

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 10th day of August, 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, and **Ron Brand**- Director of Planning and Development, **Robin MacDonald** – Water & Sewer Superintendent, and **Ed Hemminger** – Planning Board Chairman, **Bill Davis** – MRB Group, and **Adrian Bellis**-Planning Board Member

Also present by telephone/video conferencing were:

PUBLIC HEARINGS: Extending Local Law No. 4 of the year 2020 entitled “Establishing a Moratorium on Solar Collection Systems and Solar Farms, not to exceed 6 months”

Supervisor Ingalsbe opened the public hearing at 7:00 p.m. The Town Clerk read the Legal Notice. Mr. Brand gave a brief synopsis. Mr. Brand stated that this was the second six-month extension of the moratorium on solar farms and solar collection systems. He added that the reason for the extension is that the court is still considering the merits of the supreme court case and they need time to present the new draft regulations to the public and to enact them. Mr. Brand stated that these regulations will continue to February 2022 or until such time as the town board determines that they no longer needs to be in place and that the new regulations can be adopted whenever that occurs.

Supervisor Ingalsbe asked if anyone want to speak for or against. Councilman Bowerman stated that the next upcoming court date was at the end of the month, Mr. Brand replied August 30th was the next court date. Supervisor Ingalsbe again asked if anyone wanted to speak for or against, hearing none, he closed the public hearing at 7:04 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Bowerman** and seconded by **Councilman Holtz**, that the minutes of the July 27, 2021, Town Board Meeting, and July 27, 2021, Workshop with Town of Victor Meeting Minutes, and given to members for review, be approved. All Voting “Aye” (Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

PRIVILEGE OF THE FLOOR: None.

PUBLIC CONCERNS: None.

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. Performing maintenance on our UV system.
4. Installing new aerator system in aerator pond.
5. Discussed repairing Poly-Blend Unit.
6. Watermain Breaks – Rt. 332.
7. Discussed sewer main along a section of Collett Road.
8. Discussed installation of new water main at Mertensia Road/Rt. 96 project.
9. Discussed continuation of manhole repairs on Hunts Park Road.
10. Discussed resolutions for meeting.

Highway & Parks:

1. Highway- Equipment Maintenance, paved Collett Road, Vac-All is working on loose stone, road side mowing continues, assisted water and sewer department on Beaver Creek Road construction of access road.
2. Parks- mowing at all town buildings and parks, continuation of maintenance on trails, working on repairs to playground equipment, and met with vendors and received quotes for Pumpkin Hook Park roof repair on pavilion and storage building.
3. Emergency lighting and fire extinguisher inspections done at park shop, Mertensia Lodge, Highway Department, Court, and Town Hall.
4. Repairs done to sprinkler system at Court Facility.
5. Discussed resolution on agenda.

Town Operations Committee: Councilman Bowerman reported:

1. Discussed various projects: Sidewalk/trail Master Plan, Sidewalk/Trail Connection grant application, Comprehensive Plan Update, and Thruway Project update.
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:

1. 2022 Budget work.

Town Public Safety Committee: Councilman Holtz reported: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Peter Ingalsbe reported:

1. Attended sign dedication- Shortsville Road-Herendeen Family Home.
2. Attended Fire Department Chicken BBQ.
3. Economic Development Committee Meeting today.
4. Summer Recreation ended well – was successful.

Highway & Parks Superintendent Don Giroux reported:

1. Discussed street lights in Farmbrook.
2. Discussed sprinkler system at Court – fixed and working,

Town Clerk Michelle Finley reported:

1. August 5th was 25th anniversary working for the Town.
2. Took webinar – Tax Collection.
3. Evening hours will change to 6 p.m. on Wednesdays starting September 1.

Water & Sewer Superintendent Robin MacDonald reported:

1. Discussed Collett Road sewer project – changes on Easement for ESL.

Code Enforcement Officer Dan Delproire reported:

1. Permits issued in July- 100, total thus far-638.
2. Inspections completed in July – 290, 1751 for the year.
3. Update on Beaver Creek Park – car charging station will be installed on Wednesday.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.
2. Discussed his letter to NYSDOT asking them to post along areas on Rt. 332 and Rt. 96 that were identified in the amendments to the local law that was adopted in December 2020 and again in 2021, which prevents tractor trailer trucks from blocking view of people entering onto Rt. 332 and Rt. 96.

Assessor Michelle Nicodemus reported: None.

Town Engineer Bill Davis reported:

1. Discussed Sewer work plan was submitted to DEC today, sent out DOH comments responses, round two, for the Brickyard Road tank project, working on Rt. 332 and Rt. 96 intersection, and Collett Road sewer project.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – Loomis Road Industrial Park Lot 4, Gerstners Medical, Creekwood Town Homes LOC, and Myers RV.

Zoning Board of Appeals Jeremy Marshall 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. Letters to various recipients from the Town Supervisor. Re: Request for letter of support, Town of Farmington 2021-2022 Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality Improvement (CMAQ) Grant Application.
2. MPNNOW Article. Re: Farmington plans meeting on “Community Center.”
3. NYSEG/RG&E Natural Gas Pipeline Safety.
4. Letter to the Town Supervisor from the Town Justices. Re: Court Audit.
5. Letter to Erik Kulleseid, Commissioner of NYS Office of Parks, Recreation and Historic Preservation from Senator Pamela Helming. Re: Farmington Quaker Meetinghouse Museum’s 2021 Consolidated Funding Application (CFA) to the Environmental Protection Fund Grand Program for Parks, Preservation and Heritage (EPF).
6. Statement to the Town Supervisor from Candice Burson, Resident. Re: COVID-19 State of Emergency change in financial circumstances.
7. Letter to the Town Supervisor from Sheryl Robbins of the NYS DOH. Re: CFWD Approval – Completed Works, Auburn Meadows Sections 7N & 8N Watermain.
8. Letter to the Town Supervisor from Christopher Huetteman, Staff Director of Citizens Campaign for the Environment. Re: Door-to-door canvass August 4th – November 4th, 2021.
9. Letters from the Town Supervisor to Girl Scout Bronze Award recipients.
10. NYSEG Natural Gas Emergencies.
11. Victor-Farmington Volunteer Ambulance Joint Meeting – Towns of Farmington and Victor – July 27, 2021.
12. Certificates of Liability Insurance from: Regency Fence; Creative Contracting; Heberle Plumbing, Inc.; Buffalo Erie Sign & Lighting LLC; Pride Mark Homes, Inc.; New York State Fence, Inc.
13. Certificate of Workers’ Compensation Insurance from: Heberle Plumbing, Inc.; Alta Bella Casa, Inc.
14. Certificate of Disability and Paid Family Leave Benefits from: Alta Bella Casa, Inc.
15. Cancellation of Insurance from: Smiths Lawn and Landscape, LLC.

REPORTS & MINUTES:

1. Planning Board Meeting Minutes – July 21, 2021.
2. Report to Public Works and Town Operations Committees for Town Board Meeting – July 27, 2021.
3. Building Department – Permit Report by Type – July 2021.
4. Building Department – Inspection Schedule – July 2021.
5. Building Department – Inspections Report – Stormwater/MS4 – July 2021.
6. Building Department – Inspections Report – Fire – July 2021.
7. Monthly Report – Judge Gligora – July 2021.
8. Ontario County Sheriff’s Enhanced Law Enforcement Traffic Patrol – July 2021.
9. Monthly Report – Judge Lew – July 2021.
10. Manchester Fire Department Incident Run Log – July 2021.
11. 2021-2022 Transportation Alternatives Program (TAP), Congestion Mitigation and Air Quality Improvement (CMAQ) Program and Sidewalk/Trail Master Plan Information Meeting Minutes – August 3, 2021.

ORDER OF BUSINESS:

RESOLUTION 280-2021:

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

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF FARMINGTON OF LOCAL LAW NO. 15 OF 2021 ENTITLED “EXTENDING LOCAL LAW NO. 4 OF THE YEAR 2020, ESTABLISHING A MORATORIUM ON SOLAR COLLECTION SYSTEMS AND SOLAR FARMS.”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Farmington for a public hearing to be held by said Town Board on August 10, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, to hear all interested parties on a proposed Local Law No. 15 of 2021 entitled, “Extending Local Law No. 4 of the Year 2020, Establishing a Moratorium on Solar Collection Systems and Solar Farms”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Farmington, on July 20, 2021 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held, both in person and via Zoom, on August 10, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, and all parties in attendance and participating remotely were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board has acknowledged Ontario County Planning Referral Number 155-2021, a part of the July 14, 2021 Meeting record, which was submitted in accordance with the provisions of Section 239-1 and -m of the New York State General Municipal Law; and

WHEREAS, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interest of the Town of Farmington to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington hereby adopts said Local Law No. 15 of 2021, entitled “ EXTENDING LOCAL LAW NO. 4 OF THE YEAR 2020, ESTABLISHING A MORATORIUM ON SOLAR COLLECTION SYSTEMS AND SOLAR FARMS.” a copy of which is attached hereto and made a part of this resolution.

BE IT FINALLY RESOLVED, that the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Farmington; and to give due notice of the adoption of said local law to the Secretary of State of New York.

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

Local Law No. 15 of the year 2021

A local law to be entitled: "Extending Local Law No. 4 of the year 2020, entitled "Establishing a Moratorium on Solar Collection Systems and Solar Farms, Not to Exceed Six (6) Months."

Be it enacted by the Town Board

County

City

Town of Farmington

as follows:

Village

Section 1.STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to extend the moratorium now in effect and ending on August 10, 2021 upon the construction of solar collection systems and solar farms to enable the Town of Farmington sufficient time to review existing laws pertaining to solar collection systems or solar farms and to recommend modifications to those laws or new laws regarding such operations. This review is in accordance with the Town of Farmington Comprehensive Plan, the Town of Farmington Planning Board and the Town’s Special Legal Counsel.

The extension of time to the existing moratorium is being driven by the restrictions that were in effect during the past six month period which imposed upon the Town the manner by which to conduct public hearings during the COVID-19 Pandemic; and the time involved while awaiting a decision by a State Supreme Court Judge in the matter of Concerned Citizens of Farmington, James Falanga, Nancy Falanga, Daniel Geer, and James Redmond vs. Town of Farmington, Town of Farmington Planning Board, Delaware River Solar, LLC, Roger Smith A/K/A Roger Smith, Carol Smith, Rochester Gas and Electric Corporation, John Does, and ABC Corporations, (Index No. 126079-2019) whose decision is pending upon this action. The unknowns surrounding such decision warrants an extension of time to permit the

Town time to prepare amendments to the existing Solar regulations, Local Law No.6 of 2017, which need to be based upon a well-organized and easily understood code, achieving the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations. In regard to the environment, such review and possible modifications are felt necessary to permit for careful development that would allow for continued economic development while assuring that such development is compatible with the community and competing land uses.

The Town Board is concerned that approval of expansions to such existing operations or approval of new such operations, under the existing laws, could negatively impact the value and appearance of the neighborhoods in which they would be situate and of the Town as a whole.

It is, therefore, the intent of the Town Board to continue to suspend the approval of all expansions to existing operations and approval of new such operations. This will afford the Town sufficient time to draft amendments to the Town’s Code and also provide for opportunity for public participation given the recent lifting of restrictions on public assembly by the Governor of the State of New York.

Based on the foregoing, the Town Board wants to ensure that any such expansions to existing such operations or approval of new such operations are reviewed under the new regulations and not under the existing laws.

Section 2.DEFINITIONS

A. SOLAR COLLECTION SYSTEM OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

B. TOWN: Town of Farmington, Ontario County, New York

C. TOWN BOARD: Town of Farmington Town Board

D. PLANNING BOARD: Town of Farmington Planning Board

E. ZONING BOARD OF APPEALS: Town of Farmington Zoning Board of Appeals

F. CODE ENFORCEMENT OFFICER: Town of Farmington Code Enforcement Officer

Section 3.MORATORIUM.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation of any expansions to existing solar collection systems or solar farms or the approval of solar collection systems or solar farms anywhere within the Town. This moratorium shall not affect any application pending before the enactment of Local Law No. 4 of 2020, including the issuance of Building Permits for any pending application receiving final approval.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, or February 10, 2022; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Town Planning Board shall not review any new applications for any expansions to existing solar collection systems or solar farms or the approval of new solar collection systems or solar farms and shall not grant any preliminary or final site plan approval, or any special use permit to allow any such expansions to or new solar collection systems or solar farms within the Town.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits for any construction involving any expansions to solar collection systems or solar farms or involving any new solar collection systems or solar farms anywhere within the Town.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to solar collection systems or solar farms or involving any new solar collection systems or solar farms shall be processed or granted; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to the existing solar collection systems or solar farms.

Section 4.PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

Section 5.VARIANCES

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Farmington to seek relief from the restrictions of this local law.

Section 6.VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7.SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 8.EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing.

RESOLUTION #281-2021:

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

CONFIRMING RESOLUTION AUTHORIZING NECESSARY REPAIRS TO THE POLYBLEND PUMP LOCATED IN BUILDING # 7 BELT PRESS ROOM AT THE SEWER TREATMENT PLANT AT 1216 MCMAHON RD. VICTOR NY 14564

WHEREAS, the Victor-Farmington Sewer District had encountered a faulty P3 Micro Controller that required unscheduled repairs and replacement of the Micro Controller at the Sewer Treatment Plant, and

WHEREAS the replacement of the existing controller with a Panel P3 Micro Controller, 8/95 with installation and set up

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the Water and Sewer Superintendent to pay the invoice #14175 from Koester Associates Inc. 3101 Seneca Turnpike, Canastota New York 13032 for the total cost of \$4,485.18 and

BE IT FURTHER RESOLVED that funds for said parts and repairs parts will be from Budget Code SS8130.4 (Contractual), and

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

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

RESOLUTION #282-2021:

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

RESOLUTION SCHEDULING A PUBLIC HEARING FOR A REQUESTED AREA VARIANCE FOR 6003 AMBER DRIVE WHICH IS LOCATED WITHIN INCENTIVE ZONING DISTRICT

WHEREAS the Town of Farmington Town Board (hereinafter referred to as Town Board) has rezoned Auburn Meadows, by Resolution No. 178 of 2004, dated June 8, 2004, as part of the Auburn Meadows Incentive Zoning Project (reference Local Law #3 of 2004); and

WHEREAS, the Town Board has received an application from Jacob Sleight, for an area variance to allow a 10 X 12-foot pool deck in the front yard portion of his property and

WHEREAS, the building department issued a building permit, number B-0426-2021, in error for the building of the pool deck in the front yard and was recognized before the final certificate of compliance was issued; and

WHEREAS, the Town Board, under the provisions of the Farmington Town Code, is the identified board to grant the requested relief for site development located within an IZ Incentive Zoned Site (hereinafter referred to as Action).

NOW, THEREFORE, BE IT **RESOLVED**, that the Town Board does hereby schedule a public hearing to be held upon the above referenced Action to commence at 7:00 p.m., on Tuesday, August 24, 2021, in the Farmington Town Hall.

BE IT FURTHER **RESOLVED**, that the Town Clerk is hereby directed to provide legal notice of said Action in the Town's Official Newspaper, post said Legal Notice on the Town Hall Bulletin Board and post said Legal Notice on the Town's Official Website.

BE IT FURTHER **RESOLVED**, that the Town Code Enforcement Officer is to post a Public Notice Sign on the subject property at 6003 Amber Drive, Farmington NY.

BE IT FURTHER **RESOLVED**, that the Town Director of Planning and Development is directed to draft resolutions for the Town Board's consideration at their scheduled public hearing referenced above herein.

BE IT FINALLY **RESOLVED**, that copies of this resolution are to be provided to Jacob & Erin Sleight at 6003 Amber Drive, Farmington, Ron Brand, Director of Development and Daniel Delpriore, Code Enforcement Officer.

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

RESOLUTION #283-2021:

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

RESOLUTION: AUTHORIZING THE TOWN HIGHWAY SUPERINTENDENT TO PURCHASE TWO (2) SOLAR POWERED PEDESTRIAN ACTIVATED CROSS WALK SIGNAL UNITS, MODEL B2B RRFB AND RELATED EQUIPMENT FOR COMPLETING AUTHORIZED WORK AS PART OF THE AUBURN TRAIL EXTENSION PROJECT (PIN 4755.96)

WHEREAS, the Town Director of Planning and Development (hereinafter referred to as Project Manager), the designated Town Project Manager for the Auburn Trail Extension Project, has received approval from Jay Reisenger, Local Projects Liaison, Region 4 Office of the New York State Department of Transportation, to purchase two (2) pedestrian crossing signals for the Auburn Trail Project crossing of County Road 41; and

WHEREAS, the Project Manager has also received approval to install said pedestrian crossing signals from the Ontario County Department of Public Works; and

WHEREAS, the Town Highway Superintendent has received two (2) quotes from vendors for the purchase of these two (2) solar powered pedestrian cross walk signal units which are hereby attached to and made part of this resolution; and

WHEREAS, both of the two (2) quotes received exceed the dollar amounts contained within the Town of Farmington's adopted Procurement Policies and Procedures for the Town Highway Superintendent to authorize the purchase, thus necessitating Town Board approval for the purchase of the lowest qualified quote; and

WHEREAS, the Town Board has reviewed both submitted quotes for said solar powered pedestrian cross walk signals.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the quote received from TAPCO Safe Travels, Number Q21012146, dated 7/27/2021 in the total amount of \$6,839.52 as being the lowest complete quote for said solar units.

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Town Highway Superintendent to place an order for the two (2) solar powered pedestrian signal units with TAPCO Safe travels.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to the Town Project Manager, Ronald Brand; the Town Principal Account Clerk, Jeannine Marciano; and to the Town Highway Superintendent, Don Giroux.

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

RESOLUTION 284-2021:

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

RESOLUTION TO ACCEPT A DRAFT MAP ENTITLED "TOWN OF FARMINGTON SIDEWALK/TRAIL MASTER PLAN MAP;" DECLARING THE ACTION TO BE A TYPE II ACTION UNDER THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; AND SCHEDULING A PUBLIC HEARING FOR TUESDAY,

SEPTEMBER 14, 2021 STARTING AT 7:00 P.M., EASTERN DAY LIGHTS SAVINGS TIME, IN THE FARMINGTON TOWN HALL

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has authorized the Town Director of Planning and Development to prepare the Town of Farmington 2021-2022 TAP-CMAQ Grant Application, on or before Wednesday, September 29, 2021; and

WHEREAS, the Town Board has received from the Town Director of Planning & Development and the Town Engineers, MRB Group, D.P.C., a draft map entitled “Town of Farmington Comprehensive Plan – 2021 Sidewalk/Trail Master Plan;” and

WHEREAS, said map has: been on display on the Town’s website since July 21, 2021; been on display at the August 3, 2021 Public Information Meeting on the Town’s pending 2021-2022 TAP-CMAQ Grant Application; been on display in the main lobby of the Farmington Town Hall, since August 3, 2021; and shall continue to remain on display in the main lobby of the Town Hall until the end of the business day on Wednesday, September 29, 2021; and

WHEREAS, the proposed Action involves the mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns which are classified within Section 617.5 (c) (23) of article 8 of the New York State Environmental Conservation Law as being a Type II Action; and have been determined not to have any adverse impact upon the environment and, therefore, are not subject to further review under the provisions of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board has received input from the Town Planning Board upon the proposed map; and

WHEREAS, the Town Board desires to schedule a public hearing upon the acceptance of said map to be used in support of the 2021-2022 Town of Farmington TAP-CMAQ Grant Application.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby move to: accept the above referenced draft map for public consideration; and adopt said document for its use in the preparation of the 2021-2022 Town of Farmington TAP-CMAQ Grant Application and the 2021 Edition of the Town of Farmington Comprehensive Plan.

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule a public hearing to be held on Tuesday, September 14, 2021 commencing at 7:00 p.m., Eastern Daylight Savings Time, in the Farmington Town Hall Main Meeting Room, to receive public comments on the acceptance of said map for use in the 2021-2022 Town of Farmington TAP-CMAQ Grant Application and for it to become part of the 2021 Edition of the Town of Farmington Comprehensive Plan.

BE IT FURTHER RESOLVED, that the Town Board does hereby classify said Action as being a Type II Action as contained under the provisions of Part 617.5 (c) (23) of article 8 of the New York State Environmental Conservation Law, thereby satisfying the procedural requirements set forth under said state law.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish legal notice of said public hearing in accordance with established procedures for compliance with the State of New York’s Open Meetings Law, by publishing said legal notice in the Town’s Official Newspaper, posting notice thereof on the Town Hall Bulletin Board and posting notice thereof on the Town’s Official website www.townoffarmingtonny.org.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to: the Town Director of Planning & Development; the Town Engineers, MRB Group, D.P.C.

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

RESOLUTION 285-2021:

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR JULY 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 July 2021 to the Town Supervisor on August 3, 2021, and

WHEREAS, the Town Supervisor approved and executed the Monthly Report of the Supervisor for July 2021 on August 3, 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 July 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 286-2021:

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

RESOLUTION APPOINTING AARON SWEENEY AS A MEMBER OF THE PLANNING BOARD

WHEREAS, Shauncy Maloy has recently turned in his resignation for the Planning Board leaving a vacancy, and

WHEREAS, the Planning Board interviewed two candidates for the vacancy and Ed Hemminger, Chairperson of the Planning Board, has recommended that Aaron Sweeney fill the vacancy, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby appoints Aaron Sweeney to the Planning Board effective September 1, 2021 for a term ending December 31, 2025; and be it

FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to Ed Hemminger, the Principal Account Clerk, the Confidential Secretary and Aaron Sweeney at Sweeneyaj1@gmail.com.

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

RESOLUTION 287-2021:

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

RESOLUTION DECLARING MISCELLANEOUS EQUIPMENT FROM THE TOWN SUPERVISOR'S OFFICE AS SURPLUS SO IT MAY BE DISPOSED OF AT AUCTION OR DISCARDED

WHEREAS, the Town Clerk has asked that the following items in the Town Clerk's Office be declared surplus so that they may be disposed of and/or discarded

- One (1) CyberPower Battery Backup
- One (1) Canon All-In-One Fax Machine/Copier/Printer

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes that miscellaneous equipment from the Town Supervisor's Office be declared surplus and disposed of and/or discarded, and be it further

RESOLVED, that the Town Clerk forward copies of this Resolution to the Principal Account Clerk.

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

RESOLUTION 288-2021:

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

RESOLUTION AUTHORIZING KOCHER SURVEYING TO SURVEY THE ROUTE 332 WATERLINE EMERGENCY REPLACEMENT

WHEREAS, Resolution 277-2021 authorized the engineering, design, and material purchases for the public waterline emergency repair along the east side of Route 332 between state route 96 and County Rd 41,

WHEREAS, quotes for surveying this section were received by MRB and Kocher provided the lowest quote at \$5,000,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes Kocher Surveying to perform the survey at a cost not to exceed \$5,000, and be it

FULLY RESOLVED, that the Town Clerk forwards a copy of this resolution and to the Water and Sewer Department, the Principal Account Clerk, Dave Herman at MRB Group, and Kocher Surveying, 116 West Miller St, Newark, NY 14513.

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

RESOLUTION 289-2021:

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION

WHEREAS, a donation was made by J&S Fried Dough to the Town of Farmington Recreation Department from the July 3 celebration in the total amount of \$300.00

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington accepts the donation,

RESOLVED, that the Town Clerk forward copies of this resolution to the Director of Recreation and the Principal Account Clerk.

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

RESOLUTION 290-2021:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND

WHEREAS, additional funding is needed in the building department overtime line,

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

From:	A1990.4 Contingent	\$2,000	
To:	A3620.12 Safety Inspection OT		\$2,000

BE IT RESOLVED, that the Principal Account Clerk transfers the amount above

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk and the Building department.

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

RESOLUTION 291-2021:

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

RECALL AND AMEND RESOLUTION NUMBER 452 OF 2020 TO CHANGE THE FUND ALLOCATION

AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO PURCHASE TWO (2) RED 2021 CHEVROLET SILVERADOS THRU VAN BORTEL FROM THE ONONDAGA COUNTY #8771 2021 C

WHEREAS, the Highway/Parks Superintendent budgeted for two (2) 2021 Chevrolet Silverado 1500 1WT Double Cab 4WD, and

WHEREAS, in compliance with the current purchasing policy for the Town, and this quote follows the Onondaga County Piggy-Back at a cost **not to exceed \$33,000** per truck, and

WHEREAS, the first truck was paid from **Machinery - Equipment (DA-5130.2)**, (\$33,000), and

WHEREAS, the second truck will be paid from **Machinery - Equipment (DA-5130.2) (\$20,000) and the balance from Storm Drainage – Equipment (SD-8540.2) (\$13,000)**, and therefore be it

RESOLVED, that the Town Clerk forward copies of this Resolution to the Highway/Parks Department and the Principal Account Clerk.

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

RESOLUTION 292-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN RESPECTIVE AGREEMENTS FOR PURCHASE AND INSTALLATION OF METAL ROOFS AT PUMPKIN HOOK PARK PAVILION AND STORAGE BUILDING

WHEREAS, roofs were vandalized in the Pumpkin Hook Park, and

WHEREAS, the roof on the pavilion will need to be replaced and the roof on storage building will be replaced, and

WHEREAS, the Highway Superintendent has received three (3) quotes from the following vendors to tear off and install metal roofs: Secore Contracting Services, LLC for Pavilion (\$5,950) and Storage Building (\$4,600), Marshall Exteriors for Pavilion and Storage Shed (\$15,272) and Architectural Sheet Metal Specialties (\$29,300), and

WHEREAS, Secore Cotntracting Services, LLC came in with the low quote and the cost of both roofs **will not to exceed \$13,500**, and

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the **two (2) quotes** to be funded from Parks Contractual (A7110.4), and be it further

RESOLVED, that the Town Clerk forward the originals with signatures copies of this Resolution to the Highway/Parks Department and the Principal Account Clerk.

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

RESOLUTION 293-2021:

Councilman Casale 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 received and reviewed requested amendments to said previously adopted Decommissioning Plan, from Daniel Compitello, Project Manager, Delaware River Solar; and

WHEREAS, the members of the Town Public Works Committee and Town Operations Committee at their meetings held on Tuesday, August 10, 2021 reviewed the requested amendments and the Town staff and Town Special Legal Counsel responses provided, which have been incorporated into the document now under consideration and dated 8/4/21; and

WHEREAS, the Town Special Legal Counsel has, on Friday, August 6, 2021 provided to Daniel Compitello, the Town’s response for amending the 6/23/21 Decommissioning Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the amended Decommissioning Plan Document dated 8/4/21 and does adopt in its entirety said Document to replace the above referenced Decommissioning Plan dated 6/23/21.

BE IT FURTHER RESOLVED, that the letters regarding Decommissioning Plan Estimated Costs which were previously added to Appendix I of the adopted 6/23/21 Decommissioning Plan are hereby added to Appendix I of the 8/4/21 Decommissioning Plan.

BE IT FURTHER RESOLVED, that said Decommissioning Plan, dated 8/4/21, 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 8/4/21 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: Mr. Brand stated that last this afternoon he received an email from Mike Crosby which identified the fact that the email communications that he had received from DRS had some flaws in it and he couldn't transfer the amendments for their red lining of the changes so only the final version was sent. He added the DRS reviewed the final version and had difficulties making sure that all the changes that they had asked for had been accomplished therefore they are at a situation where he believes what the board needs to do tonight is to lay this resolution over until the next meeting to get everything resolved. Mr. Brand stated that until the decommissioning plan is accepted, signed and filed and a Letter of Credit is filed there is no pre-construction meeting.

Mr. Compitellow from DRS stated that he is fine with laying over the resolution and believes another week would allow them to look it over and making sure that he has the right copy.

Resolution 293-2021 was laid over until next Town Board Meeting.

RESOLUTION 294-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN A SERVICE AGREEMENT WITH COVERALL FOR CLEANING SERVICES

WHEREAS, the Town has utilized cleaning services for the majority of Town Buildings from Coverall since 2015, and

WHEREAS, the Water & Sewer Department has identified a need for cleaning services, and

WHEREAS, Coverall has provided the Town Supervisor with a Service Agreement to clean the Water & Sewer Facilities 2 times a week at a cost not to exceed \$725.00 per month, now

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the Service Agreement with Coverall at a cost not to exceed \$725.00 per month, and be it further

RESOLVED, that the Town Clerk provide the **ORIGINAL SIGNED AGREEMENT** to Paul Bolz paul@pinnacleofficeservices.com and forward copies of this Resolution to the Acting Water & Sewer Superintendent and the Principal Account Clerk.

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

RESOLUTION 295-2021:

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

Abstract 15-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS FROM: J. MARCIANO

ABSTRACT NUMBER	15
DATE OF BOARD MEETING	8/10/2021

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	78,661.66	1322,1324,1325-1332,1334,1335,1337,1338,1340-1344,1346-1356,1358-1369,1418-1420
HG	MERTENSIA WATERLINE	0	
DA	HIGHWAY FUND	151,183.44	1331,1348,1354,1362,1371-1376,1421
HA	AUBURN TRAIL PROJECT	2,700.00	1336
HB	BEAVER CREEK PARK	5,742.50	1323,1347
HR	PARKS BLDGR REN CAP	0	
HW	WATER TANK REPAIR	348.00	1347
HZ	TOWNLIN CAP PROJ	17,425.25	1373
SD	STORM DRAINAGE	2,630.60	1347,1377,1378,1404
SL1	LIGHTING DISTRICT	0	
SS	SEWER DISTRICT	258,551.87	1335,1347,1348,1362,1367,1377-1407
SW1	WATER DISTRICT	23,149.25	1335,1347,1348,1362,1367,1377-1379,1386,1391-1393,1403-1417
TA93	LETTER OF CREDIT (CASH)	0	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	380.74	1333,1339,1345,1357,1365,1370,1406,1407,1422
	TOTAL ABSTRACT	\$ 540,773.31	

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

WAIVER OF THE RULE: No Objections

RESOLUTION 296-2021:

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

RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO FILL ONE (1) MEO POSITION IN THE HIGHWAY DEPARTMENT

WHEREAS, the Highway/Parks Superintendent has a vacant MEO position to fill in the Highway Department, and

WHEREAS, the MEO position is open in the 2021 Budget to the Highway Department and,

WHEREAS, the Highway/Parks Superintendent would like to offer the position to Tyler Stadt at a rate of \$20.00 per hour, and

WHEREAS, Tyler Stadt would start on August 30th in the Highway Department and,

RESOLVED, that the Town Board authorizes the Highway/Parks Superintendent to fill the MEO position, and be it further

RESOLVED, that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent, Principal Account Clerk and the Supervisor's Office.

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

RESOLUTION 297-2021:

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

RESOLUTION AUTHORIZING A BUDGET TRANSFER FOR THE GENERAL FUND

WHEREAS, additional recreational assistants were hired to cover the 2021 recreation program,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington approves the following budget amendment to cover expenses in the recreation personnel line:

From: A7310.4 Youth Programs Contractual \$3300
 To: A7310.1 Youth Programs Personnel Services \$3300

RESOLVED, that the Town Clerk forward copies of this resolution to the Director of Recreation and the Principal Account Clerk.

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

DISCUSSION: Horizon Land Management, LLC, Genesee Management, and Barbara Brooks request to waiver penalty

The board discussed each one briefly and determined there is no justification for waiving the late fees.

Supervisor Ingalsbe stated that he will have Jane contact them.

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 7:42 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk