade 5c, step F hourly rate salary of \$30.06 (thirty dollars and six cents) to be funded from the 2022 Town Budget Line Item #A.7110.100 – Parks.Personal Services, with a starting date of September 1, 2022, and be it further

RESOLVED that a copy of this resolution be forwarded to David Knapp, Highway Superintendent, Director of Parks & Recreation, Human Resources & Finance Director.

#5

RESOLUTION NO. ALLOCATION OF FUNDS – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, the Town of Victor was awarded a Community Development Block Grant (CDBG) in the amount of \$500,000 from the NYS Office of Community Renewal to assist local businesses impacted by COVID-19 (CDBG Project #1179CVSB25-21); and

WHEREAS, the funds awarded to qualifying businesses are for the purpose of providing financial assistance, in the form of grants to local businesses in the Town and Village of Victor; and

WHEREAS, thirteen businesses will be funded through this program at \$35,000 each; and

WHEREAS, the CDBG committee is requesting additional funds in the amount of \$29,153 be allocated for project delivery to be able to provide current and future business support to the small businesses that have applications in the CDBG CARES grant program; and

WHEREAS, these funds will come from the grant award pending approval of a budget modification submitted to New York State and will offset unexpected project delivery administrative costs incurred by Labella Associates and the Economic Development Department. These costs are associated with assisting the businesses through the program and for on-going monitoring requirements after the grants are dispersed.

Attached is the breakdown of the funding recap including the proposed adjusted project delivery costs.

RESOLVED that the Town Board accepts the allocation of \$29,153 for project delivery costs associated with the CDBG Grant.

RESOLVED that a copy of this resolution be forwarded to Economic Development Director, Town Engineer, Finance Director and Town Clerk.

#6

RESOLUTION NO. TOWN OF VICTOR AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CAPITAL SEWER IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Town of Victor Consolidated Sewer District is a Sewer District of the Town of Victor, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on May 9, 2022, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, pursuant to a duly promulgated consent order, the Department of Environmental Conservation has mandated that the Town of Victor, New York (hereinafter referred to as the "Town") undertake work in connection with the Town of Victor Sanitary Sewer District; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on May 9, 2022, has duly adopted a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED by the Town Board of the Town of Victor, New York (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Victor shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Victor Consolidated Sewer District, including, without limitation, various pump station improvements, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$4,022,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

#6

Section 2. The estimated maximum aggregate cost to the Town of Victor of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$4,022,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the

#6

Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Victor.

Section 7. The faith and credit of the Town of Victor, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Victor together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

RESOLVED that a copy of this Resolution be forwarded to the Stormwater Program Manager, Finance Director, Town Attorney, Town Engineer, Bond Council and Town Clerk.

#7

RESOLUTION NO. AFTER PUBLIC HEARING – ADOPT LOCAL LAW – AMEND CHAPTER 180 STREETS AND SIDEWALKS

WHEREAS, a resolution was duly adopted by the Town Board on May 23, 2022 calling for a Public Hearing to be held by the Town Board on June 27, 2022 at the Town Hall at 7:00 PM to hear all interested parties on proposed local law to amend Chapter 180 Streets and Sidewalks in order to update the Sidewalk Policy and add a section regarding enforcement; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with the law; and

WHEREAS, said Public Hearing was duly held at the Town Hall on June 27, 2022, at 7:00 PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and be it

RESOLVED that the Town Board hereby adopts said Local Law as follows:

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. 3-2022 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.

#7

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

#7

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.

RESOLVED that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

#8

RESOLUTION NO. SET PUBLIC HEARING FOR SEPTEMBER 12, 2022, 7:00 PM TO
INTRODUCE LOCAL LAW – EXPAND USE OF VIDEOCONFERENCING

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law authorizing the Town Board and other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, this Local Law would adopt amendments to the New York State Public Officer's Law §103, expanding the use of videoconferencing at public meetings; now therefore be it

RESOLVED that a public hearing to be held on September 12, 2022, at 7:00 PM at the Victor Town Hall, 85 East Main Street, Victor, New York to hear all interested parties; and be it further

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

#9

RESOLUTION NO. APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH WIDEWATERS RT 96 CO LLC

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor (the "Town") and Widewaters Rt 96 Co LLC ("Widewaters") before the New York State Supreme Court, County of Ontario (Index Numbers 125451-2019, 127438-2020, 129933-2021 and 133257-2022) for the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 tax years entitled *Widewaters Rt 96 Co LLC v. The Assessor, et al.*, relating to commercial property owned by Widewaters located at 7637 State Route 96 (the "Subject Property") in the Town of Victor (collectively referred to as the "Actions"); and

WHEREAS, a settlement agreement has been tentatively reached between the Town and Widewaters discontinuing the Actions with prejudice; and

WHEREAS, after obtaining a preliminary appraisal and reviewing all necessary documentation, including a proposed court order, the assessor and the attorney for the Town, Chalifoux Law, PC, further recommend to the Town Board that the 2019-2020, 2020-2021 and 2021-2022 assessments for the Subject Property remain the same, that the 2022-2023 assessment for the Subject Property be reduced, and that the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions be settled and discontinued; and

WHEREAS, Widewaters is entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced 2022-2023 property tax assessment for the Subject Property; it is therefore

RESOLVED that the Town Board approves a settlement and discontinuance of the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions, as well as further approves that the property assessments for the Subject Property for the 2019-2020, 2020-2021 and 2021-2022 tax years shall remain the same and that the property assessment for the Subject Property for the 2022-2023 tax year shall be reduced and Widewaters will be entitled to collect refunds of taxes paid that were in excess of the taxes that would have been due on the agreed-upon 2022-2023 reduced property assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the New York State Supreme Court, the Actions will therefore be discontinued, with prejudice; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor, the Victor Central School District, the Ontario County Department of Real Property Tax Services, the Town Attorney, and Town Clerk.

#10

RESOLUTION NO. APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH SERITAGE SRC FINANCE LLC

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor (the "Town") and Seritage SRC Finance LLC ("Seritage") before the New York State Supreme Court, County of Ontario (Index Numbers 125466-2019, 127437-2020, 129932-2021 and 133256-2022) for the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 tax years entitled *Seritage SRC Finance LLC v. The Assessor, et al.*, relating to commercial property owned by Seritage located at 200 Eastview Mall (the "Subject Property") in the Town of Victor (collectively referred to as the "Actions"); and

WHEREAS, a settlement agreement has been tentatively reached between the Town and Seritage discontinuing the Actions for the tax years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 for the Subject Property, with prejudice; and

WHEREAS, after reviewing all necessary documentation, including a proposed court order, the assessor and the attorney for the Town, Chalifoux Law, PC, further recommend to the Town Board that the 2019-2020, 2021-2022 and 2022-2023 assessments for the Subject Property remain the same, that the 2020-2021 assessment for the Subject Property be reduced, and that the Actions be settled and discontinued; and

WHEREAS, Seritage is entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced 2020-2021 property tax assessment for the Subject Property; it is therefore

RESOLVED that the Town Board approves a settlement and discontinuance of the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions, as well as further approves that the property assessments for the Subject Property for the 2019-2020, 2021-2022 and 2022-2023 tax years shall remain the same and that the property assessment for the Subject Property for the 2020-2021 tax year shall be reduced and Seritage will be entitled to collect refunds of taxes paid that were in excess of the taxes that would have been due on the agreed-upon 2020-2021 reduced property assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the New York State Supreme Court, the Actions will therefore be discontinued, with prejudice; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor, the Victor Central School District, the Ontario County Department of Real Property Tax Services, the Town Attorney, and Town Clerk.

#11

RESOLUTION NO. APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH GMRI, INC. AND HIGH POINT RETAIL LLC

WHEREAS, there is currently tax assessment litigation pending between the Town of Victor (the "Town") and GMRI, Inc. and High Point Retail LLC (collectively, "Petitioners") before the New York State Supreme Court, County of Ontario (Index Numbers 125453-2019, 127436-2020, 129930-2021 and 133255-2022) for the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 tax years entitled *GMRI, Inc. v. The Assessor, et al.*, and *High Point Retail LLC v. The Assessor, et al.*, relating to commercial property owned by Petitioners located at 200-204 High Point Drive (the "Subject Property") in the Town of Victor (collectively referred to as the "Actions"); and

WHEREAS, a settlement agreement has been tentatively reached between the Town and Petitioners discontinuing the Actions for the tax years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 for the Subject Property, with prejudice; and

WHEREAS, after obtaining a preliminary appraisal and reviewing all necessary documentation, including a proposed court order, the assessor and the attorney for the Town, Chalifoux Law, PC, further recommend to the Town Board that the 2019-2020, 2020-2021 and 2021-2022 assessments for the Subject Property remain the same, that the 2022-2023 assessment for the Subject Property be reduced, and that the Actions be settled and discontinued; and

WHEREAS, Petitioners are entitled to collect refunds of any taxes paid in excess of the taxes that would have been due on the reduced 2022-2023 property tax assessment for the Subject Property; it is therefore

RESOLVED that the Town Board approves a settlement and discontinuance of the 2019-2020, 2020-2021, 2021-2022 and 2022-2023 Actions, as well as further approves that the property assessments for the Subject Property for the 2019-2020, 2020-2021 and 2021-2022 tax years shall remain the same and that the property assessment for the Subject Property for the 2022-2023 tax year shall be reduced and Petitioners will be entitled to collect refunds of taxes paid that were in excess of the taxes that would have been due on the agreed-upon 2022-2023 reduced property assessment; and

RESOLVED that Chalifoux Law, P.C. may seek Court approval for the proposed settlement and, if approved by the New York State Supreme Court, the Actions will therefore be discontinued, with prejudice; and be it further

RESOLVED that the Town Supervisor and Chalifoux Law, P.C. are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to Chalifoux Law, P.C., Assessor, the Victor Central School District, the Ontario County Department of Real Property Tax Services, the Town Attorney, and Town Clerk.

#12

RESOLUTION NO. SNOWPLOW AGREEMENTS FOR 2022-2023 SEASON (LIABILITY WAIVERS)

RESOLVED that pursuant to Resolution No. 320 adopted on October 15, 1996 and amended by Resolution No. 61 adopted on January 11, 1999; Resolution No. 419-12 adopted on December 7, 2012; and Resolution No. 314 adopted on August 8, 2016, the Supervisor is hereby authorized to enter into the additional Snow Plow Agreements (Liability Waivers) as follows:

DEVELOPER	SUBDIVISION	STREET NAME	2022	Response	LF
S & J Morrell, Inc.	Piper Meadows	Piper Meadows Drive	3 rd	Yes	1100 (.87/lf)
S & J Morrell, Inc.	Piper Meadows	Cassidy Court	3 rd	Yes	960 (.87/lf)
7203 Rawson Road, LLC	Drumlins, Section 3, Phase 3	Chapelhill Drive	6 th	Requests dedication	715
Antonelli Development LLC	Anton Valley	Valley Court	4 th	Yes	750 (.97/lf)
Fairview Ponds LLC	The Fairways Phase III	Championship Drive	1 st	Yes	1600 – No charge
Southgate Hills	Phase II		1 st	Yes	550 – No charge
Woodstone Custom Homes, Inc.	Blumont Rise	Claremont Court	1 st	Yes	950 – No charge
Woodstone Custom Homes, Inc.	Blumont Rise	Beaumont Way	1 st	Yes	1500 – No charge
Woodstone Custom Homes, Inc.	Willis Hill Estates	Walden Hollow	1 st	Yes	1100 – No charge

And further

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Town Clerk, Highway Superintendent, Woodstone Custom Homes, Inc., S & J Morrell, Inc, 7203 Rawson Road LLC, Fairview Ponds LLC, BRW of Greece LLC and Antonelli Development LLC.

#13

RESOLUTION NO. DRUMLINS TOWNHOME SUBDIVISION, SECTION 3, PHASE 3 - ACCEPTANCE OF DEDICATION

WHEREAS, 7203 Rawson Road LLC, developer of Drumlins Townhouses, Section 3, Phase 3, has offered to dedicate to the Town of Victor the portion of Chapelhill Drive constructed in Drumlins Townhouses, Section 3, Phase 3, as described in the right-of-way description, and the associated sanitary sewer system and storm sewer system as set forth in the Town Engineer's letter of August 9, 2022; and

WHEREAS, the Engineer for the Town has indicated by letter dated August 9, 2022 that Chapelhill Drive constructed in Drumlins Townhouses, Section 3, Phase 3, as described in the right-of-way description and the associated sanitary sewer system and storm sewer system are acceptable to be dedicated to the Town; and

WHEREAS, 7203 Rawson Road LLC has agreed to post a Maintenance Bond in the amount of \$28,672.50 as recommended by the Town Engineer in a letter dated August 9, 2022 to be held for two (2) years after the acceptance of the dedicated facilities and roadway; now, therefore, be it

RESOLVED AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of approximately 715LF of Chapelhill Drive roadway constructed in Drumlins Townhouses, Section 3, Phase 3, as the same is known and is described in deeds of dedication to be executed by 7203 Rawson Road LLC, a copy of which is on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of Drumlins Townhouses, Section 3, Phase 3, as described in the right-of-way description and the associated sanitary sewer system and storm sewer system located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
3. That the dedication of the said roadway and systems shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.
4. That upon the acceptance of the dedication of the portion of Chapelhill Drive, the Official Map of the Town of Victor shall be amended; and be it further

RESOLVED that a copy of this resolution be forwarded to the Building & Planning Department, Highway Superintendent, Town Engineer, Town Clerk, and 7203 Rawson Road LLC.

Dated: August 22, 2022

Jack Marren, Supervisor

Dave Condon, Councilman

Ed Kahovec, Councilman

Mike Guinan, Councilman

Drew Cusimano, Councilman

#14

RESOLUTION NO. AUTHORIZATION TO OPEN CHECKING ACCOUNT FOR COLLECTION OF PITTSFORD SCHOOL TAXES

WHEREAS, the Town Clerk, as Tax Receiver has been collecting Pittsford School Taxes for the properties within the limits of the Town of Victor since 2006; and

WHEREAS, the Town Clerk feels it is necessary to keep a separate checking account to keep records solely for this purpose; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Clerk to open a Canandaigua National Bank account for the receipt of only Pittsford School taxes; and further

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