

At a regular meeting of the Town Board of the Town of Farmington held at the Farmington Town Hall of said Town on the 11th day of December, at 7:00 PM, there were:

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

Also present were: **Don Giroux** – Highway/Parks Superintendent, **Jim Morse** – Code Enforcement Officer, **Ron Brand** – Director of Planning and Development, **Dave Degear** – Water & Sewer Superintendent, **Adrian Bellis** – Planning Board Member, and **Ed Hemminger** – Planning Board Chairman, **Bill Davis** – Town Engineer, **Jim Falanga** – resident, and **Jim Foley** – resident, **Stephen Hall**.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES:

A motion was made by **Councilman Casale** and seconded by **Councilman Holtz**, that the minutes of the November 27, 2018, and given to members for review, be approved. All Voting “Aye” (Herendeen, Casale, Bowerman, Holtz, and Ingalsbe), Motion Carried.

PRIVILEGE OF THE FLOOR: None.

PUBLIC CONCERNS:

Mr. Foley stated that clearly that is a significant issue that is being debated and discussed among the town people. He cannot remember in his four years as Supervisor where 200 people showed up for anything so the significance of it he felt isn't lost on anyone, he saw Town Board Members and the Supervisor at the Planning Board meetings hearing the dialog and thought that was good. He added that when the last time he appeared before each board he brought forth the idea that the town has a town law and the Town Board and the Planning Board are obligated to follow that law and when they are speaking issue of law he felt that the town needs the weight of legal opinion from the town attorney to give them some guidance because he cannot help but to look at the town law that states a large scale solar whatever can be placed in an area with prime soils (we hit that definition because they are in the map of the Town of Farmington Farm Protection Plan) but then it states that it can be approved once it can be determined by the Planning Board that there is no feasible alternative (that's like a stop sign) and he stated that what he is watching is that there in the approval process and going step by step, checking boxes, getting this report, this evaluation, this review (they've gone through the stop sign). He felt they need to stop at the stop sign. Mr. Foley asked if the Board can present the Town Law to the town attorney and ask for his interpretation. He stated that before they go to each of the other steps, the board first must determine if they qualify (which means they must show the Planning Board that there is no other alternative use for this land other than a solar power plant). He believes whoever put the paragraph together in the law, was saying to stop, don't start running down the rabbit hole but first determine if these people can make it. Mr. Foley added that he has looked at every piece of document that come before the board, every application and anything attached to it and nowhere has anyone ever addressed the issue and he believes in his mind that it is the obligation of the applicant to bring that proof forward to the Planning Board so they can look at it. And he thinks that at a bare minimum the town would need engineering studies or some type of land use study that would show possibilities of what can be done on that property or the only thing that they could do is put a power plant there. He added that if the initial thought was to help out farmers who may be in economic distress, then aside from the land use survey, the owner should come forward with financial records to show they are losing money for what they are using it for. He stated that they have not seen that either. Mr. Foley implores the board to have legal counsel look at the law and give his response. He stated that in going through past minutes, he saw where the board has expressed concerns as the law was being developed to what it might lead to and what they need to protect, and then there is discussion from various people about the moratorium. He stated that in his legal opinion, he doesn't believe that there is anything that stops the board from enacting a moratorium immediately. He stated that where moratoriums get them in trouble is when they discriminate against one applicant, if it applies to everyone across the board that they are stopping then it applies to everyone and he doesn't think that in any shape or form that would open the town up for a lawsuit. He added that so long as the board follows the law, there is no risk in a lawsuit.

Mr. Falanga asked that the night Delaware River was discussed there was another proposal/application for a White Stone solar project on Rt. 96, what is the status of that and asked if there are any other applications for large scale solar in the works. Supervisor Ingalsbe replied that White Stone withdrew their application. Jim Morse, Code Enforcement Officer, stated that they withdrew due to the setbacks, the company thought they were too excessive and there are no other applications.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

1. Discussed Control Building #1, Gas Trap Replacement Program.
2. Discussed Belt Press Building #7A.
3. Discussed Annual NYSDEC Review of WWTP.
4. Discussed various pumpstations.
5. Discussed Sewer Master Plan Update.
6. Discussed ICS Survey & FROSI Submission.
7. Water Breaks – one at 1670 Route 332.
8. Discussed Beaver Creek 12” Waterline Replacement, Section 1.
9. Discussed Beaver Creek 12” Waterline Replacement, Section 2.
10. Discussed Non-working residential ¾” Water Meters.
11. Discussed 2” commercial water meter replacement program.
12. Discussed resolutions on agenda.

Highway & Parks:

1. Current projects- Highway –drainage work, assist with conduit and floor preparations for swap shop, assisting construction inspector with contractor inspections, equipment maintenance, snow plowing, repairing mailboxes, mixing salt/magic, building display table for foyer for MS4 display board, and preparing transfer station for tub grinder.
2. Parks – building and equipment maintenance, shoveling and plowing sidewalks to all town buildings, work on new playground, mowers were cleaned and serviced for season, and SDS binders updated.
3. New generator installed at Court Facility.
4. Discussed Spring Cleanup.
5. Discussed resolutions on agenda.

Town Operations Committee: Councilman Bowerman reported:

1. Report from Director of Planning and Development on file and on the website.
2. Discussed resolutions on agenda.
3. Discussed Delaware River Solar Project.
4. Discussed Auburn Trail Grant Project.
5. Discussed DiMartino DDS Office.
6. Discussed National fuel gas project.
7. Discussed Hathaways Corners project.
8. Discussed Pintail Crossing project.
9. Discussed Auburn Mawdows Section 7S &8S.
10. Discussed Redfield Grove project.
11. Discussed Alicia Sturn dentist office.

Town Personnel Committee: None.**Town Finance Committee: Supervisor Ingalsbe reported:****Town Public Safety Committee: Councilman Holtz reported:****REPORTS OF TOWN OFFICIALS:****Supervisor Peter Ingalsbe reported:**

1. Proclamation from Senator Pam Helming – Business of the Month.
2. Swap Shop Update.
3. Update on County bids for Building 74.

Highway& Parks Superintendent Giroux reported: None.**Town Clerk Michelle Finley reported:**

1. Holiday Party at lodge – possibility of changing location due to large crowd.
2. Records Management – 19 boxes due to be destroyed – court would like to take ownership – more information coming once we have approval from Court Administration.

Water & Sewer Superintendent Dave Degear reported:

1. Victor Sewer bills will be mailed out now and Water Bills out next week.

Code Enforcement Officer Jim Morse reported:

1. RG&E – request to work on Sundays – he has no objection.

Director of Planning and Development Ron Brand reported:

1. Report filed and on website.

Assessor Donna LaPlant reported: None.**Town Engineer reported: Bill Davis reported:**

1. Update on UV closeout.

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

1. Next Meeting – Empire Pipe Line, Mandrino Subdivision, LOCs.

Zoning Board of Appeals Tim Delucia reported: None.**Recreation Advisory Committee Brian Meck reported: None.****Ontario County Planning Board Member reported: None.**

Conservation Board Chairman Hilton reported: None.

Town Historian Donna Herendeen reported: None.

Agricultural Advisory Committee Chairman Hal Adams: None.

COMMUNICATIONS:

1. Letter to the Director of Development from Marie McCutchan of Silvery & Feldman. Re: Satisfaction of Lien.
2. Email to Mr. Tom McGrath from the Assessor. Re: Assessor information for seniors age 65+.
3. Letter to the Town Supervisor from David Weilert of Teamster Local Union No. 118. Re: Tentative agreement.
4. US Bankruptcy Order of Discharge. Re: Angelo A. Fernandes.
5. Ontario County Board of Supervisors Resolution No. 644-2018 Removal of Health Hazard – Town of Farmington.
6. Letter to the Town of Farmington ZBA from Donald Young, Esq. of Boylan Code. Re: Delaware River Solar.
7. Letter to the Town Supervisor from Eric D. Ford and Gordon J. Toleman of CME Associates. Re: Structural Material Testing and Special Inspection Services – Town of Farmington Pole Barn Swap Shop.
8. Letter to sewer system users from Town of Farmington Supervisor Ingalsbe and Town of Victor Supervisor Marren. Re: Town of Farmington WWTP Pretreatment program per NYS DEC requirements – Industrial Chemical Survey (ICS) and FROSI Submission.
9. Letter to the Town of Farmington Planning Board from James F. Foley. Re: Delaware River Solar.
10. Letter to the Planning Board Chairman from Jon Fair, resident. Re: Delaware River Solar.
11. Letter to the Planning Board Chairman from Marilyn Fair, resident. Re: Delaware River Solar.
12. Letter to the Director of Development from Jim Redmond. Re: Delaware River Solar.
13. Letter to the Town Supervisor from Chelly Knobel of Ontario County Purchasing Department. Re: Request for insurance certificates.
14. Letter to the Town Supervisor from Kimberly Doherty of NYS EFC. Re: NYS Revolving Fund Project No. C8-6433-02-00.
15. Ontario County Board of Supervisors Resolution No. 641-2018 – Overages and shortages for levy against certain towns in 2019.
16. Letter to the Town Supervisor from Marilyn Fair, resident. Re: Delaware River Solar.
17. Letter to the Town Supervisor from Sheryl Robbins of NYS DOH. Re: Public Water Supply, CFWD, Approval – Completed Works – Farmington Dental Watermain.
18. Letter to Ryan DelRe of Create-A-Scape from the Director of Development. Re: Auburn Trail Connector Project PIN #4755.96.
19. Letter to the Town Supervisor from Sabrina Ty of NYS EFC. Re: Project No. 18352 – Brickyard Road Tank and Transmission Main Improvements.
20. Letter to the Town Clerk from Gary Baxter, Ontario County Treasurer. Re: May 2019 foreclosure properties.
21. Letter to Judge Lew from Nancy Sunukjian of the NYS Unified Court System. Re: Continuing Judicial Education Program Certificate of Completion 2018.
22. Letter to the Town Supervisor from Matthew Sproul of Canandaigua Emergency Squad. Re: Expansion of current Certificate of Need to include the Towns of Bristol and South Bristol.
23. Certificates of Liability Insurance from: Arrow Contracting, Inc.; Iversen Construction Corp.; DiFiore Construction, Inc.; Chrisantha Construction Corp.

REPORTS & MINUTES:

1. ZBA Meeting Minutes – September 24, 2018.
2. Farmington Senior Citizens Meeting Minutes – October 15, 2018.
3. Building Department – Permit Report by Type – November 2018.
4. Judge Gligora November 2018 Monthly Report.
5. Judge Lew November 2018 Monthly Report.
6. Town Clerk November 2018 Monthly Report.
7. Planning Board Meeting Minutes – November 7, 2018.
8. Agriculture Advisory Committee – November 15, 2018.
9. Highway Department Public Works Agenda – November 27, 2018.
10. Water & Sewer Public Works Agenda – November 27, 2018.
11. Report to Town Public Works and Town Operations for Town Board Meeting – November 27, 2018.

RESOLUTION #498-2018:

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

RESOLUTION REAPPOINTING DOUGLAS PAYNE 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 Douglas Payne of 5610 State Route 96, Farmington term of office expired on September 30, 2018 and he has expressed interest in continuing to be a member of the Board, now be it

RESOLVED, that the Town Board appoints Mr. Douglas Payne to the Board of Assessment Review effective October 1, 2018 with a term to expire on September 30, 2023 and

RESOLVED, that the Town Clerk forward a copy of this resolution to Assessor Donna LaPlant, Robin Johnson, Director of Ontario County Real Property at 20 Ontario Street, Canandaigua, NY 14424 and to Mr. Payne at 5610 State Route 96, Farmington, NY 14425.

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

RESOLUTION #499-2018:

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

LETTER OF CREDIT – HICKORY RISE SUBDIVISION, SECTION 3 – PARTIAL RELEASE # 3 IN THE TOTAL AMOUNT OF \$ 70,084.52

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated December 5, 2018 recommending that the above referenced Letter of Credit Partial Release #3 be approved in the total amount of \$ 70,084.52 for work completed in Section 3 of the Hickory Rise Subdivision Tract; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the partial release of the Letter of Credit, including the Town Letter of Credit Department Heads Signed Form, Appendix G-1.0 and the Town Letter of Credit Release Form, Appendix G-2.0, for the Hickory Rise Subdivision, Section 3 Project, signed by the Project Engineer, the Owner and the Town Engineer; and

WHEREAS, the total amount of this Letter of Credit is \$618,627.12; and

WHEREAS, there will be a balance of \$26,598.39 remaining in the Letter of Credit after Release # 3; and

WHEREAS, the Town Clerk has reviewed this requested release finding the amounts contained therein to be accurate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor, to execute the partial release of the requested amount from the above referenced Letter of Credit.

BE IT FURTHER RESOLVED, that the Director of Development is to be provided a copy of this resolution.

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Letter of Credit holder, Gregg Bowering, at Bramwell Park LLC, 1303 Marsh Road, Suite #2, Pittsford, New York 14534.

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

RESOLUTION #500-2018:

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

LETTER OF CREDIT – HICKORY RISE SUBDIVISION, SECTION 4 – PARTIAL RELEASE # 1 IN THE TOTAL AMOUNT OF \$ 317,766.51

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated December 5, 2018 recommending that the above referenced Letter of Credit Partial Release #1 be approved in the total amount of \$ 317,766.51 for work completed in Section 4 of the Hickory Rise Subdivision Tract; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the partial release of the Letter of Credit, including the Town Letter of Credit Department Heads Signed Form, Appendix G-1.0 and the Town Letter of Credit Release Form, Appendix G-2.0, for the Hickory Rise Subdivision, Section 4 Project, signed by the Project Engineer, the Owner and the Town Engineer; and

WHEREAS, the total amount of this Letter of Credit is \$1,170,322.13; and

WHEREAS, there will be a balance of \$852,555.62 remaining in the Letter of Credit after Release # 1; and

WHEREAS, the Town Clerk has reviewed this requested release finding the amounts contained therein to be accurate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor, to execute the partial release of the requested amount from the above referenced Letter of Credit.

BE IT FURTHER RESOLVED, that the Director of Development is to be provided a copy of this resolution.

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Letter of Credit holder, Gregg Bowering, at Bramwell Park LLC, 1303 Marsh Road, Suite #2, Pittsford, New York 14534.

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

RESOLUTION #501-2018:

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

LETTER OF CREDIT – HICKORY RISE SUBDIVISION, SECTION 4 – PARTIAL RELEASE # 2 IN THE TOTAL AMOUNT OF \$ 182,774.53

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated December 5, 2018 recommending that the above referenced Letter of Credit Partial Release #2 be approved in the total amount of \$ 182,774.53 for work completed in Section 4 of the Hickory Rise Subdivision Tract; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the partial release of the Letter of Credit, including the Town Letter of Credit Department Heads Signed Form, Appendix G-1.0 and the Town Letter of Credit Release Form, Appendix G-2.0, for the Hickory Rise Subdivision, Section 4 Project, signed by the Project Engineer, the Owner and the Town Engineer; and

WHEREAS, the total amount of this Letter of Credit is \$1,170,322.13; and

WHEREAS, there will be a balance of \$669,781.09 remaining in the Letter of Credit after Release # 2; and

WHEREAS, the Town Clerk has reviewed this requested release finding the amounts contained therein to be accurate.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor, to execute the partial release of the requested amount from the above referenced Letter of Credit.

BE IT FURTHER RESOLVED, that the Director of Development is to be provided a copy of this resolution.

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Letter of Credit holder, Gregg Bowering, at Bramwell Park LLC, 1303 Marsh Road, Suite #2, Pittsford, New York 14534.

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

RESOLUTION #502-2018:

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

ACCEPTANCE OF THE REQUEST FOR A PARTIAL RELEASE OF FUNDS, RELEASE #4, FROM THE LETTER OF CREDIT FOR SITE IMPROVEMENTS FARMINGTON GARDENS II, PHASE I, IN THE TOTAL AMOUNT OF \$436,345.18

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board, a resolution recommending the Town Board accept the above referenced partial release #4 from the Letter of Credit for approved site improvements within the Farmington Gardens II Project – Phase I, in the total amount of \$436,345.18; and

WHEREAS, the Town Construction Inspector, Town Engineer and Town Department Heads have all reviewed and accepted the quantities and unit prices identified in the letter of credit release #4, dated November 26, 2018; and

WHEREAS, with this partial release of funds there will be a total of \$ 128,207.38 remaining in this Letter of Credit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the fourth partial release of funds from the above referenced Letter of Credit Estimate, in the total amount of \$ 436,345.18.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Clerk to provide certified copies of this resolution to Gregg McMahon, P.E., McMahon/LaRue Associates; Megan Houppert, Home Leasing, LLC; Sarah J. Short, Commercial Service Support Specialist, M & T Bank, 180 S. Clinton Avenue, Suite 700, Rochester, New York 14604; the Town Planning Board Chairperson; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineer; the Director of Planning & Development; and John Robortella, Clerk of the Planning Board.

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

RESOLUTION #503-2018:

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

RESOLUTION AUTHORIZING THE PURCHASE ONE (1) NEW AND UNUSED 2018 VERMEER BRUSH CHIPPER PER SOURCEWELL –FORMERLY NATIONAL JOINT POWERS ALLIANCE (NJPA) FOR THE GROUNDS MAINTENANCE CONTRACT #062117-VRM

WHEREAS, the Highway and Parks Superintendent and the Water and Sewer Superintendent have established a Five (5) and a Ten (10) Year Vehicle and Equipment Replacement Program for the Town of Farmington Highway and Parks Department and the Farmington Water and Sewer Department, and

WHEREAS, both the Highway and Parks Department and Water and Sewer Department have determined the need for a new brush chipper which was budgeted for purchase in the Board approved 2019 Budget, and

WHEREAS, in compliance with the current purchasing policy for the Town allowing Best Value Contracts, both Highway and Parks Supt. and the Water and Sewer Supt. have asked to be authorized to purchase one (1) new and unused 2018 base unit Vermeer model BC 1000XL-74 brush chipper, 12" capacity drum style, with a 74 horse power diesel Deutz Tier 4 engine from Vermeer Manufacturing under the quotation from Sourcewell, former National Joint Powers Alliance (NJPA) Grounds Maintenance Contract #062117-VRM at a cost of \$36,177.00, and

BE IT RESOLVED, the Farmington Town Board authorizes the Town Supervisor to sign the Sourcewell corporate purchasing contract for one (1) Vermeer brush chipper at a cost of \$34,877.00 plus \$1,300.00 dealer freight & preparation for a total cost of \$36,177.00, and

BE IT FURTHER RESOLVED, that this equipment purchased is budgeted as a split cost from the Highway Dept. DA-5130.2 (Machinery Equipment); Parks Dept. A-7110.2 (Equipment); Storm Drainage SD-8540.2; Water Dept. SW1- 8340.2 (Equipment) and the Sewer Dept. SS -8130.2 (Equipment), and

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

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

RESOLUTION #504-2018:

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

WASTEWATER TREATMENT PLANT FACILITY MAINTENANCE- AUTHORIZATION TO PURCHASE THREE (3) REPLACEMENT OF MANUAL GAS TRAPS FOR CONTROL BUILDING #1 AND THE OUTSIDE GAS BURNER UNIT

WHEREAS, the Farmington Town Board authorized the Award of Contracts to expand the Wastewater Treatment Plant (Board Resolution #230 of 2004) and the Contractor for Phase II was on site performing the contract work during the years of 2008 and 2009, and

WHEREAS, on January of 2008 the Town Board of Farmington had authorized the Water and Sewer Superintendent to process Change Order Number 2 for specific items including items in the Main Control Building #1 that included the installation of eleven (11) specialized methane gas traps that are now in need of full replacement after nine years of service at the WWTP, and

WHEREAS, by Board Resolution #263 of 2017 dated 6/13/2017 and #456 of 2017 dated 10/24/17, the Board authorized Phase 1 and 2 to replace the specialized methane gas traps for the WWTP Control Building #1 with the sole source supplier being GP Jager Inc. and

WHEREAS, the Water and Sewer Supt. had budgeted in the 2019 Budget for the final Phase 3 replacement of the remaining three (3) #97100 Manual Drip Trap at an estimated cost of \$4,800.00, and

WHEREAS, by Quote Number 25950-112618 from GP Jager, Inc. dated 11/26/2018 the last three (3) #97100 Manual Drip Trap, Item #97100-3302 was quoted at a cost of \$1,513.20 each for three (3) units plus freight costs of \$250.00, and

BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Water and Sewer Supt. to purchase three (3) additional units under Phase 3 of the gas trap replacement program at a cost of \$1,513.20 each from GP Jager Inc. located at Boonton New Jersey 07005 at a cost not to exceed \$4,800.00 including all freight and shipping costs, and

BE IT FURTHER RESOLVED, that funding for said expenditure will be from Budget Code SS 8130.4 (CE), and

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

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

RESOLUTION #505-2018:

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

AUTHORIZATION TO ROLL-OVER VACATION TIME INTO 2019 – SHERYL SMITH, FINANCE CLERK II

WHEREAS, the five-year anniversary date for Water/Sewer Employee Sheryl Smith is December 30, 2018 at which time she earns one (1) day of vacation, and

WHEREAS, vacation has to be exhausted by the end of the year per the Employee Policy, and

WHEREAS, Dave Degear, the Water/Sewer Superintendent has asked the Supervisor and Town Board to allow Sheryl Smith to roll over any unused days (1.00 day) into 2019 with the understanding that the time be used before March 31, 2019 because it would prove a hardship for the time to be used before the end of 2018 due to the lack of days left in the year.

THEREFORE, BE IT RESOLVED, that the Farmington Town Board hereby authorizes Sheryl Smith to roll over her vacation time to be used no later than March 31, 2019, and

BE IT FURTHER RESOLVED, that the Town Clerk provides a copy of this resolution to the Water/Sewer Superintendent, the Principal Account Clerk, and the Supervisor's Confidential Secretary.

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

RESOLUTION #506-2018:

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

RESOLUTION AUTHORIZING ATTENDANCE OF THE TWO DAY TRAINING COURSE- NEW YORK SUBPART 5-4 STATE OF THE SANITARY CODE TO BECOME A GRADE 'D' CERTIFIED WATER OPERATOR- FOR W&S EMPLOYEE MATTHEW W. HEILMANN ON MARCH 14 AND MARCH 15, 2019

WHEREAS, personnel for the Canandaigua-Farmington Water District are required to receive training for Grade level D (Distribution Operator) per the requirements of the New York State Department of Health, and

WHEREAS, the Town Construction Inspector oversees and recommends acceptance final dedication of all new water mains that are installed for the Canandaigua-Farmington Water District (CFWD), the Water & Sewer Supt. has recommended that it is beneficial for the town construction inspector to be certified with a NYS Grade 'D' Certification D-Operator license, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Water and Sewer Districts, hereby authorizes Water and Sewer employee and Town Construction Inspector Matthew W. Heilmann to attend the Environment Training Center located at SUNY at Morrisville to meet the training requirements for the NYSDOH Grade Level D Water Operation Certification on March 14, 2019 and March 15, 2019 at a course cost of \$325.00 plus lodging at a cost of \$75.00 per night per person for total lodging costs of \$150.00; plus meals at a cost of \$40.00 per day and any travel expenses for an authorized cost not to exceed a total of \$575.00, and

BE IT FURTHER RESOLVED, that this is budgeted from SW1- 8340.4, Contractual.

LASTLY LET BE IT FURTHER RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Superintendent, the Supervisor's Secretary and the Principal Account Clerk

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

RESOLUTION #507-2018:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE EXTENSION AGREEMENT WITH ONTARIO COUNTY FOR THE LOCAL SOLID WASTE MANAGEMENT PLAN FUNDING

WHEREAS, Resolution 196-2018 authorized the Town Supervisor to sign the intermunicipal agreement with Ontario County for the Farmington Local Solid Waste Management Plan

WHEREAS, the extension agreement will extend the IMA through 2019 allowing for the completion of the Swap Shop which is currently under construction,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Supervisor to sign two copies of the extension agreement,

FURTHER RESOLVED, that two original signed copies of the agreement be returned to Regina Sousa, Ontario County Planning, 20 Ontario St and a copy of this resolution and the agreement be submitted by the Town Clerk to the Principal Account Clerk.

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

RESOLUTION #508-2018:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN CHANGE ORDER GC-02 AND THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE PEDESTRIAN BRIDGE PROJECT

WHEREAS, the Town of Farmington received from MRB on 11/28/18 change order GC-02 which is an increase in the contract in the amount of \$150 as well as the certificate of substantial completion for the Contractor, Crane Hogan for the Pedestrian Bridge project,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Supervisor to sign all copies of the change order and certificate of substantial completion,

FULLY RESOLVED, that the Town Clerk returns two copies of the change order and certificate of substantial completion to MRB Group and retains one for the Town files and forward a copy of this resolution and the certificate to the Principal Account Clerk.

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

RESOLUTION #509-2018:

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

WASTEWATER TREATMENT PLANT FACILITY MAINTENANCE- AUTHORIZATION TO REMOVE AND REPLACE VOGELSANG VX 186 SEAL CARTRIDGE KIT FOR BELT PRESS LOCATED IN BUILDING #7A

WHEREAS, the Farmington Town Board authorized the Award of Contracts to expand the Wastewater Treatment Plant (Board Resolution #230 of 2004) and the Contractor for Phase II was on site performing the contract work during the years of 2008 and 2009, and

WHEREAS, during the WWTP upgrades, a BP model belt press with the Vogelsan VX 186 rotary lobe pump was installed and has been functioning for the past 10 years without any maintenance issues, and

WHEREAS, the WWTP Chief Operator and Plant Mechanic have reported that sludge is being found in the oil reservoir due to a failing seal in the Vogelsan VX 186 rotary lobe pump, and

WHEREAS, the Water and Sewer Supt. had instructed the WWTP Chief Operator and Plant Mechanic to contact Koester Associates for their opinion and quote for repairing pump and/or replacing the seal, and

WHEREAS, by Proposal-Quote Number 2018-1889 dated 12/4/2018 from Koester Associates, sole regional supplier for Vogelsang pumps, the removal and replacement work was quoted at a cost of \$3,832.33 for all parts and labor as well as training for our plant operators to perform the seal change out for the sludge pump located at the WWTP Belt Press Building #7A, and

BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Water and Sewer Supt. to accept the belt press seal replacement a cost of \$3,832.33 from Koester Associates located at #3101 Seneca Turnpike, Canastota, New York 13032 at a cost not to exceed \$3,900.00, and

BE IT FURTHER RESOLVED, that funding for said expenditure will be from Budget Code SS 8130.4 (CE), and

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

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

RESOLUTION #510-2018:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN CHANGE ORDER GC-04 FOR THE GENERAL CONTRACTOR AND GC-01 AND THE CERTIFICATES OF SUBSTANTIAL COMPLETION FOR THE ELECTRICAL CONTRACTOR FOR THE UV DISINFECTION PROJECT

WHEREAS, the Town of Farmington received from MRB on 12/7/18 change order GC-04 which is an increase in the contract with Wind-Sun in the amount of \$5,617.75 and EC-02 which is a decrease in the amount of \$10,365 as well as the certificate of substantial completion for the Electrical Contractor, MW Control Services for the UV disinfection project,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Supervisor to sign all copies of the change orders and certificate of substantial completion for MW Controls,

FULLY RESOLVED, that the Town Clerk returns two copies of the change orders and certificate of substantial completion to MRB Group and retains one for the Town files and forward a copy of this resolution and the change orders and certificate to the Principal Account Clerk.

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

RESOLUTION #511-2018:

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

RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON TOWN BOARD TO REFUND THE ZONING BOARD FEES IN REGARDS A VARIANCE REQUESTED FOR 4628 STATE ROUTE 96 OF \$100.00 TO CLIFF WEITZEL OF WC PREMIER PROPERTIES LLC

WHEREAS, the Town received the \$100.00 Zoning Board fees from Cliff Weitzel of 6550 State Route 5 & 20, Bloomfield, NY 14469 for a variance in regards to housing of animals and front barn setback.,

WHEREAS, the applicant does need to pursue the approval of a variance from the Zoning Board of Appeals and the Town Development Office did not process or post any legal notice in regards to this application

NOW THEREFORE, BE IT RESOLVED, That the Town Board of Farmington does herein approve the refund of \$100.00 to Cliff Weitzel of 6550 State Route 5 &20, Bloomfield, NY 14469.

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

RESOLUTION #512-2018:

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

RESOLUTION APPROVING THE 284 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES IN 2019

WHEREAS, the attached 2019 agreement for the expenditure of Highway monies (Section 284 of the Highway Law) was submitted by the Highway/Parks Superintendent and reviewed by the Supervisor's Office, now therefore be it

RESOLVED, that the Town Board hereby approves the agreement for the expenditure of Highway monies in 2019 as it adheres to the previously adopted 2019 Town Budget, and be it further

RESOLVED, that the Town Clerk forward a copy of this Resolution with a signed copy of the agreement for the expenditure of Highway monies for 2019 to the Highway/Parks Department, the Town Bookkeeper, the Supervisor, Ontario County Commissioner of Public Works, Bill Wright and the Confidential Secretary.

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

RESOLUTION #513-2018:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS AND A STORMWATER MAINTENANCE AGREEMENT AFFECTING THE FARMINGTON DENTIST PROJECT ON NYS ROUTE 332

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with RGSA LLC ("Owner") regarding the Town's obtaining a Sanitary Sewer and Utility Easement, a Stormwater Management Facility and Access Easement, a Water and Utility Easement and a Stormwater Maintenance Agreement over portions of its properties on NYS Route 332, as shown on maps prepared by Costich Engineering dated November 8, 2017 and March 20, 2018; and

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

WHEREAS, said easements and agreement 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 and agreement 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 and agreement to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easements and agreement 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.

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

RESOLUTION #514-2018:

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

TODD SHARPE'S SUCCESFULL COMPLETION OF PROBATIONARY PERIOD

WHEREAS, Todd Sharpe was hired by the Highway/Parks Superintendent in the Spring of 2018, with a start date of May 29, 2018, and on November 29, 2018 has successfully completed the required six-month probationary period, and

WHEREAS, has shown knowledge base and per employee policy, upon the successful completion of a probationary period, the hourly employee maybe granted a wage adjustment, and

WHEREAS, the current Highway Superintendent deems that Todd has displayed satisfactory job duties, now therefore be it

RESOLVED that the Town Board hereby grants a \$.50 per hour wage increase as stated on the board resolution for Todd to be effective beginning with Payroll # 26 pay period (December 2, and December 15, 2018), and

BE IT FURTHER RESOLVED, that the Town Clerk provides copies of this resolution to the Highway/Parks Department, the Supervisor's Confidential Secretary and the Principal Account Clerk.

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

RESOLUTION #515-2018:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND

WHEREAS, additional funding is needed in the street lighting contractual line due to a utility audit performed by Troy and Banks where the town was invoiced a percentage of the savings, and

WHEREAS, additional funding is also needed in the contractual central communication system and youth program lines,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the following budget amendments to move additional funding into the following expense lines:

From:	A3989.4	Public Safety Contractual	\$6300	
To:	A5182.4	Street Lighting Contractual		\$1600
To:	A1640.41	Central Communications Sys Contractual		\$3900
To:	A7310.4	Youth Program Contractual		\$800

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

FURTHER BE IT RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk.

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

RESOLUTION #516-2018:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENT FOR THE WATER DEPARTMENT

WHEREAS, additional funding is needed in the SW1-8340.12 Trans & Dist. – PS – OT account to pay for employee payroll overtime, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Canandaigua Farmington Water District hereby authorizes the following budget amendment for the Water Funds:

From:	SW1-8340.1	Trans & Dist. – PS	\$3,000.00
To:	SW1-8340.12	Trans & Dist. – PS – OT	\$3,000.00

BE IT FURTHER RESOLVED that the Principal Account Clerk transfers money from SW1-8340.1 Trans & Dist. - PS for \$3,000.00 to SW1-8340.12 Trans & Dist. – PS – OT for \$3,000.00, and

BE IT FINALLY RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk and the Water and Sewer Superintendent.

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

RESOLUTION #517-2018:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE SEWER FUND

WHEREAS, additional funding is needed in the SS8130.41 Sewage Treatment – Utilities line and SS8120.45V Sanitary Sewer – SCADA/FSI - Victor line for outstanding and future invoices,

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

From:	SS1950.4	Taxes & Assessments – CE	\$25,000.00
From:	SS8130.45	Sewage Treatment – SCADA	\$5,000.00
To:	SS8130.41	Sewage Treatment – Utilities	\$25,000.00
To:	SS8120.45V	Sanitary Sewers – SCADA/FSI – Victor	\$5,000.00

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

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk and the Water and Sewer Superintendent.

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

RESOLUTION #518-2018:

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR NOVEMBER 2018

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

WHEREAS, the Bookkeeper submitted the Monthly Report of the Supervisor for November 2018 to the Town Supervisor on December 4, 2018, and

WHEREAS, the Town Supervisor approved and executed the Monthly Report of the Supervisor for November 2018 on December 4, 2018,

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 November 2018, and be it further

RESOLVED, that the Town Clerk give a copy of this resolution to the Principal Account Clerk and the Supervisor’s Office.

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

RESOLUTION #519-2018:

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

RESOLUTION APPROVING THE 2019 WAGELIST

WHEREAS, the attached 2019 Farmington Town Employee Salary List reflects wages of all employees and has been reviewed by the Supervisor, Principal Account Clerk and the Town Board, now therefore be it

RESOLVED, that the Town Board approves the 2019 Salary List (attached), and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution and the salary list to the Principal Account Clerk and the Supervisor’s Secretary

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

RESOLUTION #520-2018:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ONTARIO COUNTY FOR ENHANCED LAW ENFORCEMENT FOR THE 2019 YEAR

WHEREAS, Ontario County has provided the Town Supervisor with an Agreement for Enhanced Law Enforcement for the 2019 year, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the Ontario County Agreement for Enhanced Law Enforcement for the 2019 year at a cost not to exceed \$30,000.00, and be it further

RESOLVED, that the Town Clerk forward this resolution and the original signed agreements (2) to Mary Krause at Ontario County and provide copies to the Principal Account Clerk and the Supervisor’s Secretary.

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

RESOLUTION #521-2018:

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

RESOLUTION TO ACCEPT A TWO (2) YEAR MAINTENANCE BOND, IN THE TOTAL AMOUNT OF \$6,002.60 FOR SITE IMPROVEMENTS FOR THE ALICIA STURN, DDS, FARMINGTON DENTAL PHASE 1 PROJECT, LOCATED AT 1637 STATE ROUTE 332

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a two (2) year Maintenance Bond, from Travelers Casualty and Surety Company of America, Hartford, Connecticut 06183, Bond No. 107011372, in the total amount of six thousand two dollars and 60/100 cents (\$6,002.60), which has a start date of November 27, 2018; and

WHEREAS, the Town Board understands that said Maintenance Bond is for any defects that may be found in materials and workmanship relating to the water main, sanitary sewer and sidewalk improvements for the Farmington Dental, Phase 1 Project; and

WHEREAS, said Maintenance Bond shall remain in effect until November 27, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby move to accept the above referenced Maintenance Bond and directs the filing thereof in the office of the Town Clerk.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Clerk to track the expiration date of said Maintenance Bond and to provide notice to the Town Construction Inspector, at least 60 days prior to the expiration date cited above herein, that said bond is about to expire and request a Final Inspection Report within 30 days.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to: Travelers Casualty and Surety Company of America, Hartford, Connecticut 06183; Alicia Sturn, DDS, Farmington Dental, 1637 State Route 332, Farmington, New York 14425; Matthew Heilmann, Town Construction Inspector; James Morse, Town Code Enforcement Officer, Lance S. Brabant, CPESC, MRB Group, D.P.C., 145 Culver Road, Suite 160, Rochester, New York 14620; and the Town Project File.

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

RESOLUTION #522-2018:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE UNION CONTRACT FOR WATER & SEWER EMPLOYEES REPRESENTED BY INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 118

WHEREAS, Councilman Holtz and Supervisor Ingalsbe representing the Farmington Town Board have been in negotiations since September 2017 with Teamsters Local 118, and

WHEREAS, an agreement has finally been reached on a contract for Town Water & Sewer employees, and

WHEREAS, the following job titles are covered by this agreement: Public Works Maintenance Assistant (PWMA), Motor Equipment Operator (MEO), Motor Equipment Operator – Light (MEO Light), Wastewater Treatment Plant Operator Trainee, Waste Water Treatment Plant Operator, Laborer and Chief Plant Operator, now therefore be it

RESOLVED, that the Town Board of Farmington hereby authorizes the Town Supervisor to sign said labor agreement, and be it further

RESOLVED, that the Town Clerk forward two original copies of the agreement be signed by both parties with one original copy for the Town of Farmington and the other original for David Weilert of Teamsters Local 118, 130 Metro Park, Rochester, NY 14623.

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

RESOLUTION #523-2018:

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

RESOLUTION TO ACCEPT A TWO (2) YEAR FORM OF SURETY, A LETTER OF CREDIT IN THE TOTAL AMOUNT OF \$ 51,174.18 FOR SITE IMPROVEMENTS FOR THE MIII ENTERPRISES, LLC, PHASE 1 PROJECT, A PART OF THE AUBURN JUNCTION SITE, LOCATED AT 6061 CARMENS WAY, FARMINGTON, NEW YORK

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a two (2) year Irrevocable Standby Letter of Credit, from M and T Bank, identified as SB2184220001, Trade Finance Operations, 1800 Washington Boulevard 8th Floor, MC-MD1-MP37, Baltimore, Maryland 21230, in the total amount of fifty one thousand, one hundred seventy four and 18/100 United States Dollars (\$51,174.18), which has a start date of December 4, 2018; and

WHEREAS, the Town Board understands that said Letter of Credit is to be used for repairs to any defects that may be found in materials and workmanship relating to the dedicated site improvements to the Town which are located in the above referenced Phase 1 Project; and

WHEREAS, said Letter of Credit shall remain in effect until December 4, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby move to accept the above referenced Letter of Credit and directs the filing thereof in the office of the Town Clerk.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Clerk to track the expiration date of said Letter of Credit and to provide notice to the Town Construction Inspector, at least 60 days prior to the expiration date cited above herein, that said Letter of Credit is about to expire and request a Final Inspection Report within 30 days.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to: Sharon Dieso, Assistant Vice President, M and T Bank, Trade Finance Operations, 1800 Washington Boulevard 8th Floor, MC-MD1-MP37, Baltimore, Maryland 21230; Michael Cerone, MIII Enterprises, LLC, P.O. Box 509, Webster, New York 14580; Paul Colucci, Vice President, The DiMarco Group, 1950 Brighton Henrietta Town Line Road, Rochester, New York 14623; Matthew Heilmann, Town Construction Inspector; James Morse, Town Code Enforcement Officer, Lance S. Brabant, CPESC, MRB Group, D.P.C., 145 Culver Road, Suite 160, Rochester, New York 14620; and the Town Project File.

RESOLUTION #524-2018:

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

Abstract 23-2018

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS FROM: J. MARCIANO

ABSTRACT NUMBER	23
DATE OF BOARD MEETING	12/11/2018

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	41,203.47	2575-2615,2687,2688,2690,2694
HT	TOWN FACILITY CAP PROJECT	0	
DA	HIGHWAY FUND	49,244.06	2575,2588,2602,2617-2645,2687
HA	AUBURN TRAIL PROJECT	164,269.18	2577,2689,2693
HL	LILIBROOK PED BRIDE PROJ	141,751.70	2582
HS	PUMP STATION 2	0	
HZ	TOWNLIN CAP PROJ	0	
HU	WWTP DIS IMP CAP PROJ	86,403.03	2601,2616
HW	WATER TANK REPAIR	0	
SF	FIRE PROTECTION DISTRICT	0	
SD	STORM DRAINAGE	454.07	2575,2646,2647,2679
HB	BEAVER CREEK PARK	0	
SL1	LIGHTING DISTRICTS	0	
SS	SEWER DISTRICT	27,246.51	2587,2600,2612,2646,2648-2679,2687,2691,2692,2694
SW1	WATER DISTRICT	10,834.06	2587,2600,2612,2646,2649,2654,2656,2657,2662,2663,2666-2687,2691,2694
TA30	BUILDER GUARANTEE	0.00	
CW	LSWMP (LOCAL SOLID WASTE MANAGEMENT)	0	
85C	CODE COMPLIANCE REVIEW	0.00	
TA93	LETTER OF CREDIT (CASH)	0.00	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	91.88	2610,2657,2691
	TOTAL ABSTRACT	\$ 521,497.96	

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

WAIVER OF THE RULE: No Objections

RESOLUTION #525-2018:

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

RESOLUTION TO ALLOW OVERLAND CONTRACTING, INC. TO PERFORM WORK ON SUNDAYS AT THE RG&E SUBSTATION #127 LOCATED AT 961 HOOK ROAD

WHEREAS, a request was received from Mr. Dan Lilly, Field Construction Manager for Overland Contracting, Inc., and

WHEREAS, the request was to work on Sundays through December 30th, 2018 at the RG&E Substation #127 on Hook Road, now therefore be it

RESOLVED, that the Town Board of Farmington hereby authorizes Overland Contracting, Inc. to work on Sundays through December 30th, 2018, and be it further

RESOLVED, that the Town Clerk forward copies of this resolution to Jim Morse, Matt Heilmann, Ron Brand and Dan Lilly (LillyD@overlandcontracting.com).

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

RESOLUTION #526-2018:

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

RESOLUTION TO ACCEPT PERFORMANCE AND PAYMENT BONDS AND LABOR AND MATERIALS BONDS FROM CREATE A SCAPE, IN THE TOTAL AMOUNT OF \$435,428.06 TO COMPLETE WORK ON THE AUBURN TRAIL CONNECTOR PROJECT, PIN 4755.96

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has

been informed by Ronald L. Brand, the Town Project Manager, that work on the Auburn Trail Connector Project has ceased as of November 30, 2018; and

WHEREAS, the Town Board has also been informed by the Town Project Manager, in a letter dated December 4, 2018 that work to date has been satisfactory and will continue in the Spring of 2019 which it is understood by the Contractor, Create A Scape, is to be complete as of May 15, 2019; and

WHEREAS, there remains, as of December 1, 2018 a balance of \$ 435,428.06 in this Capital Project's Budget according to records being kept by the Town's Principal Account Clerk; and

WHEREAS, the contractor, upon discovering that it had initially failed to properly obtain the required bonds, is required under the provisions of Section 103 of the New York State Standard Specifications to provide a Faithful Performance Bond and a Labor and Material Bond before any additional payments may be made to Create A Scape on this Project and before any further work may be authorized in the Spring of 2019 on the Project; and

WHEREAS, Bonds Express.com, a bonding firm located in Syracuse, New York has in a letter sent via email to the Town Project Manager is in the process of providing the Contractor with performance and payment bonds, as well as labor and materials bonds for the Auburn Trail Project, in the total amount of \$435,428.06.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby move to accept this Faithful Performance Bond and a Labor and Material Bond in the total amount of \$435,428.06 to complete remaining work authorized and agreed-to by Create A Scape in the Contract Agreement document for the Auburn Trail Connector Project.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Clerk to provide a certified copy of this resolution, via mail, to: Tymothy Parmenter, Account Executive, Bonds Express.com, 1937 Teall Avenue, Syracuse, New York 13206; Ryan DelRe, Managing Member, Create A Scape, 6162 New York State Route 96, Farmington, New York 14425; Jay Riesenger, Local Projects Liaison, New York State Department of Transportation, Region 4 Office, 1530 Jefferson Road, Rochester, New York 14623; Emily Smith, P.E., Fisher Associates, 180 Charlotte Street, Rochester, New York 14607; Jeannine Marciano, Principal Account Clerk, Town of Farmington; and Ronald L. Brand, Town Project Manager.

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

RESOLUTION #527-2018:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS AND A STORMWATER MAINTENANCE AGREEMENT AFFECTING THE TACO BELL AND MICROTEL PROJECTS

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with Indus Real Estate II LLC ("Owner # 1") regarding the Town's obtaining Stormwater Management Facility, Water and Utility and Sidewalk Easements and a Stormwater Maintenance Agreement and has also engaged in discussions with 1296 Beaver Creek Rd, LLC ("Owner # 2") regarding the Town's obtaining a Stormwater Management Facility Easement over portions of their respective properties as shown on maps prepared by Marathon Engineering last dated October 24, 2017, October 10, 2018 and December 10, 2018; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that said Owner # 1 grant to the Town the easements and agreement over said lands of said Owner # 1; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that said Owner # 2 grant to the Town the easement and agreement over said lands of said Owner # 2; and

WHEREAS, said easements and agreement have been offered by Owner # 1 to the Town of Farmington; and

WHEREAS, said easement and agreement has been offered by Owner # 2 to the Town of Farmington; and

WHEREAS, the Town Board of the Town of Farmington is desirous of accepting said offered easements and agreements 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 and agreement to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easements and agreement attached hereto as Exhibit 1 from Owner # 1 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 # 1, and be it further

RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easement and agreement attached hereto as Exhibit 2 from Owner # 2 in accordance with the terms and conditions contained in said instrument and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to also be borne by Owner # 1; 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.

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

RESOLUTION #528-2018:

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

RESOLUTION AUTHORIZING A TRANSFER FROM THE GENERAL FUND TO THE AUBURN TRAIL CAPITAL PROJECT

WHEREAS, payment requests have been received from the contractors for the Auburn Trail Project,

WHEREAS, the Town is due \$290,885.99 for reimbursement from the grant funds for the project which has been approved for payment by the state,

Now, therefore, be it RESOLVED, the Town Board authorizes a transfer from the General Savings account in the amount of \$164,500 which will be recorded as a “due to” in the Capital Project and will be returned to the General account once the reimbursement for the project is received,

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

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

TRAINING UNDER \$100: None.

DISCUSSION: None.

EXECUTIVE SESSION: None.

A motion was made by **Councilman Casale** to adjourn the meeting at 7:43 p.m., **Councilman Bowerman** seconded the motion. All in favor. Motion **CARRIED**.

Minutes were taken by and transcribed by:

Michelle Finley, MMC, RMC -Town Clerk