

VICTOR TOWN BOARD MEETING MONDAY JUNE 27, 2022

4 Ayes 0 Nays (Marren, Kahovec, Cusimano, Guinan)

Documentation for these expenditures can be found on vouchers filed by numbers #20221179-1295.

General Townwide	\$ 208,386.56
General Outside Village	14,171.91
Highway Townwide	103,111.15
Lighting Districts	5,335.75
SS Consolidated Sewers	59,444.00

Supervisor Marren reviewed the following expenditures for Manifest #12 that were in the range or exceeded \$5,000.00.

- B & M International LLC – July Rent Courts facility - \$10,275.00
- Bluestone Creek Develop. – July Rent Parks/Rec. facility - \$13,825.85
- Colacino Industries – PS-13 Electric (Farmington reimbursed) - \$59,444.00
- Hometown Energy – Unleaded fuel - \$12,771.23
- Lane Enterprise – Drainage Pipe for Highway - \$9,072.61
- MVP Health – July Healthcare Employees/Retirees - \$65,100.99
- New York State Controller – Court Fines January – May - \$104,651.00
- RGE – May-June Utility charges - \$8,569.33
- Southworth/Milton – CAT Loader for Highway - \$35,000.00
- Suit-Kote Corp. – Crack filling various Roads - \$14,888.56
- Tracey Equipment – Highway Truck Repairs- \$6,250.29

PRIVILEGE OF THE FLOOR: NONE

No Public Comments or Concerns:

Report of Town Officials:

- ❖ Finance
- ❖ Historian
- ❖ Highway
- ❖ IT
- ❖ Economic Development
- ❖ Parks & Recreation

Town Clerk asked the Board if they had any objections to the Old Pueblo Grill liquor license. Board agreed no objections. The Clerk clarified Resolution No. 205, the amendment for the LOC Release for the Fairways. She also noted, the polling place for Election Districts 7 & 8 changed two years ago and is now at the Victor Municipal Park Lodge and there may be a conflict with the Parks & Recreation program.

SUPERVISOR'S VERBAL REPORT:

- Thanked Brian and his department for their participation with the Memorial Day Parade
- Thank you to Councilman Kahovec with his help on the Civic Park renovation

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- Met with Farmington/Victor Ambulance regarding Budget Preparation
- Supervisor met with two 3rd Grade classes at VCS
- Participated with Assemblymen Gallahan at Eastview Mall for the New York State Historical Preservation. They are now on the Historical Business preservation registry for their 50 years in business.
- Town of Victor Wellness Committee attended the Town of Penfield Wellness Fair
- Commended Lt. Drew Cusimano for his life saving award ceremony at the Legacy.
- Letter from Chief Chapman – Task Force
- Open House for the Medical Spa (Quatela) on July 12th, ribbon cutting at 5:30pm.

Councilman Cusimano noted a resident had expressed the flowers looked fantastic around town and please pass the compliment along to all who take care of the flowers. He also recognized and thanked Village Trustee and Chairman of the Cemetery Committee, Bob Kelly for coordinating the reenactment at the Village cemetery on May 7, 2022.

Climb Aboard Victor Event at Eastview Mall-working with Kathy Rayburn and Gina Ko on this event which will be held on September 3rd. The idea of this event is to have an interactive experience that is a display of large trucks, construction, fire, police, and EMS. Also, antique vehicles and all kinds of specialty vehicles that service the area of Victor. There will also be vendors with nothing for sale, nothing for profit and no cost to attend.

Councilman Kahovec commented there have been several discussions over the last few Town Planning Board meetings regarding access management.

BUSINESS:**RESOLUTION NO. 190 PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION - EVALUATE THE SPEED LIMIT ON HIGH STREET**

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

Councilman Kahovec commented that the Clerk's Office did a nice job on the farewell party for Renee. Several people stopped by and wished Renee well.

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RESOLUTION NO. 191 ACCEPTANCE OF THE RETIREMENT OF RENEE MCCONNELL, DEPUTY TOWN CLERK, FROM THE TOWN OF VICTOR TOWN CLERK'S OFFICE

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 192 AUTHORIZATION FOR SUPERVISOR TO EXTEND EXISTING PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LABELLA ASSOCIATES, P.C.

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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

RESOLUTION NO.193 SURPLUS COMPUTER EQUIPMENT DECLARATION & DISPOSITION

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 194 AUTHORIZATION FOR THE PURCHASE OF CUSTOM PRINTED, HIGH INTENSITY, ALUMINUM SIGNAGE FOR AUBURN AND LEHIGH VALLEY TRAILS

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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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.

RESOLUTION NO. 195 AUTHORIZATION FOR THE RENTAL OF INFLATABLE MOVIE SCREEN, VIDEO PROJECTION SYSTEM AND SOUND SYSTEM FOR MOVIE IN THE PARK

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO.196 AGREEMENT – MIKE ROOK

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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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.

RESOLUTION NO. 197 AGREEMENT – DOUG ROUGEUX

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 198 AGREEMENT – EMPIRE TENNIS ACADEMY

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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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.

RESOLUTION NO. 199 AGREEMENT – MARK RUST

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 200 AGREEMENT – RICH STEIN

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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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.

RESOLUTION NO. 201 AGREEMENT – RICH STEIN MAGIC AND BALLOON TWISTING CAMP

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 202 REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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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 Director of Parks and Recreation, Town Clerk, Mark Rust, Mike Rook and Rich Stein.

RESOLUTION NO. 203 AUTHORIZATION FOR PURCHASE OF (2022) CANYCOM BFP602 BUCKET STYLE, RUBBER TRACKED CARRIER FROM TRACK EQUIPMENT COMPANY FOR PARKS AND TRAILS OPERATIONS

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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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.

RESOLUTION NO. 204 APPOINTMENTS OF REGISTRAR OF VITAL STATISTICS

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 205 AMENDMENT TO RESOLUTION NO. 176 LETTER OF CREDIT FAIRWAYS PHASE III - RELEASE 1

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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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.

RESOLUTION NO. 206 LICENSE AND HOLD HARMLESS AGREEMENT 6746
CANTERBURY TRAIL TO ALLOW ENCROACHMENT INTO UTILITY EASEMENT

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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

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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.

RESOLUTION NO. 207 ACCEPT LETTER OF CREDIT – SOUTHGATE HILLS PHASE 11

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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.

RESOLUTION NO. 208 LETTER OF CREDIT – PIPER MEADOWS SUBDIVISION - RELEASE 10

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays

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WHEREAS, upon S & J Morrell Inc. receiving Planning Board approval for the Piper Meadows Subdivision, a Five Star Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure: and,

WHEREAS, in their June 23, 2022, letter, the Town Engineer recommended that Thirty-One Thousand Nine Hundred Forty-Five dollars (\$31,945.00) 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. 10* on the Five Star Bank Irrevocable Letter of Credit in the amount of Thirty-One Thousand Nine Hundred Forty-Five dollars (\$31,945.00) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Five Hundred Ten Thousand Five Hundred Eighty-Eight dollars and Ninety-Six cents (\$510,588.96) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, S & J Morrell, Finance Director, and Town Clerk.

No Public Comments or Concerns at this time.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Kahovec, seconded by Councilman Cusimano to adjourn the regular Town Board meeting at 7:32PM

Respectfully submitted,

Karen C. Bodine, Town Clerk