

Town Board Workshop @ 6:00PM for the Fishers Run Drainage

A regular meeting of the Victor Town Board was held on Monday May 13, 2019 at 7:00PM with the following Board Members present:

PRESENT: Supervisor Jack Marren  
Councilman Ed Kahovec  
Councilman David Tantillo  
Councilman Mike Guinan  
ABSENT: Councilman Dave Condon

OTHERS PRESENT: Karen Bodine-Town Clerk, Frank Pavia- Town Attorney, Barb Cole-Finance Director, Mark Years-Highway Superintendent, Kim Kinsella- Project Coordinator, Al Benedict-Planning & Building, Keith Maynard – Stormwater Management, Brian Emelson- Parks & Recreation Director, Paul DiDuro, Ruth Perkins, Peter Ciancaglini, Curt Signorino, Antje Kirchner, Kevin Dey, Dave DiRaddo, Jerry Knaus, Aaron Ruby, Matthew Ray, Massimo Amadio, Maura Steed, Marquita Peterson, Amanda Reid, Jim Myers and Tim Niver- Victor/Farmington Library, Lee Wagner, David Nankin, Steve Metzger- LaBella Associates, Neil Stein

Supervisor Marren called the meeting to order at 7:00PM and made the following announcements:

- 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 exit locations were pointed out to the left and right sides of the Main Meeting Room.
- Flag Salute
- Councilman Condon was declared necessarily absent
- All Town operations will be closed on Monday, May 27<sup>th</sup> in observance of Memorial Day Supervisor Marren encouraged all residents to come out for the parade and the American Legion Ceremony in front of the Village Hall.
- The next Town Board Meeting will be held on May 28<sup>th</sup> at 7:00PM

**RESOLUTION #212**

**APPROVAL OF MINUTES**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**  
*Unanimously Approved*

RESOLVED that the minutes of the regular meeting of April 8, 2019 be approved.

**RESOLUTION #213**

**PAYMENT OF BILLS**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**  
*Unanimously Approved*

RESOLVED that the bills be approved for Manifest #9 in the amount of \$283,851.38. Documentation for these expenditures can be found on vouchers filed by numbers #20190825 – 20190974.

General Townwide	\$ 170,146.07
General Outside Village	43,801.01
Special Revenue SWMP	1,458.79
Highway Townwide	59,138.28
Sanitary Conveyance Project	2,083.98
Fishers Lighting	194.70
Brookwood Meadows Lighting	202.09
High Point Lighting	504.63
Cobblestone Lighting	2,853.72
Quail Ridge Lighting	555.73
Rolling Meadows Lighting	595.24
Legacy at the Fairways	735.20
Stoneleigh Lighting	38.94
Trust & Agency	1543.00

**Supervisor Marren** reviewed the following eight expenditures that were in the range of or exceeded \$10,000.00.

- MVP for Employee Health Care for the month of May
- Mengel/Metzger & Company-Town and Courts Audit
- ACCELA/KVS Accounting Software Renewal
- State Comptroller Office for fines and fees earned by the Victor Town Courts for March 2019
- Bluestone Creek Development – Parks and Recreation for the month of June 2019
- Van Bortel Ford – 2019 Ford Escape for the Planning and Building Department
- Sunoco, LLC – Unleaded fuel
- Griffith Energy- Diesel Fuel

**PRIVILEGE OF THE FLOOR-**

- **Paul DiDuro** - 6595 Bradhurst Street– *Letter Regarding Conservation Easement* – Mr. DiDuro addressed the Board and stated that he was very surprised to receive a letter concerning his conservation easement and the horseshoe pit in the area, noting that he has been there 7 years and never received anything from the Town. Other neighbors in his development received the same kind of letter. The goal for this subdivision community would be to come up with a reclassification of the land with less restrictive options allowing residents to keep on mowing the sections of the conservation easements that they have been mowing for the past 9 years. It was also noted that keeping the tall grass mowed cuts down on ticks and there are a lot of children playing in this area. Mr. DiDuro also noted that the land should be surveyed again at the Town expense and staked out properly so there are no future concerns, also noting that many of the pins cannot be located.
- **Ruth Perkins**- 6585 Bradhurst Street– *Letter Regarding Conservation Easement* – Ruth Perkins addressed the Board asking if the current conservation easement which is a

natural resource easement could be changed to an open space conservation easement. They also received a letter and were surprised to be asked to stop mowing the easement. She also noted that if they stop mowing in the easement, they will lose half of their yard. When they built the property in 2005, they were told about the conservation easement by their builder Steve Mancini of RSM Development, and he explained as he understood, they could mow the easement and plant trees on it and nothing could be built in it or on it.

- **Curt Signorino-** 6586 Bradhurst Street- *Letter Regarding Conservation Easement-* Curt Signorino asked about removal of three trees in the conservation easement that have been infected with the Emerald Ash Borer beetle. The Board had no objection to removing the trees as long as they were replaced with trees that are identified in the Town of Victor Native Plant Manual. Mr. Signorino had some concerns about the Dorchester conservation easements, noting that some seem to have different rules.
- **Frank Pavia-** Town Counsel suggested that the Conservation Board should weigh in on this and give advice to the Town Board in how they view the requests being made by these residents. If the Conservation Board were to make a recommendation, then the Board can make modifications or amendments to the easements. Counsel further noted that RSM Development agreed to these conservation easements when site plan approval was given for this subdivision.  
**Supervisor Marren** gave two examples of conservation easements that were granted to two subdivisions, Camden Hills and Sunray Crest.
- **Maura Steed-** 1117 Strong Road - Maura Steed expressed her concern to preserve farmland and take a visionary look and maintain history of the farming potential in the Town of Victor for the future. She would like to see a consortium or group that would work together with Cornell Cooperative Extension who has a program working with young people who want to farm.
- **Tim Niver & Jim Myers - Victor-Farmington Library** – gave an update on the library. Tim explained that the Victor Library serves the Victor Central School district and is part of the Pioneer Library System which includes 42 libraries and four counties. Victor is the second busiest library. He also added that about 400 people per day visit the library. HBT from Rochester performed a utilization study. A recommendation of 24,000 sq. ft. was made to meet the needs of the community, right now they are working out of 9,000 sq. ft. They are looking for several locations and bringing on a consultant to do a feasibility study to raise money. Jim explained the time frame for this is about 4 to 6 years out before they build. The cost right now is about \$325.00 per sq. ft. They are working on putting a survey out to the community. The footprint for this association is the Victor Central School district serving about 24,000 people.

**PUBLIC COMMENTS:** None

**REPORTS OF TOWN OFFICIALS:**

- **Keith Maynard** – gave an update on his work with Stormwater management. A copy of the annual MS4 report was emailed to the Board and several stormwater activities that had been completed were highlighted in the report. He also gave an update on the progress that has been made since his last report in October of 2018 and gave a list of the upcoming projects to be completed this fall.
- **Councilman Tantillo** complimented Keith on his work and how well the plan was put together. He feels comfortable moving forward about cleaning out the stormwater ponds and making sure they are flowing properly.
- **Supervisor Marren** appreciated the collaboration with the Highway Department, LaBella, and Harris Beach in working on these projects.

**SUPERVISOR'S REPORT:** in packet

- Early Voting – County will have three locations: Victor Town Hall, Safety Training Facility, and Geneva Housing Authority. Early voting will begin on October 26<sup>th</sup> and ends on November 3<sup>rd</sup>. There will be different times each day for voting.

**Town Officials Reports**

1. Victor Fire Chief
2. Engineer's Report
3. Parks & Recreation

**Committee Reports:**

- **Councilman Tantillo** gave an update on the Parks & Recreation Master Plan in its final stage. Wednesday night there will be a meeting to specifically address the priority project relating to the recreation center.
- Interviews for the Victor Fire Commissioners and Treasurer were conducted and the candidates will be appointed on 5/28/19.

**BUSINESS:**

**RESOLUTION #214**

**SILVERTON GLENN LOT 118 - ACCEPTANCE OF DEDICATION**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**

***Unanimously Approved***

WHEREAS S & J Morrell Inc., developer of Silvertown Glenn Lot 118, has offered to dedicate to the Town of Victor the sanitary sewer system as set forth in the Town Engineer's letter of May 2, 2019 and

WHEREAS, the Engineer for the Town has indicated by letter dated May 2, 2019 that the sanitary sewer system is acceptable to be dedicated to the Town; and,

WHEREAS, S & J Morrell Inc., has posted a Maintenance Bond No. 0712645 in the amount of \$2,419.60 as recommended by the Town Engineer in a letter dated May 2, 2019 to be held for two (2) years after the acceptance of the dedicated facility; now, therefore, be it

RESOLVED AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of the sanitary 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 system shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.

AND FURTHER RESOLVED that a copy of this resolution be forwarded to the Planning Dept., the Highway Superintendent, the Code Enforcement Officer, Engineer for the Town, BME Associates and S & J Morrell Inc.

**RESOLUTION #215**

**SILVERTON GLENN, LOT 118, LETTER OF CREDIT, RELEASE NO. 1 (FINAL)**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**  
***Unanimously Approved***

WHEREAS, S & J Morrell Inc. received Planning Board approval for Silverton Glenn, Lot 118 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Five Star Bank Irrevocable Letter of Credit No. 7002064533 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developers Request for Release of Funds Statement of Construction No. 1 (Final) dated May 2, 2019 and recommends in his letter May 2, 2019 that \$163,037.00 minus engineering and inspection fees and any other fees owed the Town be released from said letter of credit; now, therefore, be it

RESOLVED, that the Victor Town Board hereby approves Release No. 1 (Final) on the Five Star Bank Irrevocable Letter of Credit No. 7002064533 in the amount of \$163,037.00 minus engineering and inspection fees and any other fees owed the Town as recommended by the Town Engineer; and, further

RESOLVED that given said release there now remains \$0.00 in said Letter of Credit after acceptance of the dedicated facilities in accordance with the Town Engineer's letter dated May 2, 2019; and, further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, S & J Morrell Inc. and BME Associates.

**RESOLUTION #216**

**AUTHORIZATION TO ENTER INTO AGREEMENT - ZUPER BOUNCE LLC FOR RENTAL OF CHILDREN’S INFLATABLES AND A MOVIE SCREEN**

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

**3 Ayes: Tantillo, Kahovec, Guinan    1 Nay: Marren**

WHEREAS, the Department of Parks and Recreation has the need to rent children’s inflatables and a movie screen for its special events; and

WHEREAS, funds are included and available in the 2019 Budget line item A7550.4 Celebrations - Contractual; and

WHEREAS, the Director of Parks and Recreation has obtained the following written quotations for these items;

Vendor	Price Proposal
Zuper Bounce LLC	\$5,300.00
Blue Apple Productions	\$4,995.00

And;

WHEREAS, the Assistant Director of Parks and Recreation recommends that the Town enter into agreement with Zuper Bounce for the rental of children’s inflatables and a movie screen at a cost of Five Thousand Three Hundred Dollars (\$5,300.00), therefore, be it

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 the Town Board authorizes the Town Supervisor and the Director of Recreation and Parks to enter into agreement with Zuper Bounce for the rental of children’s inflatables and a movie screen for its special events at a cost of Five Thousand Three Hundred Dollars (\$5,300.00), said funds are included and available in the 2019 Budget line item A7550.4 Celebrations - Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Karen Bodine, Town Clerk; Barbara Cole, Director of Finance and Stacey Stratton, Zuper Bounce.

\* NOTE – Zuper Bounce was selected as Blue Apple Productions wanted a 3 year commitment.

**RESOLUTION #217**

**AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH IMPACT EARTH FOR THE TOWN OF VICTOR COMPOSTING PILOT PROGRAM**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**

***Unanimously Approved***

WHEREAS, the Town is interested in hosting and launching a composting program to be overseen by the Transfer Station staff for town residents that hold Transfer Station permits; and

WHEREAS, funding was made available through the LSWMP to run this program for 100 people for a 1 year pilot program, which will run from approximately June 13, 2019 to February 28, 2020, at which time the program will be evaluated to assess residential interest and/or problems; and

WHEREAS, funds are available in the 2019 Budget Line item CM.8160.400 Refuse and Garbage Contractual; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to enter into an agreement with Impact Earth for the Town of Victor Composting Pilot Program in which funding was made available through the LSWMP, to fund this pilot program for 100 people for 1 year, running approximately from June 13, 2019 to February 28, 2020, upon which time the program will be evaluated; and further

RESOLVED, funds are available in the 2019 Budget Line item CM.8160.400 Refuse and Garbage Contractual; and further

RESOLVED, that a copy of this Resolution be provided to the Highway Superintendent, Town Clerk, Finance Department and Impact Earth.

**RESOLUTION #218**

**ACCEPTANCE OF THE 2018 TOWN OF VICTOR COURTS AUDIT FROM RAY F. WAGER, CPA, P.C., A DIVISION OF MENGEL METZGER BARR & CO. LLP**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**

***Unanimously Approved***

WHEREAS, an audit of the Town of Victor Courts was conducted by Ray F. Wager, CPA, P.C. for the fiscal year ending December 31, 2018; and

WHEREAS, the findings of the audit were received and reviewed with the Victor Town Board on April 22, 2019; now, therefore be it

RESOLVED, that the 2018 Victor Town Courts Audit, conducted by Ray F. Wager, CPA, P.C. be accepted; and be it further

RESOLVED, that a copy of this resolution be sent to the Barb Cole, Finance Director; Karen Bodine, Town Clerk; Ray F. Wager, CPA, P.C.; and the New York State Unified Court System.

**RESOLUTION #219**

**ACCEPTANCE OF THE 2018 TOWN OF VICTOR FINANCIAL AUDIT FROM RAY F. WAGER, CPA, P.C., A DIVISION OF MENGLER METZGER BARR & CO., LLP.**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**

***Unanimously Approved***

WHEREAS, a financial audit of the Town of Victor was conducted by Ray F. Wager, CPA, P.C. for the fiscal year ending December 31, 2018; and

WHEREAS, the findings of the audit were received and reviewed with the Victor Town Board on April 22, 2019; now, therefore be it

RESOLVED, that the 2018 Victor Financial Audit, conducted by Ray F. Wager, CPA, P.C. be accepted; and be it further

RESOLVED, that a copy of this resolution be sent to Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Ray F. Wager, CPA, P.C.

**RESOLUTION #220**

**APPOINTMENT OF JOHN ROMANO AS BOUGHTON PARK COMMISSIONER**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**

***Unanimously Approved***

WHEREAS, Glenn Cooke resigned his appointment as the Victor representative to the Boughton Park Commission on April 15, 2019; and

WHEREAS, the Town Board thanks Glenn Cooke for his service to Boughton Park, the Town of Victor, and it's residents, and wishes him all the best; and

WHEREAS, the position was advertised, and candidates were interviewed on January 16, 2019 by an interview committee consisting of Supervisor Jack Marren and Glenn Cooke- Boughton Park Commissioner; and

WHEREAS, it was decided by the interview team that John Romano possesses the qualifications necessary to fill this position; now, therefore be it

RESOLVED, that John Romano be appointed to Glenn Cooke's unfulfilled term as Boughton Park Commissioner, with a starting date of May 14, 2019 and ending date of December 31, 2019; and be it further

RESOLVED, that a copy of this resolution be forwarded to John Romano, Dave Damaske – Chairman Boughton Park Commission, Glenn Cooke, Human Resources, Town Clerk, and the Finance Office.

**RESOLUTION #221**

**AUTHORIZATION FOR SUPERVISOR TO EXTEND EXISTING PROFESSIONAL TRAFFIC ENGINEERING SERVICES AGREEMENT WITH CLARK PATTERSON LEE.**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**

***Unanimously Approved***

WHEREAS, on May 8, 2017 the Town Board approved Resolution #208 to enter into a Professional Traffic Engineering Services Agreement with Clark Patterson Lee; and

WHEREAS, this contract expired on May 8, 2019; and



WHEREAS, the Town Board wishes to extend the Professional Engineering Services Agreement with Clark Patterson Lee for the Town of Victor until May 13, 2020 as noted in Schedule A and kept on file in the Town Clerk’s office; and

RESOLVED that the Town Board hereby authorizes the Town Supervisor to extend the Professional Traffic Engineering Services Agreement with Clark Patterson Lee for the Town of Victor until May 13, 2020; and be it further

RESOLVED that copies of this resolution be forwarded Clark Patterson Lee, Planning & Building Department, Human Resources, Town Clerk, and the Finance Office.

**RESOLUTION #222**

**AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7943 OAK BROOK CIRCLE TO ALLOW ENCROACHMENT INTO DRAINAGE EASEMENT**

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

**4 Ayes: Marren, Tantillo, Kahovec, Guinan**  
***Unanimously Approved***

WHEREAS, Achille M. Cavatassi and Kristen L. Cavatassi are the record owners (the “Owner”) of the premises at 7943 Oak Brook Circle, Tax Map #15.02-3-17.000, (the “Property”) in the Town of Victor; and

WHEREAS, the Town is the owner of an drainage easement, which drainage easement is situated running in an north-south direction along the eastern side of the Property between Tax Maps #5.02-3-17.000 and 5.02-3-19.110 approximately Thirty (30) feet wide as shown on Map #12856 filed in the Ontario County Clerk’s Office (“Drainage Easement”); and

WHEREAS, the Owner of the property proposes to install a french drain (the “French Drain”) with a portion of said proposed French Drain encroaching onto the Drainage Easement on the Property; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement (“Agreement”) to allow the French Drain to encroach onto the Drainage Easement, said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk’s Office; and

WHEREAS, the Agreement would permit the French Drain to be constructed, but would require the Owners to remove and/or repair said French Drain, hold the Town harmless, and return the Property within the Drainage Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the portion of French Drain, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed French Drain and have indicated that the aforementioned proposed encroachment of the French Drain into the Drainage Easement would not materially adversely affect the integrity, purpose, or function of the Drainage Easement, including but not limited to utilities, or be a hindrance in gaining access to any facilities or other infrastructure located within the Drainage Easement to

effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Achille M. Cavatassi and Kristen L. Cavatassi, in a form approved by the Attorney for the Town, to allow the proposed French Drain to encroach into the Drainage Easement, and any other document reasonably necessary to effect said Agreement; and further be it

RESOLVED, that upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with Achille M. Cavatassi and Kristen L. Cavatassi 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 Owners.

**PUBLIC COMMENTS AND CONCERNS:**

**Curt Signorino** - 6586 Bradhurst expressed he wasn't clear on how the Board left it about removing the trees from his easement.

**Supervisor Marren** explained that the Conservation Board will weigh in about the trees and also all the other concerns with the conservation easements in the Dorchester Park subdivision. It may be a meeting or two. The next Conservation Board Meeting is scheduled for May 21, 2019.

**ADJOURNMENT:**

With no further business to come before the Board, the regular Town Board meeting was adjourned at 8:08PM on motion by Councilman Tantillo, seconded by Councilman Guinan. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk