

VICTOR TOWN BOARD MEETING MONDAY May 9, 2022

Construction Inspector Workshop 6:30PM – Keith Maynard representing the Codes Department presented to the Board.

Supervisor Marren called the regular meeting to order @ 7:01PM.

Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off and any private conversations or interviews to be conducted in the hallway or outside. Emergency exits were pointed out. The meeting was also live streamed via YouTube with text commenting available.

Flag Salute

PRESENT: Supervisor Jack Marren
Councilman Guinan
Councilman Cusimano
Councilman Dave Condon
Councilman Kahovec

ALSO PRESENT: Karen Bodine- Town Clerk; Frank Pavia- Attorney; Mark Years-Highway Superintendent; Rich O'Donnell – Finance Director; Suzy Mandrino-IT; Steve Metzger- LaBella Associates; Keith Maynard- Stormwater Management; Scott Martin; Lisa Roberts; David Wright; David Nankin.

SUPERVISOR'S ANNOUNCEMENTS:

1. Next Town Board Meeting will be on Monday May 23rd and the first meetings in June, July, and August are pay bills only. The Board agreed to have the meetings at 8:00am.
2. Memorial Day Parade will be May 30th, final details to follow on May 23rd.
3. All Town facilities will be closed for Memorial Day May 30th.

RESOLUTION NO.161 APPROVAL OF MINUTES

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

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

RESOLVED that the minutes for the April 25, 2022, regular Town Board meeting be accepted as presented.

RESOLUTION NO.162 PAYMENT OF BILLS

On motion of Councilman Guinan, seconded by Councilman Cusimano, the following resolution was adopted:

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

RESOLVED that the bills be approved for Manifest #9 in the amount of \$184,149.71. Documentation for these expenditures can be found on vouchers filed by numbers #20220785-202208932.

General Townwide \$68,538.07

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General Outside Village	46,933.97
Highway Townwide	44,607.92
Total of Lighting Districts	460.84
Trust & Agency	23,608.91

Supervisor Marren reviewed the following expenditures for Manifest #9 that were in the range or exceeded \$5,000.00.

- Chalifioux Law – 2022 Q1 Assessor Legal Charges - \$7,378.40
- Harris Beach – April Legal Services - \$20,821.12
- (Chargeback \$12,618.83 - cost to the Town \$8,202.29)
- Hometown Energy – Unleaded fuel - \$8,493.25
- Integrated Systems – April Hosting Services - \$4,667.79
- JC Smith – Message Board for Highway - \$19,342.50
- Jim Barnard Chevrolet – New vehicle for Planning/Bldg. \$35,532.64
- Labella Associates PC – Professional Services for Mar/April – \$37,225.00
- (Chargeback to developers \$16,535.00 cost to the Town \$20,690.00)
- RG&E – March/April Electric - \$7,069.05

PRIVILEGE OF THE FLOOR:

Scott Martin 6734 Falcons Point addressed the Town Board to ask about a Conservation Easement adjustment. Mr. Martin is putting in an inground pool, hardscape, landscape, and pool house. Part of the pool house structure will encroach on the conservation easement and will not block access to the wetland buffer zone or hiking trail at the rear of his property. The Town Board looks at each one of these requests on a case-by-case basis. Board discussion followed and it was recommended Mr. Martin go to the Conservation Board.

Counsel noted it is imperative to get the input from the Conservation Board and confirm what the green space requirements were for this subdivision and would this have an impact on the open space. Counsel also suggested asking for less of an adjustment when speaking to the Conservation Board.

Public Comments and Concerns:

Lisa Roberts addressed the Board to publicly thank parks & recreation and some volunteers who collaborated along with the Victor Hiking Trails on Earth Day for trash pickup. May is bike month and there will be a family bike fest at parks & recreation on Saturday. Lisa wanted to thank Mark Robbins from the CAC, past president of the Rochester Bike Club, Cindy Riley, and Beth Lombard. The Ontario County Department of Health is donating bicycle helmets for this event.

Report of Town Officials:

- Engineer
- Finance
- Historian
- Parks & Recreation

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Supervisor's Verbal Report:

- Highway Department found illegal dumping
- Victor Business Awards Luncheon on May 12th
- Veterans Conference Room and Economic Development materials for review
- April 30th Mayor Hadden and Supervisor Marren participated in the Arbor Day Event- Kitty VanBortel donated twenty-four trees which have been planted between the town barn up to the Village line
- Link has been added to the Town website about the assessment process.
- Monthly Traffic Report and Victor Fire District Report
- Ridge-Culver Fire District and Laurelton Fire District will be Irondequoit Fire District
- Tri-state, the traffic counter vendor that LaBella uses will be collecting data at the intersections of Route 96 at Main Street, School Street and Maple Ave for the connectivity study. They will be setting video cameras on the street poles.

Councilman Cusimano commented he and Keith Maynard went on a stormwater field trip on April 28th doing inspections. He thanked Keith and noted he is very knowledgeable and interacts very well with residents.

Councilman Kahovec updated the Board about veterans' memorial park in front of the Town Hall. John Turner from the Village is planning to start some demolition in June.

Town Clerk thanked the Board for allowing her to attend the Town Clerk's Annual Conference in Albany, noting it was informative with a lot of useful information. She noted that Kim Reese is working out very well in the office. Renee will be retiring in June, with her last day of work in the clerk's office being May 27th. The Clerk's office will be hosting a farewell party on May 26th all day in office.

RESOLUTIONS:**RESOLUTION NO. 163 CORRECTION OF MANIFEST #7-2022**

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, the Finance Dept. has submitted the following voided check in the amount of \$93.70 to Landpro Equipment LLC, due to payment being made twice in error resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED that the following Manifest be corrected:

4/25/2022 Manifest #7-2022 total amount was \$83,532.15 be corrected to \$83,438.45 with the voided check # 65273 (Voucher # 20220679) in the amount of \$93.70.

and further

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

RESOLUTION NO.164 ACCEPT 2021 TOWN OF VICTOR FINANCIAL AUDIT

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, a financial audit of the Town of Victor was conducted by Mengel Metzger Barr & Co., LLP for the fiscal year ending December 31, 2021; and

WHEREAS, the findings of the audit were received and reviewed with the Victor Town Board on April 25, 2021; now, therefore be it

RESOLVED that the 2021 Victor Financial Audit, conducted by Mengel Metzger Barr & Co., LLP be accepted; and be it further

RESOLVED that a copy of this resolution be sent to the Finance Director, Town Clerk, and Tom Zuber, CPA.

RESOLUTION NO. 165 ACCEPT 2021 VICTOR TOWN COURT AUDIT

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, an audit of the Victor Town Court was conducted by Mengel Metzger Barr & Co., LLP for the fiscal year ending December 31, 2021; and

WHEREAS, the findings of the audit were received and reviewed with the Victor Town Board on April 25, 2022; now, therefore be it

RESOLVED that the 2021 Victor Town Courts Audit, conducted by Mengel Metzger Barr & Co., LLP be accepted; and be it further

RESOLVED that a copy of this resolution be sent to the Finance Director, Town Clerk, Tom Zuber, CPA; and the New York State Unified Court System.

RESOLUTION NO.166 CREATION OF HIGHWAY CAPITAL RESERVE FUND FOR PURPOSES OF BUILDING AND LAND PURCHASES

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

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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 Highway Capital Reserve – Buildings and Land Fund (DB.0878.001). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of construction or purchase of Buildings and Land for the Highway Department.

RESOLVED 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

RESOLVED 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 Law or any other law, including a permissive referendum if required by subdivision four of Section 6-c.

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.

RESOLUTION NO.167 ACCEPTANCE OF RETIREMENT - ALAN BENEDICT, CODE ENFORCEMENT OFFICER

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, Alan Benedict has worked for the Town of Victor Planning & Building Department for 22 years; and

WHEREAS, Alan Benedict has submitted his letter of retirement, effective on April 29, 2022, from his position as Code Enforcement Officer; now, therefore be it

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RESOLVED that the Town Board accepts the retirement of Alan Benedict from the Planning & Building Department and his position as Code Enforcement Officer; and be it further

RESOLVED that the Town Board wishes Alan Benedict all the best in his new adventures, and thanks him for his 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 Alan Benedict, Planning & Building Department, Finance Department, Town Clerk, and Human Resources.

RESOLUTION NO. 168 ACCEPT RESIGNATION - ROBERT TORNO - MOTOR EQUIPMENT OPERATOR

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, Robert Torno has been a Motor Equipment Operator for the Highway Department since 2021; and

WHEREAS, Robert Torno has submitted his letter of resignation from his position as a Motor Equipment Operator for the Highway Department, effective April 29, 2022; now, therefore be it

RESOLVED that the Town Board accepts the resignation of Robert Torno from the position of Motor Equipment Operator for the Highway Department effective April 29, 2022; and be it further

RESOLVED that the Town Board thanks Robert Torno for his service and dedication to the residents of Victor over the past year, and wishes him all the best in his new adventures; and be it further

RESOLVED that a copy of this resolution be sent to Robert Torno, Highway Superintendent, Finance Office, Town Clerk, and Human Resources.

RESOLUTION NO. 169 APPOINT DYLAN REED - PART-TIME 6-MONTH SEASONAL TRAILS/PARKS LABORER

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, a vacancy exists for a Part-Time 6-Month Seasonal Laborer position; and

WHEREAS, the interview committee recommends the appointment of Dylan Reed to the Part-Time 6-Month Seasonal Trails/Parks Laborer position; now, therefore be it

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RESOLVED that Dylan Reed be appointed to the Part-Time 6-Month Seasonal Trails/Parks Laborer position with a starting date of May 10, 2022 at a rate of Twenty dollars and Fourteen cents (\$20.14)/hour to be paid from the 2022 Budget Line item #A.7110.100 Parks.Personal Services; and be it further

RESOLVED that a copy of this resolution be sent Dylan Reed, Director Parks & Recreation, Finance Department, Town Clerk, and Human Resources.

RESOLUTION NO. 170 REAPPOINT LISA SIMMONS - PART-TIME TYPIST

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, Lisa Simmons served as the Part-Time Typist to the Victor Parks & Recreation Department since 2019 whose position was eliminated in 2020 due to COVID downsizing of Town of Victor positions; and

WHEREAS, due to the restoration of the activities and programs at the Recreation Center, the Director of Parks & Recreation has requested assistance with Parks & Recreation office activities; now, therefore, be it

RESOLVED that Lisa Simmons be reappointed to the Part-Time Typist position for the Victor Parks & Recreation Office with a starting date of n April 25, 2022 at a rate of Nineteen dollars and Forty One cents (\$19.41)/hour to be paid from the 2022 Budget Line Item #A.7021.100 – Parks & Rec. Dept. Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Lisa Simmons, Director of Parks & Recreation, Finance Department, Town Clerk, and Human Resources.

RESOLUTION NO.171 EXTEND CONTRACT - WITH WB MASON - CENTRALIZED PURCHASING OF CLEANING SUPPLIES AND PAPER PRODUCTS

On motion of Councilman Cusimano, seconded by Councilman Guinan, the following resolution was adopted:

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, to control the cost of cleaning supplies and paper products, the Town Board authorized Resolution #279 - Solicit Quotes - Centralized Purchasing of bulk Janitorial Supplies on September 14, 2020; and

WHEREAS, WB Mason had the overall highest cost-savings for the Town based on the most commonly used products, and was awarded the contract, which expired on February 28, 2022; and

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WHEREAS, based on customer service, deliveries, and pricing of the Town's most commonly used cleaning and paper products, the Town wishes to extend the current contract with WB Mason until February 28, 2025; now, therefore be it

RESOLVED that the Supervisor is authorized to extend the contract with WB Mason, beginning on March 1, 2022 through February 28, 2025 to provide cleaning supplies and paper products to all Town buildings through a centralized purchasing contract, which is to be charged to the Budget Line item A.1620.400 Buildings.Contractual, and is to be administered through the Human Resources office; and be it further

RESOLVED that a copy of resolution be sent to WB Mason, Finance Office, Town Clerk, and Human Resources.

RESOLUTION NO. 172 SUPPORTING THE SUBMISSION OF A LOCAL GOVERNMENT EFFICIENCY GRANT APPLICATION TO THE NEW YORK DEPARTMENT OF STATE AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING TO FACILITATE THE ONTARIO COUNTY ELECTRONIC CONTRACT AND INSURANCE LIFECYCLE MANAGEMENT SOLUTION IMPLEMENTATION PROJECT

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, the Local Government Efficiency ("LGE") Grant program, administered by the New York State Department of State, is intended to incentivize new actions between local governments that will reduce the cost of municipal operations and modernize the delivery of local services; and

WHEREAS, the Ontario County (the "County") Administrator has requested the Town of Victor's support for the submission by the County of a Local Government Efficiency grant application to the New York State Department of State for up to \$200,000.00 per participant for implementation of a prospective Shared Services Project where multiple entities within the County will collaborate in implementation and ultimately transition to an electronic contract and insurance lifecycle management solution (the "Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project"); and

WHEREAS, the Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project will include: (1) defining existing contracts, insurance and approval processes for each participating entity; (2) defining opportunities for efficiencies and cooperation amongst the participants with contract policies, forms, workflows, vendors, insurance and risk management review; (3) development of training materials for participants and their vendors; (4) development of virtual support database; (5) building of webpage for 24/7/365 access to materials and virtual support database; and

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WHEREAS, the County will serve as the lead applicant on this grant application; and

WHEREAS, the flexibility that has been required to continue to serve its constituents in a COVID-19 world, the increased retirements and workforce transition and the decrease in potential workforce applicants have put added pressure on local governments to be more efficient, and the proposed project between local governments to transition them to an electronic contract and insurance lifecycle management solution will reduce the cost of municipal operations and modernize the delivery of local services both in the collective procurement of software and consultant services and in the administration of contracts and insurance via an electronic software; now therefore, be it

RESOLVED that the Town of Victor, on behalf of itself supports the application by lead applicant Ontario County for funding from the LGE Grant for the Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project, in the form as filed with the Clerk of Ontario County Legislature; and further

RESOLVED that the Town Supervisor is hereby authorized to execute a Memorandum of Understanding between the County and other co-applicants on behalf of itself agreeing to in good faith negotiate an agreement amongst the County and co-applicants with a consultant to complete the Ontario County Electronic Contract and Insurance Lifecycle Management Solution Implementation Project; and further

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

RESOLUTION NO. 173 ISSUANCE OF NEGATIVE DECLARATION PURSUANT TO SEQRA AND AUTHORIZATION TO PROCEED WITH FURTHER PLANS AND COSTS FOR IMPROVEMENTS TO VICTOR CONSOLIDATED SEWER DISTRICT

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, the Town Board of the Town of Victor is considering authorizing the Town of Victor 2022 Pump Station Improvements Project (the "Project") to the Town of Victor Consolidated Sewer District (the "District") which consists of the following:

- Pump Station 5: replacement of an existing suction-lift pump station with a new pump station, which may include an above grade-structure with backflow preventer, as well as the replacement of a generator and site restoration.
- Pump Station 7: replacement of an existing submersible pump station, including a new wet well, valve vault, and bypass connection, installation of new emergency generator, an

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alternate to replace existing asbestos cement pipe force main, site restoration, and potential land acquisitions/easements from adjacent residents.

- Pump Station 11: replacement of an existing suction lift pump station with a new triplex suction lift pump station, including an above-grade structure, a new water service with backflow preventer generator replacement, and site restoration.
- Pump Stations 12, 16, 17, and 32: installation of new generators, which includes running new gas services to each generator, installation of concrete pads, installation of automatic transfer switches, and a connection to the control panel.

WHEREAS, the Town Board is undertaking the consideration of the Project pursuant to Section 202-b of the New York Town Law; and

WHEREAS, in March 2022, the Town Engineers, Labella Associates, submitted to the Town Board a preliminary Map, Plan and Report ("MPR") for the Project which outlines the conceptual map of the Project's improvement area, the plan of the proposed improvements, and the preliminary cost of the Project; and

WHEREAS, on April 25, 2022, the Town Board held a public hearing to receive public comment on the Project and the MPR; and

WHEREAS, the Town Board authorized the Town Engineers to complete an Environmental Assessment Form ("EAF") in order to assess the significance of any potential adverse environmental impacts associated with the Project in accordance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations set forth in 6 NYCRR Part 617; and

WHEREAS, the Town Board determined that the Project constitutes an "Unlisted Action," as that term is defined pursuant to Section 617.2(al) of the SEQRA regulations, subject to the preparation of a Short EAF and an uncoordinated review pursuant to Section 617.6; and

WHEREAS the Town Board now desires to make a determination of environmental significance of the Project in accordance with SEQRA, as well as authorize for further consideration by the Town Board the preparation of final plans, specifications, and costs for the Project pursuant to Section 202(b)(1) of New York Town Law; now, therefore, be it

RESOLVED the Town Board declares that, based on its comprehensive review of the MPR and the Short EAF, the Project does not pose a potential significant adverse impact to the environment, and therefore a Negative Declaration is issued for the Project pursuant to Section 617.7 of the SEQRA regulations; and be it further

RESOLVED the Town Supervisor is hereby authorized and directed to complete, on behalf of the Town Board, Part 3 of the Short EAF adopting the Negative Declaration for the Project; and be it further

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RESOLVED that pursuant to Section 202-b (1) of New York Town Law, the Town Board accepts the MPR and authorizes the Town Engineer to prepare further plans, specifications, and costs for the Project for final approval and authorization; and be it further

RESOLVED that a copy of this Resolution be forwarded to the Town Clerk and the Town Engineer.

RESOLUTION NO. 174 DONATION OF SURPLUS FOLDING MACHINE TO SERENITY HOUSE

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

WHEREAS, the Town Clerk's Office maintains an inventory of used equipment 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, the Town has upgraded and replaced the old folding machine which has been deemed as surplus and is no longer needed by the Town Hall; and

WHEREAS, it has been recommended by the Town Clerk's Office to donate the folding machine to the non-profit organization, Serenity House for their use; Now therefore, be it

RESOLVED that the folding machine be donated to Serenity House, 1258 Brace Road, Victor, NY 14564; and further

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

RESOLUTION NO.175 LETTER OF CREDIT – WILLIS HILL ESTATES PHASE 2 - RELEASE 2

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

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 May 5, 2022 letter, the Town Engineer recommended that \$262,132.00 be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

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RESOLVED that the Town Board hereby approves Release No. 2 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of \$262,132.00 conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$404,857.00 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.

RESOLUTION NO.176 LETTER OF CREDIT – THE FAIRWAYS PHASE III - RELEASE 1

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Cusimano, Guinan)

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, in their May 5, 2022 letter, the Town Engineer recommended that \$756,256.00 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 \$756,256.00 conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$322,151.00 in said Letter of Credit; 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.

RESOLUTION NO.177 MOTION TO MOVE TO EXECUTIVE SESSION

Time: 7:48PM

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

5 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan, Cusimano)

RESOLVED that the Victor Town Board move to Executive Session for the proposed acquisition/sale/lease of real property when publicity might affect value.

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RESOLUTION NO.178 MOTION TO CLOSE EXECUTIVE SESSIONTime: 8:25PM

On motion of Councilman Kahovec seconded by Councilman Condon, to close the Executive session of the Victor Town Board.

5 Ayes 0 Nays (Marren, Condon, Kahovec, Guinan, Cusimano)

RESOLVED that the Executive Session was closed.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Cusimano, seconded by Councilman Kahovec to adjourn the regular Town Board meeting at 8:25PM

Respectfully submitted,

Karen C. Bodine, Town Clerk