

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 14<sup>th</sup> day of September, 2021, at 7:00 PM, there were:

**PRESENT:** Peter Ingalsbe – Supervisor  
Mike Casale – Councilman  
Steven Holtz – Councilman  
Nate Bowerman – Councilman  
Ron Herendeen – Councilman  
Michelle Finley – Town Clerk

Also present in person: **Don Giroux**- Highway and Parks Superintendent, **Dan Delpriore** – Code Enforcement, **Robin MacDonald** – Water & Sewer Superintendent, and **Ed Hemminger** – Planning Board Chairman, **Bill Davis** – MRB Group, and **Adrian Bellis**-Planning Board Member, and **Ron Brand** – Director of Planning and Development.

Also present by telephone/video conferencing were: residents at 5795 Canandaigua-Farmington Townline Road

### **PUBLIC HEARINGS: Adoption of the Town of Farmington Sidewalk Trail Master Plan Map as an amendment to the 2021 Comprehensive Plan**

Supervisor Ingalsbe stated that due to an administrative error the legal notice was not published in the newspaper therefore they were rescheduling the public hearing for September 22, 2021, at 6:30 p.m. No one appeared in person or online for this public hearing.

#### **APPROVAL OF MINUTES:**

A motion was made by **Councilman Bowerman** and seconded by **Councilman Holtz**, that the minutes of the September 14, 2021, Town Board Meeting, and given to members for review, be approved. All Voting “Aye” (Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

#### **PRIVILEGE OF THE FLOOR: Mike Putnam, John Moore, and Terry Taber – residents on Elmwood Drive – update on drainage issue**

Mr. Giroux, Highway and Parks Superintendent, stated that he went out and looked at the issue northbound and all the vegetation was cut and removed from the ditch to help relieve the water when it is in there so it can exit sooner but as far as the water that is coming into there, he stated that is not going to change as the way the drainage is laid out down through there. Supervisor Ingalsbe stated that he will also have the town engineer look at it. Mr. Giroux added that he did not disturb the base of the ditch. Mr. Putnam stated that the vegetation is still there at the corner where the storm drain comes on through from Elmwood Circle. Mr. Giroux stated that from that ditch to the north along Laviano’s property. Mr. Giroux added that they come to the property line behind the homes along the hedgerow. Mr. Putnam replied that it did not look like this afternoon. Mr. Delpriore, Code Enforcement Officer, stated that he also went and looked at what the Highway crew did out there and stated that the ditch has been cleaned out right up to the back of the property lines and it does not look like there is any restriction of flow there. He added it was a good improvement by the Highway Department.

Mr. Moore stated that he certainly isn’t an engineer but looking at it they have this huge retention pond and the way it seems to be designed, water inflow doesn’t seem to go into the pond, there is a huge deep basin that is only being filled up very insignificantly thereby any water is coming in is flowing into their yards during very vast storms. He is curious as to why things are not designed so that in could run into the pond via the retention pond holding the water until the storm passes then you would have gradual outflow of that water. He asked if any other resources could be done. He added that vegetation will just grow back just like the mowing around the pond which is mowed every 6-8 weeks. He thought maybe piping could be done into the pond somewhere where is it not a nuisance to the property owners. Supervisor Ingalsbe stated that the ponds that are west of their property are designed to take the water flow from Auburn Meadows and hold it and release it at a slower rate. Mr. Davis, town engineer, stated that the ponds that are there were not built to alleviate the water way that is behind their homes, but they were required to be put in by the developer to retain the water coming from the west to make sure there is no negative impacts to the waterway as it was existing before that development occurred. He added that is how the stormwater regulations are set-up by the State and they make sure that whenever there is any development that there is no negative impact or any increase in water flow off those properties, when they do get developed, using stormwater structures and even stormwater treatment when it becomes necessary. He added that they did look at the ponds and the elevation, it is a shallow pond. He stated that they did look at drainage patterns and there were no major changes that would impact the waterways. He believes what the Highway Superintendent has done so far by addressing the vegetation that may have been trapping some water in there will help. Mr. Giroux added that we have had abnormal rain events which amplifies their situation. He added that the water flows on Townline Road have not been altered and the town has to maintain how they normally flow and not reroute it. Mr. Putnam stated that there was water just sitting in the ditch behind Mr. Taber’s home today. Supervisor Ingalsbe stated that they are going to have that. Mr. Giroux asked how much water was sitting there, Mr. Putman replied about six inches. Mr. Giroux stated that he would have to go back and look because he does not know if there is an area through the wood line and with that said he would have to get into his backyard to clean it up but he will take a look and see if there is a small area there where he can address between the catch basin on the corner that dumps out into his back yard to see if there is additional cleaning to be done right there. He stated that water coming in from the south is not something they can change and hopefully they won’t keep getting the rain events that they have been getting. Mr. Moore stated that they also get the same affects

with snow and ice when it melts. He spoke on behalf of Mr. Fredricks who could not be at the meeting regarding his concern about the large pine tree in his backyard and the possibility of it falling onto his home. Mr. Giroux replied that he can look at it and see if the tree is in the town right-of-way then he might be able to do something but if it is on private property then there is nothing he can do. Mr. Moore stated that he understands what Mr. Giroux is saying but the water is beyond any control of Mr. Fredricks and it is threatening his property and if there were a recourse financially so that threat can be removed certainly would be looked at favorably. Mr. Giroux stated he will look into it and then talk with the Town Board; he will see where the actual placement of the tree is located and try to assess how much of the stream is affecting the stabilization of the tree. Mr. Moore added that it is too much water for that type of tree and they just turn brown and die. Mr. Giroux replied that the trees have lived there for approximately 40-50 years so he doesn't understand why all of a sudden they're dying. He added that the town cannot regulate how much water will run down into that ditch, all they can do is try to remediate the ditch line so that it flows at its best capacity to the north to relieve water so that it does not build up there.

Mr. Putnam asked why the town can't change the water if it is coming off from town property. Supervisor Ingalsbe replied that the DEC will not allow the town to dig new channels and elevations have a lot to do with it. Mr. Davis stated that this has been an issue with many areas throughout the town and that Farmington is very flat and that is why there is a lot of great farmland here but there is also a lot of drainage issues that go along with it.

Supervisor Ingalsbe suggested they reach out to Ontario County Soil and Conservation and see what they think. He also asked the Mr. Delproire and Mr. Giroux to coordinate with them and see if anything can be done.

**PUBLIC CONCERNS: Mr. DeRoo-5795 Canandaigua-Farmington Townline Road- Sewer**

Mr. DeRoo inquired about the possibility of having town sewer. Resident is in the Town of Canandaigua. Supervisor Ingalsbe stated that he did have a conversation with the Town of Canandaigua Manager, Doug Finch, about three months ago and he thought the Highway Superintendents from Farmington and Canandaigua to talk about this. He added that there is not an easy plan on how to flow from Mr. DeRoo's current septic system to a sewer line. He added that it is either the sewer has to go back southwest to Stablegate or some expensive hookup under Townline Road. Water and Sewer Superintendent, Mr. MacDonald, stated that the elevation where those houses are is low enough, so it is an uphill battle to have sewer there. He added across the road is private sewer. Mr. Davis stated he thought the only way Mr. DeRoo would be able to do it is to put in grinder pumps or some type of pressurized system. Mr. Davis stated that Mr. DeRoo needs to contact the Town of Canandaigua.

**REPORTS OF STANDING COMMITTEES:****Public Works Committee: Councilman Herendeen reported:**

1. Discussed Wangum Road force main.
2. Will be installing flow meters in the Grove Subdivisions this week.
3. Maintenance on UV system is complete.
4. Installing new aerator system in aerator pond.
5. Watermain Breaks – None.
6. MRB is working on design to replace some of the old main on Rt. 332.
7. Sewer main along a section of Collett Road has collapsed due to heavy rains- currently bypassing pump unit is can be replaced.
8. Discussed resolutions for meeting.

**Highway & Parks:**

1. Highway- Equipment Maintenance, ongoing drainage on CFTL Road, ditch and swale cleaning, clearing brush from signs, road side mowing continues on Rt. 332 and County Roads, and mowing continues on town roads.
2. Parks- mowing at all town buildings and parks, clearing brush along trails and mowing trails, and striping of crosswalks and athletic fields.
3. NYS Boiler Inspection of Highway Building.
4. Maintenance and testing of sprinkler system.
5. Discussed resolutions on agenda.

**Town Operations Committee: Councilman Bowerman reported:**

1. Discussed various projects: Beaver Creek Park, Delaware River Solar, Auburn Trails Project, Hathaway Corners, and Town Code Chapter 74.
2. Discussed resolutions on agenda.
3. Report filed with Town Clerk and posted on website.

**Town Personnel Committee: None.****Town Finance Committee: Supervisor Ingalsbe reported: None.****Town Public Safety Committee: Councilman Holtz reported: None.**

**REPORTS OF TOWN OFFICIALS:****Supervisor Peter Ingalsbe reported:**

1. Discussed budget workshops, preliminary budget to be filed on September 28<sup>th</sup>.
2. Discussed 2 town pickup trucks for sale. Bid opening on September 30<sup>th</sup> at 2 p.m.

**Highway & Parks Superintendent Don Giroux reported:**

1. Discussed drainage on Canandaigua-Farmington Townline Road.
2. Beaver Creek Park is moving along.
3. Mailboxes are being put in.

**Town Clerk Michelle Finley reported:**

1. Officiated two marriages.
2. Working on mapping project for grant.

**Water & Sewer Superintendent Robin MacDonald reported:**

1. Update on ESL easements-signed and sent. Town will order the pipe, the connections and manholes and contact contractors for RFP's to install it. Mr. Davis stated that they received confirmation from DEC that the town does not need their approval since the town is replacing everything in kind now. He talked with Dave from his office about reaching out to DOT for their approval.

**Code Enforcement Officer Dan Delproire reported:**

1. You Tube channel link on website for Town Board, Planning Board, and Zoning Board of Appeals Meetings.
2. Discussed August 2021 permits.

**Director of Planning and Development Ron Brand reported:**

1. Report available on website and filed with the Town Clerk.
2. Discussed TAP Grant.
3. Discussed Sidewalk Trail Master Plan.

**Assessor Michelle Nicodemus reported: None.****Town Engineer Bill Davis reported:**

1. Updates on DOH approvals for Brickyard Tank, Collett Road project, Watermain project on Rt. 332.

**Fire Chief reported: None.****Planning Board Chairman Ed Hemminger reported:**

1. Next Meeting – Self Storage on Loomis Road, Storage on Collett and Denny Drive, Gerstner Medical, LOC's, Myers RV.

**Zoning Board of Appeals reported: None.****Recreation Advisory Committee Bryan Meck reported: None.****Recreation Director Mark Cain reported: None.****Ontario County Planning Board Member reported: None.****Conservation Board Chairman Hilton reported: None.****Town Historian Donna Herendeen reported: None.****Swap Shop Update: Councilman Holtz reported: None.****Agricultural Advisory Committee Chairman Hal Adams: None.****COMMUNICATIONS:**

1. Letter to the Town Supervisor from Sheryl Robbins of the NYS DOH. Re: CFWD Approval – GLN Farmington Ph 1A Watermain.
2. US Census Information – 2020 Housing Units by Town.
3. US Census Information – 2020 Population by Town.

4. Letter to the Town Supervisor from Donna LaPlant, Director of Ontario County Real Property Tax Services. Re: Special Assessment Districts.
5. Letter to the Town Supervisor from Donna LaPlant, Director of Ontario County Real Property Tax Services. Re: 2022 Tax Levy Process.
6. Letter to the Town Clerk from NYS Department of State, Division of Local Government Services. Re: 2020 Population total.
7. Letter to the Town Supervisor from Robert Mujica, Jr., Director of the Budget of NYS Division of the Budget. Re: ARPA Coronavirus Local Fiscal Recovery Fund.
8. Letter to the Town Supervisor from Gerry Geist of the NYS Association of Towns. Re: Membership for 2022.
9. Town of Farmington Clerk Notification of Action on Property: 28.12-1-16.111 in the Town of Victor. (VanBortel Subaru parking lot expansion)
10. Letter to the Town of Victor Planning Board from the Code Enforcement Officer. Re: VanBortel parking lot expansion.
11. Letter to the Town Supervisor from Gary Baxter, Ontario County Treasurer. Re: Standardized Property Tax Collection Annual Support & Maintenance Fee.
12. Email to Alicia Slate, Ontario County Assistant District Attorney from the Town Supervisor. Re: Mertensia Park arrests/Restitution.
13. Messenger Post Ad regarding Special Town Budget Meetings.
14. Letter to the Town Supervisor from Jasmine DiSalvo of Mercy Flight Central. Re: Appreciation of donation.
15. Letter to all Municipalities conducting a 2022 roll reassessment from Valuation Services Bureau (VSB) Regional Representative. Re: 2022 Utility Advisory Appraisals.
16. Certificates of Liability Insurance from: FSI Acoustical Systems, LLC; Ontario Exteriors, Inc.
17. Certificate of Workers' Compensation Insurance from: FSI Acoustical Systems, LLC; Expose Signs & Graphics, Inc.

### REPORTS & MINUTES:

1. 2020 Annual Historian Report.
2. Ontario County Sheriff Traffic Report – August 2021.
3. Building Department – Inspection Schedule – August 2021.
4. Building Department – Permit Report by Type – August 2021.
5. Building Department – Inspection Report – Gordner – August 2021.
6. Building Department – Inspection Report – Weidenborner – August 2021.
7. Planning Board Meeting Minutes – August 18, 2021.
8. Monthly Report – Judge Gligora – August 2021.
9. Monthly Report – Judge Lew – August 2021.
10. Victor Fire Department Chief's Report – August 2021.
11. Project Review Committee Meeting Minutes – September 3, 2021.

### ORDER OF BUSINESS:

#### RESOLUTION 314-2021:

**Councilman Casale** offered the following Resolution, seconded by **Councilman Holtz**:

#### RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR AUGUST 2021

**WHEREAS**, Town Law states the Town Board must approve/reject the Supervisor's Monthly Report, and

**WHEREAS**, the Principal Account Clerk submitted the Monthly Report of the Supervisor for August 2021 to the Town Supervisor on September 1, 2021, and

**WHEREAS**, the Town Supervisor approved and executed the Monthly Report of the Supervisor for August 2021 on September 1, 2021,

**WHEREAS**, the Town Supervisor submitted said Monthly Report to the Town Board for approval via email,

NOW, THEREFORE, BE IT **RESOLVED**, that the Town Board hereby accepts the Monthly Report of the Supervisor for August 2021, and be it further

**RESOLVED**, that the Town Clerk give a copy of this resolution to the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

#### RESOLUTION #315-2021:

**Councilman Herendeen** offered the following Resolution, seconded by **Councilman Holtz**:

#### CONFIRMING RESOLUTION FOR SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD FOR WATER AND SEWER DEPARTMENT PLUS PAY INCREASE-WWTP PLANT TRAINEE

**WHEREAS**, by Resolution #78 of 2021 dated January 30, 2021, the Farmington Town Board authorized the filling of a vacant position of a full time Waste Operator Trainee Position for the Water and Sewer Department, and

**WHEREAS**, Water and Sewer employee Kenneth Parrott has successfully completed the required time line for the Probationary Period in the position of WWTP Plant Trainee for the Farmington Water and Sewer Department since the start date on March 1, 2021, with his probation period ending on September 1, 2021, and

**WHEREAS**, the Town Personnel Policy allows an increase at this point with recommendation of the Department Head, and

**WHEREAS**, this increase was budgeted as part of the position review during the probationary period and is in keeping within the 2021 budget limits, and

**NOW, THEREFORE BE IT RESOLVED**, that the Farmington Town Board acting on behalf of the Water and Sewer Districts hereby authorizes a \$0.75 increase (from \$19.50 to \$20.25 per hour) for Kenneth Parrott effective September 5, 2021, which is the start of the Town’s Pay Period #20 for 2021, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Superintendent, the Principal Account Clerk and the Confidential Secretary.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #316-2021:**

**Councilman Holtz** offered the following Resolution, seconded by **Councilman Casale**:

**ESTABLISHMENT AND DIRECTING THE FILING A LETTER OF CREDIT – RG&E STATION 168 PROJECT, IN THE TOTAL AMOUNT OF \$ 30,733.04**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board (hereinafter referred to as Planning Board) a resolution dated September 1, 2021 recommending the establishing of a letter of credit for the above referenced project in the total amount of \$ 30,733.04; and

**WHEREAS**, the Town Board has also been provided a copy of the Town Engineer’s letter dated August 31, 2021, which includes the Town Construction Inspector’s recommendation for establishing said letter of credit in the amount specified above herein and the Applicant’s Engineer’s (LaBella Associates) Estimate of Value for site improvements to be dedicated to the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the above specified Planning Board recommendation for establishing a letter of credit for said project and further directs the Applicant to file a letter of credit, in the total amount specified above herein, with the Town Clerk’s Office prior to the Town Code Enforcement Officer scheduling a pre-construction meeting on the project.

**BE IT FURTHER RESOLVED**, that the Town Clerk, is to be provided copies of this resolution to: Matt Heilmann, Town Construction Inspector; Don Giroux, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

**FINALLY BE IT RESOLVED**, that a copy of this resolution is to be issued to the Applicant, Megan Yoshida, MS, Environmental & Permitting Manager, Substation Projects, 3 City Center, 2<sup>nd</sup> floor, 180 S. Clinton Avenue, Rochester, New York 14604; and the Applicant’s Engineer, Mary Steblein, P.E., LaBella Associates, P.C., 300 State Street, Suite 201, Rochester, New York 14614.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #317-2021:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman Holtz**:

**RESOLUTION ACCEPTING A PROPOSED MAINTENANCE BOND TO BE ESTABLISHED FOR HATHAWAY’S CORNERS PHASE 1 A – DEDICATION SET #2, IN THE TOTAL AMOUNT OF \$ 90,997.90; AND DIRECTING THE FILING THEREOF WITH THE TOWN CLERK’S OFFICE**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Engineers, MRB Group, D.P.C., a letter dated August 5, 2021 requesting a two-year maintenance bond be established for dedicated roadways and utilities that have been constructed and installed within Phase 1A (2<sup>nd</sup> Phase of Dedication) of the Hathaway’s Corners Incentive Zoning Project; and

**WHEREAS**, both the Town Construction Inspector and the Town Engineer have determined the appropriate maintenance bond amount to be provided based upon their coordinated review of the Project Engineer’s Estimate of Value; and

**WHEREAS**, the Town Board has received from the Town Engineers, MRB Group, D.P.C., a letter dated August 5, 2021 along with completed Form G-3.0, Dedication Checklist; Forms G-3.1 and G-3.2, Dedication Forms; and Form G-11.0 Final Inspection Form; and

**WHEREAS**, prior to releasing the balance remaining in the Letter of Credit established for these dedicated improvements, a two-year maintenance bond is required to be provided to the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the recommendations of the Town Engineer and the Town Construction Inspector to establish a two-year maintenance bond for dedicated improvements within Phase 1A – Dedication Set #2, in the total amount of \$ 90,997.90.

**BE IT FURTHER RESOLVED**, that the Applicant is hereby directed to file a two-year maintenance bond with the Town Clerk’s Office, in the amount specified above herein and not later than thirty (30) days from today’s date.

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution is to be provided to the Applicant, Mark Stevens, President & CEO, The Ashley Group, 1600 West Main Street, Suite 700, Rochester, New York 14614; the Applicant’s Engineer, Ryan Destro, P.E., BME Associates Civil Engineers & Land Surveyors, 10 Liftbridge Lane East, Fairport, New York 14450.

**BE IT FINALLY RESOLVED**, that copies of this resolution are to be filed with the Town Highway & Parks Superintendent; the Acting Town Water & Sewer Superintendent; the Town Construction Inspector; the Town Code Enforcement Officer; the Town Director of Planning and Development; and the Town’s Engineers, MRB Group, D.P.C.  
All Voting “Aye” (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #318-2021:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman Herendeen**:

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE AGREEMENT WITH THE PRECISION GROUP TO SLIP LINE TWO (2) SEGMENTS: ONE (1) ON HOOK ROAD AND ONE (1) ON SHELDON ROAD**

**WHEREAS**, The Precision Group has an Onondaga County Contract Number 0000004284, and

**WHEREAS**, the Highway Superintendent has reached out to The Precision Group with the intent to slip line on Hook Road & Sheldon Road, and

**WHEREAS**, the Highway Superintendent is requesting that the Town Board authorize the Town Supervisor to sign the attached quote from **The Precision Group** allowing the Highway Superintendent to move forward with the slip lining project at a cost, **not to exceed \$ 30,000 to be paid for from DA-5110.4**, and be it

**RESOLVED**, that the Town Clerk forward original back to Highway Department to distribute and copies of this Resolution to the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #319-2021:**

**Councilman Holtz** offered the following Resolution, seconded by **Councilman Herendeen**:

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION**

**WHEREAS**, The Town of Farmington has received two donations from the Farmington Historical Society: \$625 to be used for the restoration in Powers Cemetery and \$625 to be used for Hathaway Cemetery,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington accepts the donations that will be deposited in the General Savings account,

**FURTHER RESOLVED**, that the following budget amendment transferring the revenue to the expense line be approved:

A2705 Donation	\$1250	
A7520.4 Historical Property		\$1250

**RESOLVED**, that the Town Clerk forward copies of this resolution to the Principal Account Clerk, the Historian, and the Diana Vandervelden, Treasurer of the Farmington Historical Society, at 139 Farmington Rd.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #320-2021:**

**Councilman Bowerman** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE PROFESSIONAL SERVICES AGREEMENT WITH INTEGRATED SYSTEMS FOR THE WATER AND SEWER DEPT.**

**WHEREAS**, Resolution 148-2020 authorized the Town Supervisor to sign the Professional Services agreement with Integrated Systems,

**WHEREAS**, the Town has used the majority of the hours from this agreement and would like to purchase an additional 100 hours at a cost not to exceed \$7500,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Supervisor signs the Professional Services agreement,

**FULLY RESOLVED**, that the Town Clerk provides a copy of the resolution and the agreement to the Principal Account Clerk and the Water and Sewer Department.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #321-2021:**

**Councilman Holtz** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION APPROVING THE FINAL PAYMENT APPLICATION TO BLM FOR THE BEAVER CREEK PARK MAINTENANCE BUILDING**

**WHEREAS**, payment application #12 was submitted for payment of \$19,537.59 to BLM,

**WHEREAS**, all closeout information including a CD, O & M manuals, As Built drawings, AIA documents, and a warranty letter has been received to be retained for the project,

**RESOLVED**, that the Town Board approve the final payment,

**FULLY RESOLVED**, that the Town Clerk forwards a copy of the resolution to the Principal Account Clerk, Building Department and Highway Department, and retains all of the closeout information for the project.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #322-2021:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman Bowerman**:

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR PARK – PS – OT LINE - A-7110.12 - \$8,400.00**

**WHEREAS**, funding is needed in the A-7110.12 Parks – PS – OT to cover the end of the fiscal year, and

NOW, THEREFORE BE IT **RESOLVED**, that the Town Board of Farmington acting on behalf of the Farmington Highway/Parks Department hereby authorizes the following budget amendment:

From:	A-7110.11	Parks – PS – Seasonal	\$ 8,400.00
To:	A-7110.12	Parks – PS - OT	\$ 8,400.00

BE IT FURTHER **RESOLVED**, that the Principal Account Clerk transfers money from the above-mentioned accounts, and

BE IT FINALLY **RESOLVED**, that copies of this resolution be submitted by the Town Clerk, to the Principal Account Clerk and the Highway/Parks Superintendent.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #323-2021:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman Bowerman**:

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE WATER FUND**

**WHEREAS**, budget amendments are needed in the water fund for overtime expenses,

NOW, THEREFORE BE IT **RESOLVED**, that the Town Board of Farmington hereby authorizes the following budget amendment:

From:	SW1-8340.1 Personnel	\$12,000	
To:	SW1-8340.12 Personnel OT		\$12,000

BE IT **RESOLVED**, that the Principal Account Clerk completes the budget amendment,

FURTHER **RESOLVED**, that the Town Clerk submits one copy of the resolution to the Principal Account Clerk and the Water and Sewer Department.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #324-2021:**

**Councilman Holtz** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS FROM A & D REAL ESTATE DEVELOPMENT, LLC**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with A & D Real Estate Development, LLC f/k/a A & D DEVELOPMENT COMPANY ("Owner") regarding the Town’s obtaining Sanitary Sewer, Storm Sewer and Drainage Easements over portions of its properties in the Auburn Meadows Subdivision (Section 7N and 8N), as shown on a re-subdivision final plat map for Lots # R-737, # R-738 and R-739 Section 7N (Lots 727 – 749)” and “Section 8N (Lots 832 – 863)” prepared by D.S.B. Engineers & Architects, P.C. dated May 2021; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owner grant to the Town these easements over said lands of said Owner; and

**WHEREAS**, said easements have been offered by Owner to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered easements on behalf of said Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said easements to be fair and reasonable; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Farmington does hereby accept the Easements attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by Owner, and be it further

**RESOLVED**, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein, and be it further

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on September 14, 2021, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Peter Ingalsbe	X	
Michael Casale	X	
Steven Holtz	X	
Ronald Herendeen	X	
Nathan Bowerman	X	

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #325-2021:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman Holtz**:

**ESTABLISHMENT AND DIRECTING THE FILING A LETTER OF CREDIT – AUTO WASH PROJECT, 6214 STATE ROUTE 96, IN THE TOTAL AMOUNT OF \$ 46,258.78**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has been informed tonight by the Planning Board Chairperson, that the Town Planning Board (hereinafter referred to as Planning Board) has a draft resolution to be dated September 15, 2021 recommending the establishing of a letter of credit for the above referenced project in the total amount of \$ 46,258.78; and

**WHEREAS**, the Town Board has also been provided a copy of the Town Engineer’s letter dated September 8, 2021, which includes the Town Construction Inspector’s recommendation for establishing said letter of credit in the amount specified above herein and the Applicant’s Engineer’s (Costich Engineering) Estimate of Value for site improvements to be dedicated to the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby acknowledge the above specified Planning Board’s forthcoming recommendation for establishing a letter of credit for said project and further directs the Applicant to file a letter of credit, in the total amount specified above herein, with the Town Clerk’s Office prior to the Town Code Enforcement Officer scheduling a pre-construction meeting and issuing an order to proceed with the project.

**BE IT FURTHER RESOLVED**, that the Town Clerk, is to be provided copies of this resolution to: Matt Heilmann, Town Construction Inspector; Don Giroux, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

**FINALLY BE IT RESOLVED**, that a copy of this resolution is to be issued to the Applicant, Robert Marchese, Auto Wash 6, P.O. Box 451, Canandaigua, New York 14424; the Applicant’s Engineer, Alex Amering, P.E., Costich Engineering, D.P.C., 217 Lake Avenue, Rochester, New York 14608; and Matthew Bragg, Chrisantha Construction Corporation, 4661 Dewey Avenue, Stanley, New York 14561.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #326-2021:**

**Councilman Bowerman** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION ACCEPTING A DRAFT LOCAL LAW TO AMEND PORTIONS OF CHAPTER 74 OF THE FARMINGTON TOWN CODE ENTITLED “CONSTRUCTION CODES, UNIFORM;” SCHEDULING A PUBLIC HEARING THEREON FOR TUESDAY, SEPTEMBER 28, 2021; AND DIRECTING THE PUBLISHING OF A LEGAL NOTICE AND POSTING ON THE TOWN HALL BULLETIN BOARD AND THE TOWN’S WEBSITE**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has on Monday, September 13, 2021 received from the Town Director of Planning and Development, a draft local law for amending portions of Chapter 74 (Construction Codes, Uniform) of the Town of Farmington, Town Code and changing the title of said Chapter to be known as “Chapter 74 – Buildings and Fire Codes, Uniform” (hereinafter referred to as Action); and

**WHEREAS**, the Town Board has reviewed the above referenced Action during both the Town Public Works Committee Meeting and the Town Operations Committee Meeting that were held on Tuesday morning, September 14, 2021; and

**WHEREAS**, the Town Board after discussing said Action at tonight’s public meeting desires to move forward with the formal adoption of said proposed amendments to Chapter 74.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the draft local law document referenced above herein (Action), to be entitled “Chapter 74 – Buildings and Fire Codes, Uniform,” for public review.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby classify the proposed Action as a Type II Action, as listed under Section 617.5 (c) (24) (25) and (26) of article 8 of the New York State Environmental Conservation Law (ECL).

**BE IT FURTHER RESOLVED**, that Type II Actions defined under Section 617.5 (c) are not subject to review under the State’s Environmental Quality Review Act (SEQRA), as these Actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the State’s ECL.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby schedule a public hearing to be held upon the above referenced Action, at the September 28, 2021, Town Board Meeting starting at 7:00 p.m., in the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.



**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to provide a legal notice of said public hearing, cause said notice to be published, posted on the Town Hall Bulletin Board and on the Town's Website in accordance with established procedures.

**BE IT FINALLY RESOLVED**, that the Town Clerk is to provide Certified Copies of this resolution to: the Town Construction Inspector; the Town Code Enforcement Officer; the Town Zoning Officer; the Town Fire Marshal, and the Town Director of Planning and Development.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #327-2021:**

**Councilman Bowerman** offered the following Resolution, seconded by **Councilman Holtz**:

**RESOLUTION RECALLING TOWN BOARD RESOLUTION NO. 239 OF 2021 ENTITLED "RESOLUTION ADOPTING THE ACTION ENTITLED "TOWN OF FARMINGTON DECOMMISSIONING PLAN FOR SMITHS, THEIR PROPERTY AND DELAWARE RIVER SOLAR, LLC AND AFFILIATES AND SUCCESSORS;" AND ADOPTING THE ATTACHED DOCUMENT ENTITLED "TOWN OF FARMINGTON DECOMMISSIONING PLAN FOR SMITHS, THEIR PROPERTY AND DELAWARE RIVER SOLAR, LLC AND AFFILIATES AND SUCCESSORS."**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has reviewed the above referenced resolution and the above referenced adopted Decommissioning Plan, dated 6/23/21; and

**WHEREAS**, the Town Board has reviewed Town Board Resolution # 308 of 2021, adopted on August 24, 2021 which resulted in a denial of the amended document dated 8/14/21 and directed Delaware River Solar (DRS) LLC to work with the Town's Special Legal Counsel (hereinafter referred to as Town's Legal Counsel) in preparing amendments that are acceptable to both the Town's Legal Counsel and DRS; and

**WHEREAS**, the Town Board has received and reviewed requested amendments to said previously adopted Decommissioning Plan, from the Town's Legal Counsel, dated September 14, 2021; and

**WHEREAS**, the members of the Town Public Works Committee and Town Operations Committee at their meetings held on Tuesday, September 14, 2021 reviewed the latest amendments which have incorporated all of DRS concerns and those agreed-to by the Town's Legal Counsel into the document now under consideration and dated 9/14/21.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the amended Decommissioning Plan Document dated 6/23/21 and does adopt in its entirety the Decommissioning Plan Document dated 9/14/21.

**BE IT FURTHER RESOLVED**, that the Applicant, Delaware River Solar, is to prepare and file with the Town Clerk's Office, a Letter of Credit in the amount specified in the Decommissioning Plan Document dated 9/14/21 prior to the Town Code Enforcement Officer scheduling a pre-construction meeting and prior to the issuing of a notice to proceed with site development.

**BE IT FURTHER RESOLVED**, that the letters regarding Decommissioning Plan Estimated Maintenance Bond Costs which were previously added to Appendix I of the adopted 6/23/21 Decommissioning Plan are hereby added to Appendix I of the 9/14/21 Decommissioning Plan Document.

**BE IT FURTHER RESOLVED**, that said Decommissioning Plan, dated 9/14/21, is to first be signed by all parties listed on Page 30 of said Plan document, notarized and then signed by the Town Supervisor, notarized and filed with the Town Clerk's Office before taking effect.

**BE IT FURTHER RESOLVED**, that a Maintenance Bond, in the total combined amount of \$417,118.00 be filed by Delaware River Solar, LLC, in the Town Clerk's Office, in the amount of the three (3) estimated costs identified by the Town Engineers in the Decommissioning Plan Document for: Lot #1, in the total dollar amount of \$151,956.00; Lot #2, in the total dollar amount of \$129,121.00; and Lot #3 in the total dollar amount of \$136,041.00 as is contained in Section 2.2 i), ii) and iii), page 6, of this approved Decommissioning Plan dated 9/14/21 before the Town Code Enforcement Officer issues a Certificate of Compliance for the Smith Property Delaware River Solar Farm Project.

**BE IT FINALLY RESOLVED**, that the Clerk of the Board is to provide certified copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, as System Operator and Owner of NY Farmington I, LLC, NY Farmington II, LLC, and NY Farmington III, LLC, having a current address at 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; Sheldon Boyce, Esquire, Brenna & Boyce, PLLC; Michael Crosby, Esquire, Brenna & Boyce, PLLC; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning & Environmental Services; the Town Planning Board; the identified Involved and Interested Agencies; and to John Robortella, Clerk of the Board, Town of Farmington Planning Board.

**Discussion: Supervisor Ingalsbe stated that everything is lined up just need to hear from the Judges. Councilman Bowerman stated that the Board will not entertain anymore revisions at this point, Mr. Competello replied that they are okay.**

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #328-2021:**

**Councilman Herendeen** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION ACCEPTING SIDEWALK EASEMENTS FROM PROPERTY OWNERS FOR ENABLING THE CONSTRUCTION OF SIDEWALK AND TRAIL CONNECTIONS SHOWN ON THE ADOPTED TOWN OF FARMINGTON SIDEWALK TRAIL MASTER PLAN MAP AND AS IDENTIFIED IN THE TOWN OF FARMINGTON 2021-2022 TRANSPORTATION ALTERNATIVES PROGRAM (TAP)**

**GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION UNDER THE STATE'S GRANTS GATEWAY PROCESS**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received signed easement documents from property owners that have been identified by the Town Director of Planning and Development (hereinafter referred to as Director) regarding a pending TAP Grant Application for enabling sidewalk trial improvements shown on the adopted "Town of Farmington Sidewalk Trail Master Plan Map;" and

**WHEREAS**, the Town Board has compared these easements to the adopted Town of Farmington Sidewalk Trail Master Plan Map and the sub-areas identified in the Town of Farmington 2021-2022 Transportation Alternatives Program (TAP) Grant Application to the New York State Department of Transportation under the State's Grants Gateway Process finding all proposed easements are identified therein; and

**WHEREAS**, the proposed sub-areas shown on the above referenced master plan map all lie within the identified "Community Center" portion of the Town, thereby meeting the State's requirement for awarding funds to projects that are in compliance with the State's Public Infrastructure Investment Policy Act; and

**WHEREAS**, with the acceptance and filing of these easement documents, the Town Board understands that there remain only one (1) property where an easement has been requested and where the Town has been promised they would receive, however, at this time that easement has not been submitted for acceptance and filing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, does hereby accept and authorizes the Town Supervisor to sign and to file the following easement documents in the Office of the Ontario County Clerk: (1) Margaret VanEpps, 6239 Elizabeth Way, T.M. #29.38-2-46.500; (2) Cary S. Bilowsky, 1175 Mertensia Road, T.M. #29.00-1-66.200; (3) Simmons Rockwell Development, LLC, State Route 96, T.M. #29.11-2-74.000; (4) Simmons Rockwell Development, LLC, State Route 96, T.M. #29.11-2-72.000; (5) Simmons Rockwell Development, LLC, 5890 State Route 96, T.M. #29.11-2-73.000; (6) Simmons Rockwell Development, LLC, State Route 96, T.M. #29.11-2-75.000; (7) Debra S. Delforte, 1378 Beaver Creek Road, T.M. #29.00-2-22.000; (8) Woodlawn Mobile Home Park, LLC, 6237 State Route 96, T.M. #29.00-48.210; and (9) Rochester MHP Portfolio, LLC, 1191 Mertensia Road, T.M. #29.00-1-68.000.

**BE IT FINALLY RESOLVED**, that certified copies of this resolution are to be provided to the Town Assessor and to the Director.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #329-2021:**

**Councilman Herendeen** offered the following Resolution, seconded by **Councilman Bowerman**:

**RECALL AND AMEND RESOLUTION 260-2021 AUTHORIZING COLACINO INDUSTRIES PROJECT #40026-PS-31 E-ONE POWER PEDISTAL**

**WHEREAS**, the Water and Sewer Supervisor has established that PS-31 Pump Station at High Street and Aldrich needs an electrical upgrade, and

**WHEREAS** the Water and Sewer Department has budgeted for such upgrades in the 2021 Victor sewer budget under budget line SS8120.20V, and

**Be it RESOLVED**, the Farmington Town Board authorizes the Water and Sewer Superintendent to accept one estimate # E41458 from Colacino Industries not to exceed \$ 6,350.00 and

**Be it further RESOLVED**, the funds are appropriated in the 2021 budget line SS8120.20V, and

**Be it further RESOLVED**, that the Town Clerk provides a copy of this resolution to the Water/Sewer Superintendent, and the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #330-2021:**

Councilman Casale offered the following Resolution, seconded by Councilman Holtz:

Abstract 17-2021

**TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS**

**TO: MARCY DANIELS FROM: J. MARCIANO**

ABSTRACT NUMBER	17
DATE OF BOARD MEETING	9/14/2021

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	55,263.68	1592,1593,1596,1597,1599-1602, 1605-1609,1611-1629,1632-1643, 1659-1660
HG	MERTENSIA WATERLINE	0	
DA	HIGHWAY FUND	53,788.34	1654-1658
HA	AUBURN TRAIL PROJECT	0	
HB	BEAVER CREEK PARK	27,735.86	1593-1595,1620,1631,1639,1651
SF	FIRE PROTECTION DISTRICT	0	
HW	WATER TANK REPAIR	0	
HZ	TOWNLINE CAP PROJ	4,989.06	1472,1481,1495
SD	STORM DRAINAGE	879.59	1575,1604,1638,1645
SL1	LIGHTING DISTRICT	51.05	1630
SS	SEWER DISTRICT	952,812.21	1542-1583,1598,1604,1620,1638, 1642,1645,1660
SW1	WATER DISTRICT	22,413.94	1542,1543,1545,1549,1552,1557, 1559,1560,1565,1568,1570,1571, 1574-1580,1584-1591,1604,1620, 1622,1638,1642,1645,1660
TA93	LETTER OF CREDIT (CASH)	0	
TA200	<b>PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)</b>	313.92	1578-1580,1603,1610,1621,1641, 1644
	<b>TOTAL ABSTRACT</b>	<b>\$ 1,113,258.59</b>	

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**WAIVER OF THE RULE: No Objections**

**RESOLUTION #331-2021:**

Councilman Casale offered the following Resolution, seconded by Councilman Bowerman:

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR 1100 CORPORATE DRIVE**

**WHEREAS**, Town of Farmington Town Board (hereafter referred to as Town Board) Resolution #276-2021 on July 27<sup>th</sup>, 2021 declared a public emergency exists at 1100 Corporate Drive and Collett Road having a sewer line collapse and authorizing engineering design, purchase of pipe, fixtures, and manholes; and

**WHEREAS**, on August 10<sup>th</sup>, 2021, the Farmington Town Board per Resolution #288-2021 authorized a survey and declared a State of Emergency exists of a collapsed sewer line on Collett Road; and

**WHEREAS**, Resolution #307-2021 declared under SEQRA provisions the sewer line replacement be classified as a Type II Action; and

**WHEREAS**, signed easements have been obtained and received on September 14<sup>th</sup>, 2021 awaiting Town Board Action; now therefore be it

**RESOLVED**, that the attached information by way of this resolution shall authorize the Town Supervisor to sign said easements; and be it further

**RESOLVED**, that the Town Clerk provide copies of this resolution to ESL Federal Credit Union Representative, Dave Hermann and Bill Davis of MRB Group, the Acting W&S Superintendent and the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**DISCUSSION:**

1. Lyman Way late sewer and water bills- these are all Hale Court Townhomes and the bills are sent to PathStone Corp. in Rochester, a total of 17 bills, they stated they never received the bills. The Board denied waiving the fees.

**EXECUTIVE SESSION: None.**

With no further business before the Board, Councilman Bowerman offered a motion to adjourn the meeting at 8:09 p.m., seconded by Councilman Casale. Motion **CARRIED**.