

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 24th 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, **Robin MacDonald** – Water & Sewer Superintendent, and **Ed Hemminger** – Planning Board Chairman, **Bill Davis** – MRB Group, and **Adrian Bellis**-Planning Board Member, **Jacob Slight**- resident, **Robert Fredrick** -resident, **Mike Putnam**-resident, **John Moore**-resident, and **Terry Traber** – resident.

Also present by telephone/video conferencing were: None.

PUBLIC HEARINGS: Request for an area variance to allow a 10x12 foot pool deck in the front portion of the property located at 6003 Amber Drive which is located within the Incentive Zoning District

Supervisor Ingalsbe opened the public hearing at 7:00 p.m. The Town Clerk read the legal notice. Mr. Delpriore, Code Enforcement Officer, stated that this variance needs to be heard before the Town Board because the deck that is on the pool that is behind the house is on a corner lot and corner lots have two front yards which puts the deck portion and a small portion of the pool into what would be consider by code a front yard. He added that the Building Department did issue a building permit on this project and it was issued in error and they are working with the applicant, but the applicant has an existing fence. He provided the Board with pictures to show the pool and deck.

Mr. Jacob Slight, 6003 Amber Drive, stated that he submitted all the proper paper work and once he made it through the framing inspection which is like the second inspection he was informed that the town should have not issued a permit for the deck and that also the pool should have never been issued a certificate of compliance for that location. Mr. Delpriore stated that his office did issue a certificate of compliance and that the majority of the pool is behind the house and they have done all the inspections up until the final one, they just haven't issued any certificates is because it is in an unapproved location. Supervisor Ingalsbe stated that there was a resolution on tonight's agenda

Supervisor Ingalsbe asked if anyone else 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 Casale** and seconded by **Councilman Bowerman**, that the minutes of the August 10, 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: Residents of Elmwood Circle – Drainage concerns

Mr. Fredrick's, 1716 Elmwood Circle, stated that behind their homes where the drainage comes off and erodes into their yards, and every time it rains it floods about 4 to 5 foot into their yards. He added that in the back of his house he has a 70-foot pine tree that half the roots are into the drainage area and he is either going to have to cut it down or the town is going to have to cut it down. Mr. Putnam, 1728 Elmwood Circle, stated that from Farmington-Canandaigua Townline Road to his home there is a 30-foot drop, and that's about a quarter of a mile and then where Elmwood Circle backs up to the development Auburn Meadows and the new trail that was put in, there is a retention pond and the outlet for the retention pond dumps back behind their houses and now the road project is directing the water to a culvert on Elmwood Circle that is where the 30 foot drop-off starts and all the water from the road is coming on through and into their backyards. Pictures were shown of the most recent flood they had.

Mr. Moore, 1722 Elmwood Circle, stated that every year the erosion gets worse and when it rains it takes a very long time to dry up. Mr. Giroux, Highway Superintendent, stated that he cannot re-route dedicated ditches. The Board and staff viewed a video taken by Mr. Putnam. Mr. Giroux stated that he can in and mow and clean to allow water to flow through it faster, as he cannot stop the water, but he can relieve it to get it through the ditch line quicker. Mr. Giroux was asked if they could put a dedicated ditch from there and by the pond and into that ditch, Mr. Giroux replied that he cannot change the direction of the flow of water. Mr. Putnam stated that cleaning it out is not the solution.

Supervisor Ingalsbe stated that the Code Enforcement Officer, Highway/Park Superintendent, and town engineers will look into their concerns.

Mr. Traber, 1712 Elmwood Circle, stated that he lives at the bottom of the hill, so he takes a pretty good beating, and he has trouble mowing the back. He pointed out that there is a pipe coming from out under the trail that dumps into the back of the woods behind his home and there is a lot of standing water there. He stated this happens pretty much every year because there is no pitch to the hill to get the water to come down into the little crick. His concern was the standing water drawing mosquitos. Mr. Traber stated that about 3 to 5 years ago the town came and cleaned it out and they did a great job and what has happened in the meantime is they sloped the back of his yard where it

meets the creek and the slope is now gone and it's a cliff when you get down towards the north end of his corner lot. He stated it is just eroding away and that he used to have a fence there and if it were still there it would be in the crick. Mr. Giroux stated that he remembers sloping that area and seeding it and putting mesh down to hold it all in there and when he went back a few days later part of the mesh was rolled up and lying in the gutter. Mr. Traber stated that he did that so he could mow it. It was noted that there use to be 4 to 5 pine trees back there and they died out because it was so saturated back there, also were 14-16 lilac bushes that lined that back of a lot were gone as well.

PUBLIC CONCERNS: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz 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. Working on getting quotes for Digester 1 clean out.
6. Watermain Breaks – Rt. 332.
7. Continue working on manhole repairs.
8. Discussed resolutions for meeting.

Highway & Parks:

1. Highway- Equipment Maintenance, shoulder work, wedging, VacAll working around town, road side mowing completed on County Roads and State Roads.
2. Parks- mowing at all town buildings and parks, continuation of maintenance on trails, working on quotes for Fire Suppression System.
3. Mulch and Labor signed agreements sent to vendors – Beaver Creek Park.
4. Pumpkin Hook Roof to start week of August 23, 2021.
5. Truck 12 towed to Rochester for repairs.
6. Discussed resolution on agenda.

Town Operations Committee: Councilman Casale reported:

1. Discussed various projects: Beaver Creek Park, TAP Grant, Solar, Myers RV, Autowash renovations, Farmington Common Plaza Credit Union Building project next to Burger King.
2. Thruway Toll Booths are removed, working on putting lanes in.
3. Discussed resolutions on agenda.
4. 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 County Budget.
2. NY Marijuana Law – schedule public hearing for October 12th at 7:00 p.m.
3. Tentative Budget filed with Town Clerk. Tax rate is lowered to \$1.05 per thousand.

Highway& Parks Superintendent Don Giroux reported:

1. County and State Roads have all been mowed.
2. Pedestrian signals have been ordered for County Road 41 (trail crossing).
3. Dealing with washouts along the Auburn Trail.
4. Update on Beaver Creek Park – Tennis and Basketball were colored.
5. Working on roofing at Pumpkin Hook Park pavilion and restroom.

Town Clerk Michelle Finley reported:

1. Presented 2022 Town Budget and Binders to Town Board.
2. Working on a few Records Management project.

Water & Sewer Superintendent Robin MacDonald reported:

1. Discussed conversation with NYS Thruway Authority regarding the water that flows under the Thruway at Hook Road.

Code Enforcement Officer Dan Delproire reported:

1. Spike in permits.
2. Discussed You Tube channel – it is up and running.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.

Assessor Michelle Nicodemus reported: None.

Town Engineer Bill Davis reported:

1. Updates on Modifications to the SUI permits, Mertensia Waterline replacement project, and Collett Road sewer.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – Self Storage on Loomis Road, Hook/Collett project (CountryMax), and LOC's.

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 Town Court staff. Re: Court Clerk maternity leave.
2. Letter to the Town Clerk from Matthew Oravec of the NYS DOT. Re: Traffic Study results – Canandaigua Farmington Townline Road between Route 332 and Michigan Road.
3. Letter to Matthew Oravec of the NYS DOT from the Town Supervisor. Re: Posting of No Parking signs along designated portions of State Route 96 and 332.
4. Town of Victor Planning Board Project Distribution. Re: Van Bortel Parking Lot Expansion.
5. Letter to the Town Supervisor from Steve Gladding of the NYS DOH. Re: Notice of Violation – CFWD Water Supply Emergency Plan - CyberSecurity.
6. Letter to the Town Supervisor from Steve Gladding of the NYS DOH. Re: Notice of Violation – CFWD Water Supply Emergency Plan.
7. Tank Closure Report from LaBella. Re: Landfill Facility, 420 Hook Road.
8. Supreme Court of the State of NY, County of Ontario Notice of Electronic Filing. Re: 5829 County Road, LLC and Buckingham Properties, LLC v. Town of Farmington.
9. Email to the Town Clerk. Re: Town of Farmington Clerk Notification of Action on Property in the Town of Victor, 6327 State Route 96.
10. Certificates of Liability Insurance from: Gerber Homes & Additions, LLC.
11. Certificate of Workers' Compensation Insurance Reinstatement from: Smiths Lawn and Landscape, LLC.

REPORTS & MINUTES:

1. Project Review Committee Meeting Minutes – August 6, 2021.
2. Planning Board Meeting Minutes – August 4, 2021.
3. ZBA Meeting Minutes – June 28, 2021.

ORDER OF BUSINESS:

RESOLUTION 298-2021:

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

A RESOLUTION GRANTING AN AREA VARIANCE TO ALLOW TWO (2) ACCESSORY STRUCTURES, A 24-FOOT DIAMETER ABOVE GROUND SWIMMING POOL AND AN ATTACHED DECK, TO REMAIN WITHIN THE CLOVERTRAIL FRONT YARD PORTION OF LOT 428, 64.5 FEET FROM THE HIGHWAY RIGHT-OF-WAY LINE, TM NUMBER 41.10-2-428, LOCATED AT THE SOUTHEAST CORNER OF AMBER DRIVE AND CLOVERTRAIL

DRIVE, HAVING A PROPERTY ADDRESS 6003 AMBER DRIVE, WITHIN SECTION 4 OF THE AUBURN MEADOWS INCENTIVE ZONING DISTRICT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has opened a public hearing at tonight's Town Board Meeting upon the above referenced area variance application (hereinafter referred to as Action); and

WHEREAS, the Town Board has received public testimony at tonight's public hearing regarding the proposed Action; and

WHEREAS, the Town Board has reviewed the Town's files on the proposed Action; and

WHEREAS, the Town Board, as provided for under New York State Town Law, §261 -B, and Chapter 165 -34.1 of the Farmington Town Code, is the only body to grant area variances on property located within a mapped IZ Incentive Zoning District.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby classify the proposed Action as being a Type II Action, as further defined under Part 617.5 (16) and (17) of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law (ECL).

BE IT FURTHER RESOLVED that Type II Actions are not subject to review under Part 617.5, as these actions have been determined by the State Legislature not to have a significant impact on the environment or are otherwise precluded from environmental review under the ECL.

BE IT FURTHER RESOLVED that the Town Board finds that the Front Setback from the Right-Of-Way line for Clovertrail Drive, to the Accessory Structures, to be 64.5 feet.

BE IT FURTHER RESOLVED that the Town Board finds that the existing wooden fence which surrounds the Accessory Structures provides screening from the nearby public streets and sidewalks.

BE IT FURTHER RESOLVED that the Town Board finds that granting the area variance for the Accessory Structures to remain in the location identified on the Town's Building Permit Application Form will not create an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

BE IT FURTHER RESOLVED that the Town Board finds the benefit sought by the applicant can not be achieved by a feasible alternative to the requested area variance.

BE IT FURTHER RESOLVED that the Town Board finds that the requested area variance is substantial in that it involves Accessory Structures located within the Front Yard portion of the property where Accessory Structures are not permitted by Code.

BE IT FURTHER RESOLVED that the Town Board finds that the alleged difficulty was not self-created.

BE IT FURTHER RESOLVED that based upon these above findings, the Town Board does hereby determine that the benefit to the applicant does outweigh any known detriments to the community or neighborhood; and, therefore, the requested area variance to allow the above referenced Accessory Structures to be remain within the Front Yard portion of the Lot, at a setback distance of 64.5 feet from the Right-Of-Way line for Clovertrail Drive, is APPROVED with the following conditions:

1. The variance is granted for only an open-air deck and stairs to remain connected to the existing 24-foot diameter above ground swimming pool. Furthermore, it does not allow for the deck to be enclosed.
2. The swimming pool and deck is to remain in a good safe condition.
3. Any light fixture(s) to be installed as part of the existing swimming pool and/or deck shall comply with the Town's Dark Sky lighting regulations contained in Chapter 165 of the Town Code.
4. The broken and/or missing sections of fence, located in the rear and side yard portions of the site an surrounding the swimming pool and deck are to be repaired/replaced and painted to match existing. This is to be completed within 30 days of today's date.

BE IT FINALLY RESOLVED that a certified copy of the resolution is to be provided to the property owners Erin and Jacob Sleight, 6003 Amber Drive, Farmington, New York 14425; and a certified copy of this resolution is to be provided to the Town Development Office for placing in the property file.

Discussion: Supervisor Ingalsbe asked Mr. Sleight if he received a copy of the resolution prior to the meeting, Mr. Sleight replied that he did not. Supervisor Ingalsbe have Mr. Sleight a copy to discuss with the Board. Supervisor Ingalsbe went over the five conditions. Mr. Sleight stated that some of the conditions seemed random and unrelated. Mr. Sleight questioned having the trailer in the front yard. Mr. Delproire, Code Enforcement Officer, stated that they have been trying to hone in on codes pertaining to where trailers are park and front yards are being more and more restrictive of what they town is allowing to be parked out there. He added that code is heading towards either parking trailers behind the house or in the driveway, they have not all been approved but they are working on them. They are also working on nothing across sidewalks. He stated that is where that condition is driving from. Mr. Delproire stated that the other condition Mr. Sleight might be questioning is the maintaining of the fence. He added that when they visited the property pictures were taken and that is where that condition came from, the rest of them pertain to the pool. Mr. Delproire stated that the pool deck cannot be enclosed, it had to remain open, and any light fixtures per town code had to be dark sky compliant.

Supervisor Ingalsbe asked if there was any room inside the fenced area for the trailer. Mr. Sleight replied he guessed so but felt like he was being singled out because of the situation. He referenced neighbors who do the same thing in their front yards and he doesn't see anything telling them they cannot do that anymore and they have giant trailers not enclosed by anything. Mr. Giroux stated that as this develops, they will need a variance to operate outside of the normal code which the normal code requires them to be behind the front edge of the house in both directions, and as those individuals look for any kind of a variance to work outside the normal code they will be under the same conditions that Mr. Sleight is receiving. Mr. Giroux stated that the Town Board doesn't have to issue Mr. Sleight a variance for him to leave the pool and deck in his front yard, the Board is working with him. Mr. Delproire stated that the Board can modify any of those conditions as it is a draft resolution. Councilman Holtz stated that they need to attack from a code standpoint and it not in the code yet but probably soon. Mr. Sleight stated that he does not know what to do with and felt that was the best place for it right now. Mr. Delproire stated that the area around the trailer is maintained better than some other ones he has seen. Mr. Sleight added that he has no problem fixing the fence. Councilman Bowerman stated that since the condition is not in the code yet and the town shouldn't hold Mr. Sleight to it.

Councilman Holtz made a motion to remove Condition #5 from the resolution, Councilman Bowerman seconded the motion. Motion **CARRIED**.

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

RESOLUTION #299-2021:

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

RESOLUTION REAPPOINTING JIM SCARSELLA TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, the purpose of the Board of Assessment Review is to help ensure Farmington property owners are afforded a fair and unbiased review of their property values; and

WHEREAS, current Board of Assessment Review member, Jim Scarsella's term expires on September 30, 2021; and

WHEREAS, Mr. Scarsella has expressed interest in continuing as a Board of Assessment Review member

RESOLVED, the Farmington Town Board appoints Jim Scarsella to the Board of Assessment Review effective October 1, 2021, with his term expiring on September 30, 2026 and

RESOLVED, that the Town Clerk forward a copy of this resolution to Assessor, Michelle Nicodemus; Director of Ontario County Real Property, Donna LaPlant at 20 Ontario Street Canandaigua NY 14424; and to Jim Scarsella at 6140 Marcus Way Farmington, NY 14425.

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

RESOLUTION #300-2021:

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

ESTABLISHMENT AND DIRECTING THE FILING A LETTER OF CREDIT – CREEKWOOD TOWNHOMES SUBDIVISION – REDFERN DRIVE, IN THE TOTAL AMOUNT OF \$ 21,922.00

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 August 18, 2021 recommending the establishing of a letter of credit for the above referenced project and in the total amount of \$ 21,922.00; and

WHEREAS, the Town Board has also been provided a copy of the Town Engineer's letter dated August 9, 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 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, 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, Evan Van Epps, Brickwood Management, 21 Crossbow Drive, Penfield, New York 14526; and the Applicant's Engineer, Randy Bebout, T.Y. Lin Int., Engineering & Architecture, P.C., 255 East Avenue, Rochester, New York 14604.

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

RESOLUTION #301-2021:

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

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER CAPITAL RESERVE ACCOUNT ONCE THE PERMISSIVE REFERENDUM PERIOD IS COMPLETE.

WHEREAS, the 2021 budget identified that \$250,000 from the Water Capital Reserve be used for the watermain project at Route 332 and Route 96,

Now therefore be it RESOLVED, that the Town Clerk publish the public notice for the withdrawal of \$250,000 from the water reserve,

Further RESOLVED, that the Principal Account Clerk, of the Town of Farmington, is hereby authorized and directed to transfer the funding from the water reserve to the water savings once the permissive referendum period is complete,

Be it finally RESOLVED, that the Town Clerk, of the Town of Farmington, is to forward a copy of this resolution as well as the public notice to the Principal Account Clerk.

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

RESOLUTION #302-2021:

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

ESTABLISHMENT AND DIRECTING THE FILING A LETTER OF CREDIT – GLN FARMINGTON REALTY, PHASE 1A PROJECT, MERCIER BOULEVARD EXTENSION, IN THE TOTAL AMOUNT OF \$ 874,588.12

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 August 18, 2021 recommending the establishing of a letter of credit for the above referenced project in the total amount of \$ 874,588.12; and

WHEREAS, the Town Board has also been provided a copy of the Town Engineer’s letter dated August 16, 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 (BME 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, GLN Farmington Realty, c/o John LeFrois, LeFrois Builders & Developers, 1020 Lehigh Station Road, Henrietta, New York 14467; and the Applicant’s Engineer, Ryan Destro, P.E., BME Associates Civil Engineers & Land Surveyors, 10 Liftbridge Lane East, Fairport, New York 14450.

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

RESOLUTION #303-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH ONTARIO COUNTY

WHEREAS, Ontario County has submitted a Right of Way Encroachment Agreement for the Town Supervisor to sign, and

WHEREAS, said Agreement will provide the ability for the Town of Farmington to construct and maintain public sidewalks in the County’s Highway Right of Way along County Roads,

Now therefore be it RESOLVED, that the Town Board of the Town of Farmington hereby authorizes the Town Supervisor to sign the Right of Way Encroachment Agreement with Ontario County,

Further RESOLVED, that the Town Clerk keep one (1) original with this resolution, send 2 originals to William Wright, Ontario County Commissioner of Public Works, and provide copies of this Resolution and Agreement to the Director of Development and the Town of Farmington Highway Superintendent.

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

RESOLUTION #304-2021:

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

TOWN SUPERVISOR TO SIGN AN AGREEMENT FOR MAINTENANCE OF A FIRE SUPPRESSION SYSTEM FOR HIGHWAY AND COURT

WHEREAS, After Town Inspection of Court and Highway 3 quotes were sought out to evaluate the Court Building and Highway Building, and

WHEREAS, the Court Building proposal from **Kennedy Mechanical Contractors** FDC Hydro Proposal came in at (\$550), Dry System (\$550) and Wet System (\$550) **for a total of \$1,650 for 2021, and**

WHEREAS, the Highway Building proposal from **Kennedy Mechanical Contractors** FDC Hydro Proposal came in at (\$550), Dry System (\$700) and Wet System (\$700) **for a total of \$1,950 for 2021, and**

WHEREAS, the Court Building & Highway Building proposal from **Colonial Fire Protection Systems, Inc.** for appropriate services **\$2,350 per building for 2021 with the TOTAL for Colonial Fire being \$4,700, and for 2021, and**

WHEREAS, the Court and Highway Buildings proposal from **Davis-Ulmer** for appropriate services **for a total of \$6,350 for 2021, and**

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the quotes from Kennedy Mechanical Contractors to be funded from **Building – Contractual (A-1620.4) (Farmington Town Court Building - \$1,650) and Highway – Contractual (A-5132.4) (Farmington Highway Building - \$1,950)**, 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 #305-2021:

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

DECLARE EQUIPMENT SURPLUS TO BE DISPOSED OF APPROPRIATELY

WHEREAS, the Town Highway/Parks Superintendent is asking that the Town Board declare the following items as surplus so that he can have them disposed appropriately,

2014	INTERNATIONAL	DUMP	1HTGRSJT5EH477141	H-2
2014	FORD	F150 PICKUP	1FTNF1CF2EKE58354	H-21
2014	FORD	F150 PICKUP	1FTNF1EF5EKE58328	H-22
		TRAILER		PARK

Assorted small equipment

WHEREAS, The Highway Superintendent has solicited appraisals for all vehicles, and

WHEREAS, is requesting Public Notice for two (2) 2014 F150's to be advertised for sale under sealed bid with minimum on each being \$11,500.00 for Truck #H-21 VIN ending in 58354 and \$14,500.00 for Truck #H-22VIN ending 58328, and

RESOLVED, that the Town Board authorizes the above listed equipment be declared surplus and to be disposed of appropriately, and

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

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

RESOLUTION #306-2021:

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

RESOLUTION ACCEPTING THE INVENTORY OF HIGHWAY MACHINERY, TOOLS AND EQUIPMENT

WHEREAS, the Highway/Parks Superintendent has submitted the Inventory of Highway Machinery and Tools and Equipment as required by Highway Law, Section 142(3), now therefore be it

RESOLVED, that the Town Board accepts the Inventory of Highway Machinery, Tools and Equipment

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 #307-2021:

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

RESOLUTION CLASSIFYING, UNDER THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA), THE PROPOSED ACTION ENTITLED "COLLETT ROAD SANITARY SEWER LINE REPLACEMENT OF A COLLAPSED SECTION OF SEWER LINE," TO BE A TYPE II ACTION

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has on Tuesday, August 10, 2021 (Town Board Resolution 288-2021) authorized survey to be completed for the declared State of Emergency that exists for replacing a section of 8-inch diameter collapsed asbestos cement sanitary sewer line located along a portion of Collett Road right-of-way between State Route 332 and Corporate Drive East; and

WHEREAS, the Town Board has previously authorized the Town Engineers, MRB Group, D.P.C., to prepare plans and specification for making the above referenced corrective Action; and

WHEREAS, SEQRA requires the Town Board first comply with the requirements of article 8 of the New York State Environmental Conservation Law by classifying the proposed Action and then determining the significance thereon in compliance with said Act, before authorizing any further approvals, or funding.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby classify the proposed Action as being a Type II Action, as further defined under Part 617.5 (2), (6), (13) and (42) of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law (ECL).

BE IT FURTHER RESOLVED, that Type II Actions are not subject to review under Part 617, as these class of actions have been determined by the State Legislature not to have a significant impact on the environment or are otherwise precluded from environmental review under the ECL.

BE IT FURTHER RESOLVED, that the Town Board in making this determination has satisfied the procedural requirements identified under SEQRA for the above described Action.

BE IT FINALLY RESOLVED, that a certified copy of the resolution is to be provided to: the Acting Water and Sewer Superintendent; the Town Highway Superintendent; the Town Engineers, MRB Group, D.P.C., Attn: Dave Herman; and the Town Principal Account Clerk.

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

RESOLUTION #308-2021:

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: Supervisor Ingalsbe stated that based on the towns conversation with Dan Compitello and our town attorney, they are not quite ready with the wording of the document, therefore he is requesting that the Board deny the resolution and start over from scratch. Board Members agreed.

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

RESOLUTION #309-2021:

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION

WHEREAS, The Town of Farmington has received a donation in the amount of \$1000 to be used for the restoration in Powers Cemetery,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington accepts the donation 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	\$1000	
A7520.4 Historical Property		\$1000

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

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

RESOLUTION #310-2021:

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

RESOLUTION APPOINTING KAREN FOX TO THE CONSERVATION BOARD

WHEREAS, there is currently a vacancy on the Conservation Board; and

WHEREAS, Karen Fox has submitted a letter of interest and resume for review; and

WHEREAS, Karen attended a Conservation Board Meeting and has been recommended to fill the vacancy by Sue Hilton, Chairperson, now therefore be it

RESOLVED, the Farmington Town Board appoints Karen Fox to the Conservation Board for a term beginning August 24th, 2021 to expire on December 31st, 2023; and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to Sue Hilton, the Confidential Secretary and Karen Fox at 5811 Mountain Ash Drive, Farmington, NY 14425.

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

RESOLUTION #311-2021:

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

RESOLUTION AUTHORIZING A PAY INCREASE FOR ZACHARY MARSHALL

WHEREAS, Zachary Marshall was hired as a Seasonal Laborer on June 14th, 2021 at a rate of \$14.00 per hour; and

WHEREAS, he has shown to be a valuable part of the Water & Sewer Department; and

WHEREAS, with continued satisfactory progress, both the Acting Water & Sewer Superintendent and the Town Board intend to make Zachary a permanent employee effective January 1st, 2022, now therefore be it

RESOLVED, the Farmington Town Board authorizes a \$2.00 per hour pay increase for Zachary Marshall for a new rate of \$16.00 per hour effective August 22nd, 2021; and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to the W&S Department, the Principal Account Clerk and the Confidential Secretary.

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

RESOLUTION #312-2021:

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

Abstract 16-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS

FROM: J. MARCIANO

ABSTRACT NUMBER	<u>16</u>
DATE OF BOARD MEETING	<u>8/24/2021</u>

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	131,533.26	1423-1426,1428-1437,1439,1441-1452,1454-1464,1465,1466,1468-1471,1473-1480
HG	MERTENSIA WATERLINE	0	
DA	HIGHWAY FUND	152,346.75	1425,1439,1454,1458,1463,1470
HA	AUBURN TRAIL PROJECT	0	1476,1481-1490,1492-1494
HB	BEAVER CREEK PARK	38,907.95	1424,1427,1453,1467,1491
SF	FIRE PROTECTION DISTRICT	182,731.66	1440
HW	WATER TANK REPAIR	0	
HZ	TOWNLIN CAP PROJ	4,989.06	1472,1481,1495
SD	STORM DRAINAGE	2,679.95	1437,1439,1463
SL1	LIGHTING DISTRICT	1,585.69	1464
SS	SEWER DISTRICT	80,806.92	1437,1439,1454,1463,1470,1476,1495,1497-1533
SW1	WATER DISTRICT	36,568.62	1437,1439,1454,1463,1470,1476,1495,1496,1498-1500,1508,1510,1512,1513,1515,1520,1521,1524-1529,1534-1540
TA93	LETTER OF CREDIT (CASH)	0	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	6,657.89	1438,1439,1454,1463,1474,1527,1528
	TOTAL ABSTRACT	\$ 638,807.75	

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

WAIVER OF THE RULE: No Objections

RESOLUTION #313-2021:

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

RESOLUTION AUTHORIZING THE HIRING OF A WASTEWATER MAINTENANCE ASSISTANT

WHEREAS, the Water and Sewer Department has a vacancy for a Wastewater Maintenance Assistant, and

WHEREAS, Justin Dorchester has applied for the position and been approved through Ontario County, now therefore

BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Water and Sewer Districts, hereby authorizes the Acting Water and Sewer Superintendent to hire Justin Dorchester as a Wastewater Maintenance Assistant effective September 13, 2021 at a rate of \$20.00 per hour, and

BE IT FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to the Acting 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**.

DISCUSSION: None.

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Casale** offered a motion to adjourn the meeting at 8:21 p.m., seconded by **Councilman Bowerman**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk