

At the Farmington Town Board Meeting, held in the Town Hall on the 22nd day of January 2019, 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 were: **Don Giroux** – Highway/Parks Superintendent, **Dave Degear** – Water & Sewer Superintendent, **Ron Brand** – Director of Planning & Development, **Jim Morse** – Code Enforcement Officer, **Adrian Bellis** – Planning Board Member, **Ed Hemminger** – Planning Board Chairman, **Bill Davis** – MRB Group, **Jim Foley** – resident, **Mr. & Mrs. Jim Falanga** – residents.

PUBLIC HEARINGS: LOCAL LAW OVERRIDING THE NEW YORK STATE PROPERTY TAX CAP FOR THE 2020 TOWN BUDGET

Supervisor Ingalsbe opened the public hearing at 7 p.m. The Town Clerk read the Legal Notice. Supervisor Ingalsbe stated that since the tax cap has been in place the Town Board has always passed a resolution allowing them to override the property tax cap. He added that they had not been over the tax cap in several years but they never know what the state will do when looking at the records two years afterwards and they could come back and say the town did not compute the formula correctly, so by doing this it protects them if they should go over the tax cap even though they have no intentions of going over. Supervisor Ingalsbe asked if anyone would like to speak for or against the proposed local law, hearing none, the public hearing was closed at 7:02 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Casale** and seconded by **Councilman Bowerman**, that the minutes of the January 8, 2019, Town Board Meeting, and given to members for review, be approved. Four Voting “Aye” (Herendeen, Casale, Bowerman, and Ingalsbe), One Abstention (Holtz). Motion Carried.

PRIVILEGE OF THE FLOOR:

COSTICH ENGINEERS – APPLICATION FOR REZONING A 16 ACRE SITE FROM GB (GENERAL BUSINESS) TO IZ INCENTIVE ZONING (Tops Plaza)

Mr. Michael Montalto from Costich Engineering spoke on behalf of Farmington Center LLC. They have reached a point where they can make a formal incentive zoning application and they are there to start the process. The incentive zoning process will involve the rezoning of approximately 18.3 acre site from General Business (GB) to Incentive Zoning (IZ). This is a comprehensive redevelopment project. The core tenants are Tops Market and Canandaigua National Bank. Canandaigua National Bank has for a number of years wanted their own building. The owner would like to also bring in a fueling station, Mavis Tires store, and mixed use offices. They have met with NYSDOT and Town Staff. Mr. Montalto stated from an incentive zoning standpoint, what they are seeking is looking at this an overall comprehensive development so it is not piecemeal, looking for reduced setbacks to allow them to develop the out parcels near Route 96, combine special use permit processes for the fueling kiosk for Tops Market, and to allow them to propose certain amenities. He added that there will be a number of amenities proposed primarily addressing the goals of the traffic studies and the access corridor management that has been done in that area. He added that first and foremost what this plan brings with it is an intersection location at the eastern portion of the property that not only services the plaza but also the property east and facilitates connection to the north side of Route 96. He added it also allows dedicating right of way to the town which would facilitate connection to the south and to the east. Includes the installation of approximately 1300 linear feet of sidewalk to finish the connection over to Mertensia Road and then down Mertensia to where the town stop its recent sidewalk project. He stated they would add signalized pedestrian improvements at the intersection. They would also be making safety improvements to the existing plaza entrance.

Mr. Montalto stated that this would be done in phases with phase one being Canandaigua National Bank building, the fueling kiosk, and Mavis Tire Center. Mr. Montalto went over the map. Mr. Brand went over the process for rezoning.

SKANEX – DAN GRAHAM – PRESIDENT

Mr. Graham appeared before the Board to discuss a resolution the Town Board acted on at a previous meeting and that the resolution was voted not to pay him for services relative to the contract. He stated that Skanex has been in business for 44 years and that they provide pipeline and structural rehabilitation services all over the northeast. He added that they have had a relationship with Farmington for at least 25 years providing various services and more recently over the last 5 years they have been doing manhole rehabilitation services for Farmington. Mr. Graham stated that in early June they were informed that there would be some additional work. He stated that on June 25, 2018, they received a plan showing 21 manholes to be worked on (11 in Farmington District and 10 in Victor). He added that there were specific tasks to be done on certain manholes in certain locations, four different pay items. He stated that when they got the list they were told not to exceed \$40,000 for the chemical grouting of the 21 manholes. He gave the Board a copy of an email stating that and used it as a guideline for the project. He added that the value of the work was actually \$60,000 but the email clearly stated that they were not to exceed \$40,000 for one of those four pay items that being the chemical grouting and didn't see an issue with that because the chemical grouting only cost

\$5,000. He stated that they went ahead and did the work and completed it in early September, submitted a bill for the entire invoice and six weeks later they heard from Dave Degear in an email response stating they had exceeded the total billable of \$40,000. He added that this was the first time that they understood that they were actually operating outside the wishes of the Town. Mr. Graham stated that during the time they were doing the work they were never informed that they exceeded an financial limits and there was a representative with their crew everyday so it was clear what they were doing and it should have been easy to determine the value of the work because the term contract with Ontario County has stipulated priced items so it should have been easy to come up with a total for the entire contract. He added that it is fortunate that they only did 18 of the manholes because they would have gone further past because they thought they were operating within the contract goals of the town. He felt this was a miscommunication and they certainly did not intend to try and push beyond what the goals were. He added that if they could take the work back they would but its part of the infrastructure. He stated that the manholes all needed work and would have gotten worse over time.

Mr. Graham stated that they understand they exceeded the 2018 budget but clearly they're past that now and are in 2019 budget year. He is respectfully asking the Board to consider payment of the items in the year 2019. Supervisor Ingalsbe replied that the work was done in 2018. Mr. Graham stated that clearly they are not in 2018 anymore and that the work started in July and here we are in January now. Mr. Graham stated that he believed this was just a misunderstanding, miscommunication.

Mr. Graham stated that the original bill encompassed all of the four different items into one bill which was approximately \$60,000. He stated that Dave Degear had asked him to separate the work items on individual invoices so one of the invoices was for about \$39,000 and that was paid and the remaining three were not because of the \$40,000 limitation. As he stated earlier, they thought the \$40,000 limitation was on the one work item only not all four items. He pointed out that they had not exceeded the amount on the one item being the chemical grouting.

Supervisor Ingalsbe asked Mr. Degear about having a representative from his department with Skanex whenever they were doing the work and asked from his standpoint what the issue was. Mr. Degear replied that they had miscommunication on when the contractor was showing up on the site verses when an inspector could be on the site. He added that sometime he heard from the person working the field and not the owner and his employee wasn't always available because they didn't schedule it. Mr. Graham asked if that was why his invoices were denied due to scheduling conflicts. Supervisor Ingalsbe replied no and that he thought it was referring to Mr. Graham's comment earlier about why didn't the person onsite ever say anything about exceeding the limitation.

Councilman Holtz asked Mr. Graham if he received a copy of the resolution authorizing the work. Mr. Graham replied that he had received it attached to the June 25th email and the same email that Dave Degear had said that was for the chemical grouting so they went with his direction as they have for in the past. Councilman Bowerman commented why the town would give him \$40,000 on one of four pay lines for \$5,000 worth of work and give him a blank check for the remaining three items. He added that the resolution said there was \$40,000 worth of work. Mr. Graham asked why he was given a list with 21 manholes knowing that far exceeds the amount you wanted to spend. Councilman Holtz stated that they provided a list and authorized a certain amount of money and basically to get done as much as they can for the money they approved. He added that process has worked for 6-7 years.

Bill Davis, MRB Group, stated that the Board requested MRB to provide mapping, which they did, 10 manholes for Victor, 11 manholes for Farmington. Mr. Davis stated that they did know that the amount to do the 21 manholes exceeds the value but the Board only budgeted \$40,000, and that is why the resolution was attached because it wasn't intended for Skanex to do all the work if was to exceed the \$40,000 otherwise they would have just given them the map and said go do the work and we know what the cost is. Mr. Davis stated that these are term services and typically kept tracked of pretty closely because in the field all these manholes are in different disrepair so as you go you have to keep track and unfortunately they did not keep a close eye on everything in this case but certainly to exceed by \$20,000 was definitely a surprise to everybody.

Mr. Graham stated that it was not his intent to do this and put himself in this position, it was an oversight. He stated that the way he looks at it is that the Board was going to have to do the work sometime in the future and they're into the next fiscal year already. Supervisor Ingalsbe replied that they haven't authorized any work yet this year. Mr. Graham stated that it is clear that when the Board created the list their intent was to, at some time, to do the work and now that work is already completed. He doesn't think it's far for the Board to expect him to walk away from this bill and that would be financially very damaging.

Councilman Holtz stated that they received an extensive timeline but only one email was attached. Mr. Graham stated that he has a list of emails for all the correspondence and he can supply more information. Dave Degear stated had the contractor come to him and say they reached the \$40,000 mark he would have asked the Board for a change order for more money, which he added is the normal procedure. Mr. Graham admits he didn't track this financially but it was not done intentionally.

Supervisor Ingalsbe stated that they will discuss this and get back to Mr. Graham in 2 weeks. He also suggested that they might have Mr. Graham come to a Public Works meeting. Mr. Graham will send all emails to the Supervisor. Mr. Graham thanked the Board for their time.

PUBLIC CONCERNS: Proposed Solar Project

Mr. Falanga believed they have a solution to the proposed solar project on Yellow Mills Road in the form of a signed petition asking the Board to enact a second solar moratorium, basically asking for a timeout. He submitted a petition with over 100 signatures from registered Town of Farmington residents/voters. He read the following:

We appreciate the wisdom of the Town Board in establishing a moratorium in the past for Solar Collection Systems and Solar Farms and are petitioning the Town Board to enact another moratorium for Large Scale Commercial/Industrial Solar Energy Development. As stated in the Town of Farmington Comprehensive Plan and supported in the Town's Farmland Protection Initiative, the Northeast Quadrant of Farmington is designated as Open, Rural, and noncommercial/industrial. A Master Plan is not a suggestion, it should be carried out. Residents have a reasonable right to expect zoning class will conform with existing uses. The Town's Master Plan protects our scenic and natural environment and rural/agricultural character that has largely been the impetus for the Town's past development.

As landowners we are not opposed to personal use sustainable energy development; however, we urge the Board to assure that every opportunity is given to addressing this monumental issue, that if granted would not be in harmony with the area and thus would adversely affect the neighborhood and forever change the Town of Farmington for the worse. We ask that all resources at your disposal be studied thoroughly to develop a comprehensive approach to this issue. To this end, we request you to enact another moratorium, specifically, for large scale Commercial/Industrial Solar Energy Development and that the moratorium be issued for the full 12-month period, and we encourage the Town and the Planning Board to include the "New York State of Opportunity Solar Resource Guide" and the New York State Model Ordinance for Solar Energy, combined with the resources already acquired from nearby townships, in developing land use regulations which truly reflect those goals and the needs of the township as a whole.

In addition, recent developments regarding the SEQR process has left this group perplexed and stunned as we have just recently found out, (at the 1/16/19 Planning Board meeting) that the process timeline was extended beyond the original October 28, 2018, deadline. A deadline that was given to us several times and it reflected in the public meeting minutes. The original timeline found us scrambling for letter submission and had we been informed of the SEQR timeline extension, we would have assuredly gathered more input from your neighbors opposing the large-scale Commercial/Industrial Solar Power Plant. Enacting another 12-month moratorium would allow concerned citizens the opportunity to respond. Therefore, please accept this first round of signatures in support of a moratorium, other signature pages are in circulation and will be sent to you soon.

We have recently reviewed the opinion letter of Attorney Graff, we believe his ultimate opinion with regard to the meaning of "there is no feasible alternative" is incorrect. However, his letter points to a fatal flaw in the law. The law is absolutely devoid of any standard or elements to establish how or by what method the Planning Board determines that "there is no feasible alternative". With this glaring omission the law is unenforceable whichever side of the issue one is espousing. Finally, based upon our many Town Board meetings we believe, based upon what we were told by the Planning Board, that no member of the Board, when adopting this amendment envisioned the situation we are now facing. Accordingly, the law needs to be fixed now. If not, we will be washed away by the developers who care nothing for any of us, but are driven solely by self-interest and their profit.

End of letter

Jim Foley, Ellsworth Road, stated that he had the opportunity to look at the letter from the Town's Attorney Jeff Graff, and he started out with the two things they agree upon: a special use permit can be granted so long as it will not adversely affect the neighborhood (Mr. Foley stated that he could sit down right there because he cannot envision anyway that you can look at 21,000 solar panels and say that is an improvement to the neighborhood, it's a detriment); the second thing they agreed upon is that the law does have a condition precedent but the magic and the problem is that the attorney zeros in on the same language he looked at earlier, "we can build large scale solar on prime agricultural soil (1-4) once it can be determined by the Planning Board that there is no feasible alternative and now we have two different paths that they look at and having two different lawyers come to two different conclusions. He suggests where he thinks the error was made, once it can be determined by the Planning Board that there is no feasible alternative, Jeff Graff reads that to mean that there is no feasible other alternative in the site as in the Smith property but he added when looking at statutes they have to be construed strictly and if that is Jeff's view then the law really should say once it can be determined by the Planning Board that there is no feasible alternative on the proposed site; that would now make Jeff's view correct; absent those words you then have to give it the widest interpretation which is now the interpretation that he now has, that the board has to show that there is no other feasible use for this land other than a solar power plant. He added that Jeff admits that there is another feasible alternative use as it is being used as a farm right now but hear is the problem; he doesn't care which side of the argument you take, whether they take Jeff's position that there is no other feasible alternative place on the site to put it or his view saying that there is no other feasible use other than a power solar plant, the law is absolutely devoid of any method to make that determination and he would say that therefore the law is unenforceable and however the Planning Board gets to a decision both sides have an argument to a Supreme Court Judge on how did the Planning Board get there because the law itself has no methodology to make that determination, it's blank. He stated that he would say that while they have heard from each one of them that nobody envisioned this situation and now they are in a situation that the law that they're going to rely on doesn't help them in any way, shape, or form to get to a proper solution. He stated that the Board needs to sit back and impose a moratorium and fix the law. Mr. Foley stated that he use to sit in the Supervisor's seat and he was always concern about it along with everyone on the board was if they did something they would be sued, and that happens, you can't stop people from bringing lawsuits, however, the way to protect themselves from an end result that isn't good, is to do what's right and if there is an error in the law, fix it. He stated that in his mind nobody can yell at the Town of Farmington for saying "you know what we reached a point where we understand that this law is not effective in reaching our goal and therefore we want to impose a moratorium and fix it".

Mr. Foley stated that at the last Planning Board Meeting Delaware argued to stop the public hearings and shouldn't go through the rest of the process, and do a determination now to approve it so they could go get their money. He

added that Delaware is not concerned for them, their concern is the money. Mr. Foley stated that it is not just Farmington but every small town in upstate New York that is being won over by this type of process. Delaware isn't the only company but the game plan by each and every one of them is the same. He stated that while Farmington may have not envisioned a Solar Power Plant there is nothing in this world that would shake his instinct to say that they (Delaware) didn't envision it and they may have not been direct and honest with them they knew where they were going from the get go so his request would be even if it's a hard decision and may even involve a lawsuit but his guess is that Delaware is here to make money and the harder it is for them to make money and waste time not building and getting to their profit mark they will go onto to the next small town.

Tammy Johnson stated that she went over the local law and in Section 3 (165 3.1) titled Purpose, it states "it is the purpose of this section of the Town Code to encourage and promote the safe, effective, and efficient use of installed solar photovoltaic systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and properties. Ms. Johnson stated that she felt she is included in the part that states "protecting the health, safety, and welfare of adjacent and surrounding land uses and properties", she asked the board if she is correct in thinking that and is the law protecting her. Supervisor Ingalsbe replied that he was not going to comment on that and that they are only taking their comments. She stated that she hopes the law is protecting her and her fellow property owners.

Ms. Johnson read Section 4 (165-65.3.2) of the Local Law entitled Intent and read as follows: It is the intent of these regulations to: (1) Meet the goals of the Town of Farmington Comprehensive Plan (hereinafter referred to as the Plan) for enhance agricultural viability and preserve productive agricultural land resources; and provide public utilities; facilities and services that efficiently meet present needs and anticipate future needs of residents in accordance with the goals and objectives of the plan. She stated that she reads that to mean when it states agricultural viability she envisions owning and retiring in the county. She referred to the words future needs of residents and stated that to her is keeping county - county. She stated that she is a resident and her future needs are to preserve it as county.

Nancy Falanga wanted to bring to the board's attention the Town of Ogden and they are on their 4th industrial size solar plant and they have a huge organization called SOS (Stop Ogden Solar). The Town of Ogden is in the middle of solar sprawl. Her point is that once one solar plant comes in many more will come in. The organization is in the process of petitioning for an Article 78. She thinks it is their opportunity now to stop this in its tracts and rethink it and sort it out before the first one comes in.

Pat Kay commented on the flip factor and asked if the board has looked into that possibility.

Marilyn Fair commented on what was in the panels and the affects it will have on the environment should they break. She now knows what's in them and how they are produced. She stated that they are dangerous to produce and dangerous if they are broken. She talked about what would be done if they are broken, where would they go. What is Farmington going to do with all those panels?

Ann Foley stated that Delaware North did sell their rights to the Ithaca project after agreeing to post a bond they reneged on it and decided that they did not need a bond and wouldn't put up a bond.

Jim Falanga stated that Mrs. Heberle has been a good citizen since 1955 and has paid her taxes and now they are asking the Town Board to uphold their end of the bargain and enact a moratorium and call a time out so they can work together to solve this issue before it gets out of control.

Supervisor Ingalsbe thanked everyone for their comments. Their comments will be shared with town staff and town attorney.

JIM SHANNON - NAILS - KYTE ROAD

Mr. Shannon asked if the town was going to do anything regarding the issue of nails being on Kyte Road. He added that nothing is going to change until the town and the police force get together before someone gets hurt. Mr. Shannon stated that now the nails are white to blend in with the salt covered roads. Councilman Bowerman stated that the Sheriff's office is looking into it but even a camera is not going to get whoever is doing it. Mr. Shannon said if they had a high resolution infrared camera they could. Councilman Bowerman stated that the Sheriff's Office does not have one of those. Mr. Shannon said that between the town, county and the sheriff's office, they can buy a camera. Councilman Bowerman stated that they would need staff to review the footage. Mr. Shannon stated that if there were a string of rapes or break-ins around town he doesn't think man power would be an issue. Councilman Bowerman stated that there are officers looking into it but one would literally have to catch someone red handed doing it. Supervisor Ingalsbe stated that they will talk it over again but he doesn't think there is much they can do. It was suggested the Mr. Shannon contact the Sheriff's Office.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

1. Discussed Control Building #1 - Belt Press Building #7A and Influent Building #10.
2. Discussed Building #1 Boiler Replacement.
3. Discussed Building #8, Sand Filter Building Skimmer Pump #1.
4. Discussed various pumpstations.
5. Water Breaks – One on Mertensia Road by the County Club Car Wash.
6. Discussed Beaver Creek 12" Waterline Replacement, Section 2.

7. Discussed snow removal around fire hydrants.
8. Discussed 2" Commercial Water Meter Replacement Program.
9. Discussed resolutions on agenda.

Highway & Parks:

1. Current projects- Highway –drainage work Grove Park, Mixing salt and magic, salting and plowing, equipment maintenance, and hauling CR #2.
2. Parks – Grove swing set for 2-5 year olds, repair of picnic tables and benches, installing border wall for fall zone, and salting and plowing.
3. Building Maintenance.
4. Discussed Spring Clean Up and Mower Head.
5. Discussed resolution on agenda.

Town Operations Committee: Councilman Casale reported:

1. Report from Director of Planning and Development on file and on the website.
2. Discussed resolutions on agenda.
3. Discussed Beaver Creek Park Consolidated Funding Application.
4. Discussed Hathaways Corners Project.
5. Discussed Home Power Systems Project.
6. Beaver Creek Park public informational meeting February 21st @ 7 p.m.

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. Received many praises for the road conditions during the storm.
2. Town of Victor has talked about doing an E-Waste Event. More information to follow.
3. Town Court received Justice Court Grant (\$9510.00).

Highway& Parks Superintendent Giroux reported:

1. Discussed storm coverage.

Town Clerk Michelle Finley reported:

1. Busy collecting taxes and water bills.

Water & Sewer Superintendent Dave Degear reported: None.

Code Enforcement Officer Jim Morse reported:

1. Thanked the Town Board and said it was a pleasure working with them.

Director of Planning and Development Ron Brand reported:

1. Julie Bockman, Empire, was in attendance in case the Board had questions on the resolution for temporary access easement.
2. Organized all the Delaware Solar files- master list was prepared and will be posted on the town's website.
3. Talked with Dan Compitello from Delaware Solar who admitted that Farmington's process has got a lot of people from Ag & Markets and NYSERTA thinking about some of the other solar projects that were approved without going through the notice of intent process.

Assessor Donna LaPlant reported: None.

Town Engineer reported: Bill Davis reported:

1. Townline Road Culvert Plan and Specs are available now.
2. Anticipation of road closing for Townline Road and also Hook and Curran roads this summer.
3. Discussed Victor Transmission Main

Fire Chief reported: None.

Planning Board Member Chairman Ed Hemminger reported:

1. Discussed Solar Project- waiting for information.
2. Other projects- Maddy's Sports, Old Castle, Tops, Auburn Meadows, and Home Power Systems.

Zoning Board of Appeals Tim Delucia reported: None.

Recreation Advisory Committee Brian Meck reported:

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 Town Board, Zoning Board of Appeals and Planning Board from Residents. Re: Delaware Solar Project.
2. Town of Victor Resolution No. 603-2018. Re: Authorization of payment to the Town of Farmington for Professional Services and upgrades to the Victor Sewer District Lift Stations PS-17 #7251 Gillis and PS-32 #7324 Willow Brook Road.
3. Letter to the Director of Development from Michael Montalto of Costich Engineering. Re: Farmington Market Center Incentive Zoning Application.
4. Ontario County Board of Supervisors Resolution No, 738-2018. Re: Authorizing an extension to the Intermunicipal Agreements with Ontario County Towns and Cities for Solid Waste Management Plan Implementation Projects.
5. NYS DEC confirmation of report submission for 2018 Pest Annual Report.
6. Letter to Kevin Overton of Harris Beach from Louis D/Amato of Woods Oviatt Gilman. Re: MIII Enterprises, LLC and Carmen Laviano Revocable Trust.
7. Notice Under Mechanic's Lien Law for Account of Public Improvement. Re: Auburn Trail Connector Project.
8. Letter to the Director of Development from Tymothy Parmenter of Bonds Express. Re: Auburn Trail Connector Project.
9. Letter to the Town Clerk from Mary Gates of Ontario County Department of Finance. Re: 2018 Payment Detail Report.
10. Letter to the Town Supervisor from Residents. Re: Delaware Solar Project.
11. Letter to the Town Clerk from Tessa LaBrake of the Farmington Volunteer Fire Association. Re: New Members.
12. 2018 NYSAC Year in Review.
13. NYSAC 2019 Report.
14. Letter to the Town Supervisor from Tammy Luzzi of Ontario County Real Property Tax Services. Re: Senior Citizens; Persons with Disabilities; Alternative Veterans'; Cold War; Cold War Extension; Business Investment; and Solar/Wind Energy Exemption Options for 2019 Assessment Rolls.
15. Letter to the Planning Board from Kathleen and Gary Cook, Residents. Re: Delaware Solar Project.
16. Letter to the Town Clerk from Tessa LaBrake of the Farmington Volunteer Fire Association. Re: New Members.
17. Ontario County Planning Board Findings and Decisions. Re: Route 96 Transformative Corridor Infrastructure Plan, Comprehensive Plan Amendment.
18. Letter to the Town Supervisor from Lance Brabant of MRB Group. Re: Highway Garage Fueling Station Project, Wetland Delineation Report.
19. Article from Fredericksburg.com Re: Commentary: Protect Spotsylvania from mega solar industrial complex.
20. Letter to the Planning Board Chairman from Town Attorney, Jeffrey D. Graff. Re: Farmington Zoning Law Question.
21. NYS Department of Agriculture and Markets – Agriculture Districts Law §305 Notice of Intent to Undertake an Action Within an Agricultural District. Re: Delaware Solar Project.
22. Letter to the Town Board and Zoning Board of Appeals from Jean Parker, Resident. Re: Delaware Solar Project.
23. Letter to Lance Brabant of MRB Group from Travis Money of Diehlux, LLC. Re: Yellow Mills Road Solar Project.
24. Certificate of Liability Insurance from: Systems Development Group, Inc.; Econom Paving Co., Inc.; NVR, Inc.; Patio Enclosures; Integrated Power Systems.
25. Certificate or Workers' Compensation Insurance from: Patio Enclosures; Griffin Construction of New York State, Inc.

REPORTS & MINUTES:

1. Monthly Report – Judge Lew – December 2018.
2. Monthly Report – Judge Gligora – December 2018.
3. Report to Public Works and Town Operations – January 8, 2019.
4. Manchester Fire Department Incident Run Log – December 2018.
5. Agriculture Advisory Committee Meeting Minutes – December 20, 2018.
6. Planning Board Meeting Minutes – January 2, 2019.
7. Planning Board Organizational Meeting Minutes – January 12, 2019.

ORDER OF BUSINESS:

RESOLUTION #67-2019:

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

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF FARMINGTON OF LOCAL LAW NO. 1 OF 2019

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Farmington for a public hearing to be held

by said Town Board on January 22, 2019, at 7:00 p.m. at Farmington Town Hall, 1000 County Road 8, Farmington, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Farmington, on January 10, 2019 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on January 22, 2019, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington hereby adopts said Local Law No. 1 of 2019, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", a copy of which is attached hereto and made a part of this resolution, and be it further

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

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

Local Law No. 1 of the year 2019

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the **Town Board**

County of Ontario

City

Town of **Farmington** as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Farmington, County of Ontario, pursuant to General Municipal Law §3-c, and to allow the Town of Farmington to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Farmington, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #68-2019:

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

RESOLUTION- OVERRIDING TAX CAP LIMIT FOR SPECIAL DISTRICTS AND FIRE PROTECTION DISTRICTS

WHEREAS, the Town Board of the Town of Farmington is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

WHEREAS, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of Farmington, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of Farmington, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2020 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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

RESOLUTION #69-2019:

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

ACCEPTANCE OF THE REQUEST FOR A PARTIAL RELEASE OF FUNDS, RELEASE #3, FROM THE LETTER OF CREDIT FOR SITE IMPROVEMENTS ROUTE 332, MIII INCENTIVE ZONING PROJECT, PHASE I, IN THE TOTAL AMOUNT OF \$121,923.40

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board, a resolution dated January 16, 2019 recommending the Town Board accept the above referenced partial release #3 from the Letter of Credit for approved site improvements within the Route 332, MIII Incentive Zoning Project – Phase I, in the total amount of \$121,923.40; 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 #3, dated December 28, 2018; and

WHEREAS, with this partial release of funds there will be a total of \$78,567.98 remaining in this Letter of Credit; and

WHEREAS, the Town Clerk has verified the remaining balance in this Letter of Credit after this third partial release of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the thrid partial release of funds from the above referenced Letter of Credit Estimate, in the total amount of \$ 121,923.40.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Clerk to provide certified copies of this resolution to: Michael Cerone, MIII Enterprises, LLC, P.O. Box 509, Webster, New York 14580; Paul Colucci, Executive Vice President, DiMarco Group, 1950 Brighton Henrietta Town Line Road, Rochester, New York 14623; 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” (Ingalsbe, Casale, Herendeen, Holtz, and Bowerman), the Resolution was **CARRIED**.

RESOLUTION #70-2019:

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

LETTER OF CREDIT ACCEPTANCE FOR APPROVED SITE IMPROVEMENTS MEYER’S RV SUPERSTORES OF FARMINGTON SITE, 6186 AND 6200 STATE ROUTE 96 – IN THE TOTAL AMOUNT OF \$357,134.72

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from the Town Planning Board, recommending the Town Board take action to approve the establishment of a letter of credit for approved site improvements identified for the above referenced Project; and

WHEREAS, the Planning Board's recommendation is based upon their review and acceptance of the recommendations from the Town Construction Inspector and the Town's Engineers on the establishing said Letter of Credit; and

WHEREAS, the quantities and unit prices identified in the Applicant's Engineer's Estimates of Values were found to be consistent with the approved site plan improvements, the private contractor pricing respectively.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Planning Board's recommendation and approves the establishment of the above referenced letter of credit for this project, in the total amount of \$357,134.72.

BE IT FURTHER RESOLVED, that upon receipt of the Letter of Credit in the Town Clerk's Office and notification thereof, the Town Code Enforcement Officer shall schedule a preconstruction meeting on the project.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to notify tomorrow, by U.S. Mailing of certified copies of this resolution to Patrick Laber, P.E., Schultz Associates, P.C., 129 S. Union Street, Spenceport, New York 14559; and Mark Meyer, Meyer's RV Superstore, 1000 Sanford Road North, Churchville, New York 14428.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to the Town Highway Superintendent, Town Water & Sewer Superintendent, Town Code Enforcement Officer, the Town Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

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

RESOLUTION #71-2019:

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

RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO PURCHASE A 2019 6CAM19STT – SPLIT TILT EQUIPMENT TRAILER

WHEREAS, the Highway Superintendent has budgeted for a 13,000 lb. tilt trailer, and

WHEREAS, the Highway Superintendent has garnered 3 quotes: DJM (\$6,750), All County Lawn TTC (7,140.95) and Jim's Trailer World, Inc. (\$6,798.50), and

WHEREAS, in compliance with the current purchasing policy for the Town, and along with DJM's quote being the lowest at \$6,750, now therefore be it

RESOLVED, that the Town Board authorizes the Highway Superintendent to accept the purchase for one (1) 2019 6CAM19STT Split Tilt Equipment Trailer, and be it further

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

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

RESOLUTION 72-2019:

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

RESOLUTION AUTHORIZING 4 HOUR N.Y.S.D.E.C EROSION AND SEDIMENT CONTROL TRAINING RENEWAL FOR DAVID DEGEAR & ROBIN MACDONALD

WHEREAS, the Town of Farmington Water and Sewer Department employees are required every three (3) years to attend the New York State 4-hour erosion and sediment control training, and

WHEREAS, the 3 year renewal requirement and training has been requested by the Water and Sewer Supt. David Degear and Working Supervisor Robin MacDonald with the requalification training class which is being held at the Town of Henrietta Town Hall located at 475 Calkins Road on February 21, 2019 at a cost of \$100.00 per person, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Canandaigua-Farmington Water and Sanitary Sewer Districts, and the Victor Sewer District hereby authorizes the said required training at a cost not to exceed \$200.00, and

BE IT FURTHER RESOLVED, that funds for said replacement and repairs was budgeted and this expenditure is from the Water Budget line SW1-8310.4 (Water Admin-CE) and Sewer Budget line SS-8110.4 (Sewer Admin-CE), and

LASTLY LET IT BE FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Supervisor's Secretary, the Water and Sewer Superintendent and the Principal Account Clerk.

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

RESOLUTION #73-2019:

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

APPROVAL TO PURCHASE RUN-OF-BANK (ROB) GRAVEL FOR CONSTRUCTION AN ACCESS ROAD FOR THE MAINTAINENANCE OF SEWER MAIN ND SEWER MANHOLES ALONG COUNTY ROAD 41 TO BEAVER CREEK ROAD BEHIND THE FINGER LAKES RACE TRACK

WHEREAS, the Water and Sewer Supt. has scheduled the maintenance and cleaning for the existing sanitary sewer main located within the Farmington Sewer District between the Finger Lakes Race Track on County Road 41 at Wood Drive to Beaver Creek Road and continuing westward to the New York State Route 332 in the Town of Farmington, and

WHEREAS, due to the growth of brush and various size small trees, the clearing along the sewer is being done and an access road needs to be built to gain access to the sanitary sewer manholes and sewer pipe for maintenance, requiring the purchase of crusher run stone or run-of-ban (ROB) gravel for a length of 1,000 linear feet, and

WHEREAS, in accordance with the Town's Purchasing Policy requirements, four (4) quotes have been received for 800 tons of run-of-bank (ROB) gravel from locations located in Mendon, Victor and Farmington with the existing gravel pit located on County Road 8, north of the NYS Thruway in the Town of Farmington being the lowest quote at a cost of \$5.90 per tons dated 1/14/19 from Dendis Sand and Gravel, Inc., and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Farmington acting on behalf of the Farmington Sewer District hereby authorizes the Water and Sewer Supt. to purchase ROB gravel at a cost of \$5.90 per ton from Dendis Sand & Gravel, Inc. 52 Route 318, Phelps New York 14532 for a total cost not to exceed \$4,800.00, and

BE IT FURTHER RESOLVED, the funds are appropriated in the 2019 budget line for the sewer department SS-8120.4 (CE), and

LASTLY LET IT BE FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Supervisor's Secretary, the Water and Sewer Superintendent and the Principal Account Clerk.

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

RESOLUTION 74-2019:

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

RESOLUTION REQUESTING A REPORT AND RECOMMENDATION FROM TOWN PLANNING BOARD REGARDING PETITION TO REZONE THREE PARCELS OF LAND, TAX MAP NUMBERS 29.00-01-39, 29.00-01-40 AND 29.00-01-41.1, WHICH COMPRISE 18.3 ACRES OF LAND, FROM GB GENERAL BUSINESS TO IZ INCENTIVE ZONING FOR DEVELOPMENT OF THE FARMINGTON MARKET CENTER INCENTIVE ZONING PROJECT

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a presentation at tonight's Town Board Meeting from Michael Montalto, Costich Engineering, D.P.C., on behalf of Angelo Ingrassia, Farmington Center, LLC, and a request to amend the Town's Official Zoning Map by changing the GB General Business zoning district designation for the above listed parcels of land, to permit the development of these sites as part of what is now being called the Farmington Market Center Incentive Zoning Project; and

WHEREAS, the Town Code, Chapter 165, Section 6. C., requires a referral to the Town Planning Board (hereinafter referred to as Planning Board) for an advisory report with reasons for recommending or opposing such an amendment before taking further action upon this petition to rezone land.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby request the Planning Board to review said petition and to prepare a report with reasons for their recommendation in accordance with the provisions set forth above herein.

BE IT FURTHER RESOLVED, that Michael P. Montalto is hereby requested to submit twelve (12) sets of the rezoning packet and Concept Site Plan for said Project to the Town Director of Planning & Development, on or before noon on Wednesday, January 23, 2019 for distribution to the Town Planning Board for their February 6th meeting and the Town Project Review Committee members at their meeting on February 1, 2019.

BE IT FURTHER RESOLVED, that Michael P. Montalto is hereby requested to appear before the Town Project Review Committee on Friday morning, February 1, 2019 to make a presentation to those town, county and state officials in attendance.

BE IT FURTHER RESOLVED, that Michael P. Montalto is hereby requested to appear before the Planning Board at their February 6, 2019 meeting to make a public presentation to said Board on the proposed amendment and this referral.

BE IT FURTHER RESOLVED, that certified copies of this resolution are to be provided to Michael P. Montalto, Costich Engineering, D.P.C., 217 Lake Avenue, Rochester, New York 14608; Angelo Ingrassia, Farmington Center,

LLC, 550 Latona Road, Building E, Suite 501, Rochester, New York 14626; the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Code Enforcement Officer; the Town Engineers and the Director of Planning and Development. In addition, a certified copy is to be provided to Edward Hemminger, Chairperson Town Planning Board.

BE IT FINALLY RESOLVED, that the Town Board hereby requests the Planning Board to submit its' report on or before noon on Thursday, February 21, 2019 to allow the Town Board to consider said report and recommendation at its' meeting on Tuesday, February 26, 2019.

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

RESOLUTION #75-2019:

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

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2015 VLT CAPITAL RESERVE ACCOUNT ONCE THE PUBLIC REFERENDUM PERIOD IS COMPLETE.

WHEREAS, the following funding transfers were approved in the 2019 budget using VLT funds:

\$250,000 to Highway for improvements at the intersection of Route 332 and 41
\$100,000 to Fire for Self-Contained breathing apparatus equipment
\$200,000 to the Town Facility Reserve Fund
\$100,000 to the Townline Road Capital project
\$100,000 to the PS 2 Sewer Capital project
\$ 50,000 to the General Reserve
\$307,767.70 plus any interest earned to the Beaver Creek Park Capital Project

Now therefore be it RESOLVED, that the Town Clerk publish the public notice for the withdrawal from the reserve,

Further RESOLVED, that the Principal Account Clerk, of the Town of Farmington, is hereby authorized and directed to transfer the funding from the reserve fund A232V15 once the permissive referendum period is complete when the CD matures on 3/13/19.

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

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

RESOLUTION #76-2019:

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

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO THE SEWER EQUIPMENT BUILDING RESERVE AND THE WATER EQUIPMENT BUILDING RESERVE

WHEREAS, \$100,000 was budgeted in the 2019 sewer fund to be transferred to the sewer equipment building reserve, and \$100,000 was budgeted in the 2019 water fund to be transferred to the water equipment building reserve

NOW, THEREFOR BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the transfer to the CDs "sewer equipment building reserve" and "water equipment building reserve" when they mature on 2/27/19

BE IT RESOLVED, that the Principal Account Clerk completes the transfer of funds,

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

RESOLUTION #77-2019:

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

RESOLUTION AUTHORIZING THE WATER AND SEWER SUPERINTENDENT TO PURCHASE ONE (1) NEW AND UNUSED 2019 SIX TON CAM MODEL 6CAM820DO STANDARD DUTY 13,800 GVWR DECKOVER CONSTRUCTION TRAILER

WHEREAS, the Water and Sewer Superintendent has established a Five (5) Year and a Ten (10) Year Vehicle and Equipment Replacement Program for the Town of Farmington Water and Sewer Department including the Canandaigua-Farmington Water-Sewer Districts, and

WHEREAS, in the 2019 Budget, the Water and Sewer Department had identified the need for the replacement of an existing 2004 Road Master 3-1/2 ton landscape trailer with a newer 6-ton capacity trailer unit that is designed and capable of safely transporting and moving of various water supply parts and materials to the job sites, and

WHEREAS, in compliance with the Town of Farmington Purchasing Policy, three (3) quotes were received which ranged from \$7,541.00 to \$8,445.60 for a new 2019 CAM model 6CAM820DO standard duty deck over construction trailer, and

WHEREAS, the funds are appropriated in the 2019 budget line for the Canandaigua-Farmington Water District and the Farmington-Victor Sewer Districts, and

BE IT RESOLVED, the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase one (1) 2019 Model CAM820DO, 6 ton capacity deck-over trailer with D-ring tie downs and self-cleaning ramps from Jim's Trailer World, 7785 NYS Route 31W, Lyons, New York for a total cost of \$7,541.00, and

BE IT FURTHER RESOLVED, the payment for this unit W-27 will be made under Vehicle and Equipment replacement line within the SS 8130.2 (Minor Equipment) and the SW1 8340.20 (Minor Equipment), and

LASTLY LET IT BE FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Supervisor's Secretary, the Water and Sewer Superintendent and the Principal Account Clerk.

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

RESOLUTION #78-2019:

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

RESOLUTION ACCEPTING A TWO-YEAR MAINTENANCE BOND FROM WESTERN SURETY COMPANY, ON BEHALF OF VICTOR EXCAVATING, INC., FOR A PARTIAL SURETY OF THE WORK COMPLETED IN PHASE 1 OF THE REDFIELD GROVE INCENTIVE ZONING PROJECT; DIRECTING VICTOR EXCAVATING TO ACQUIRE AN ADDITIONAL TWO-YEAR MAINTENANCE BOND IN THE TOTAL AMOUNT OF \$4,184.20 TO COVER WORK THAT HAS BEEN COMPLETED SINCE THE ORIGINAL MAINTENANCE BOND WAS REQUESTED AND ACQUIRED; AND, DIRECTING THE TOWN CODE ENFORCEMENT OFFICER TO NOT ISSUE ANY ADDITIONAL CERTIFICATES OF OCCUPANCY ON DWELLING UNITS NOW UNDER CONSTRUCTION IN PHASE 1 UNTIL THE SECOND TWO-YEAR MAINTENANCE BOND HAS BEEN FILED WITH THE TOWN CLERK'S OFFICE

WHEREAS, the Farmington Town Clerk has received a two-year maintenance bond, Bond Number: 64461113, dated December 21, 2018 for Redfield Grove Incentive Zoning Project, Phase 1, in the total amount of \$40,720.65 which has been issued by Western Surety Company to Victor Excavating, Inc. which names the surety amount to the Town of Farmington; and

WHEREAS, the Town Engineers, MRB Group, D.P.C., in a letter to the Town Director of Planning and Development, dated July 19, 2018 did identify the need for a second Maintenance Bond, in the total amount of \$4,184.20 to be provided by Victor Excavating, Inc., to cover items that had not been complete, or accepted last July when the original bond was requested; and

WHEREAS, the Town Engineers, in an email to the Town Director of Planning and Development, dated January 8, 2019 recommends that the original bond be accepted; and

WHEREAS, said January 8, 2019 memo also recommends that the applicant be directed to file a second maintenance bond in the total amount of \$4,184.20; and

WHEREAS, said January 8, 2019 memo also recommends that the Town not grant any additional certificates of occupancy (C/O) on further dwellings located in Phase 1 of the above referenced Project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept Maintenance Bond Number 64461113, from Western Surety Company, dated December 21, 2018 in the total amount of \$40,720.65 and directs the Town Clerk to file said bond and to add this surety to the Town's Surety Tracking List.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct Victor Excavating, Inc., to obtain a second maintenance bond, or an amend the present two-year maintenance bond, to include the total amount of \$4,184.20 to provide surety for those items which were not completed or accepted by the Town at the time of the original surety request in July, 2018.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct Victor Excavating, Inc., to file an additional form of surety, in the total amount of \$4,184.20 with the Farmington Town Clerk's Office as soon as possible.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Code Enforcement Officer to not issue any Certificates of Occupancy for any dwellings now under construction in Phase 1 of the Redfield Grove Incentive Zoning Project until the above requested additional, or amended two-year maintenance bond has been received and filed.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution with: Brian Dooley, Victor Excavating, Inc., 784 Old Dutch Road, Victor, New York 14564; Frank DiFelice, DiFelice Development Corporation, 91 Victor Heights Parkway, Victor, New York 14564; James P. Barbato, Pride Mark Homes, 1501 Pittsford Victor Road, Suite 200, Victor, New York 14564; Edward Parrone, P.E., Parrone Engineering, 349 West Commercial Street, Suite 3200, East Rochester, New York 14445; and Jacqueline L. Shaffer, Attorney-in Fact, Western Surety Company, 101 South Reid Street, Sioux Falls, South Dakota 57103.

BE IT FURTHER RESOLVED, that certified copies of this resolution are to be provided to: the Town Highway and Parks Superintendent; the Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Code Enforcement Officer; the Town Engineers and the Director of Planning and Development.

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

RESOLUTION #79-2019:

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

RESOLUTION AUTHORIZING EXPENDING MONEY FROM THE GENERAL FUND FOR THE PURCHASE OF PROPERTY AT 130 HOOK ROAD

WHEREAS, Resolution 66 of 2019 authorized the Town Supervisor to enter into a purchase contract for the property located at 130 Hook Road in Farmington with a \$2000 down payment

WHEREAS, a purchase offer in the amount of \$25,000 was made on January 10, 2019 through Rowe Realty & Appraisal contingent upon Town Board approval of the funding,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes spending \$25,000 for the purchase price plus any additional closing costs from the General Fund balance and authorizes the following budget transfer to track this expense in the appropriate expense line:

From:	A599 Appropriated Fund Balance	\$30,000	
To:	A1940.2 Purchase of Land		\$30,000

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

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk, the Town Supervisor, Jeff Graff and Rowe Realty at 4040 W. Walworth Road, Macedon, NY 14502.

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

RESOLUTION #80-2019:

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

RESOLUTION AUTHORIZING THE BUILDING DEPARTMENT TO USE EBIZDOCS FOR CONVERTING MIRCROPHISH AND BUILDING DEPARTMENT RECORDS

WHEREAS, the conversion of MicroPhish and Building Department records within the Building department was budgeted in 2018 and encumbered for payment in 2019

WHEREAS, quotes were obtained from Biels: \$2500.00 and eBizDocs: \$2466.89

WHEREAS, eBizDocs has the ability to input the files directly into the IPS program and provide a flash drive,

NOW, THEREFOR BE IT RESOLVED, that the Town Board of Farmington authorizes using eBizDocs at a cost not to exceed \$2500 using expense code A3620.4

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

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

RESOLUTION #81-2019:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN CHANGE ORDER NO. 2 WITH SECOR BUILDING SOLUTIONS FOR THE POLE BARN SWAP SHOP

WHEREAS, Secor Building Solutions has identified additional electrical and HVAC work to be done for the pole barn swap shop; and

WHEREAS, additional electrical and HVAC work will cost \$11,322.00; now

THEREFOR BE IT RESOLVED, that the Town Board of Farmington authorizes the Town Supervisor to sign Change Order No. 2 with Secor Building Solutions for additional electrical and HVAC work for the pole barn swap shop at a cost not to exceed \$11,322.00; and be it

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk, Taher Kamruddin of MRB Group, Bill Davis of MRB Group and Rick Darron of Secor Building Solutions at 13140 W. Church Street, PO Box 248, Savannah, NY 13146.

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

RESOLUTION #82-2019:

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

RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON CODE ENFORCEMENT OFFICER DAN DELPRIORE TO ATTEND THE MONROE COUNTY FIRE MARSHALS TRAINING ON OCTOBER 22ND THROUGH THE 25TH

WHEREAS, the Town Code Enforcement Officers are required to receive annual training and the Monroe County Fire Marshals Association is providing certified training, and

WHEREAS, the Code Enforcement Officer, Dan Delpriore has requested approval to attend said training at a cost not to exceed \$176.00 for the 3-5 day conference, therefore be it

RESOLVED, that the Town Board of Farmington does herein approve the attendance of Dan Delpriore to the Monroe County Fire Marshalls Conference at a cost not to exceed \$176.00.

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

RESOLUTION #83-2019:

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

Abstract 2-2019

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	92,062.52	30-79,81,137-138
DA	HIGHWAY FUND	52,521.94	51,52,64,67,80,82-93,137-138
HS	PUMP STATION 2	4,880.00	64
HW	WATER TANK REPAIR	3,161.00	32,64
CW	LOCAL SOLID WASTE MANAGEMENT	401.56	35
HZ	TOWNLINE CAP PROJ	720.00	64
SD	STORM DRAINAGE	1,833.86	34,137
HN	NORTH RD CAP PROJ	240.00	64
SF	FIRE PROTECTION DISTRICT	253,681.84	40-58,77
SS	SEWER DISTRICT	47,470.54	32,55,64,80,94-122,137-138
SW1	WATER DISTRICT	23,206.06	32,55,64,94,97,101,102,104,105,107,108,112,114-117,122-134,136-138
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	7,347.43	40,101,102,135,137-138
	TOTAL ABSTRACT	\$ 487,526.75	

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

TRAINING UNDER \$100:

1. Dave Degear, Peter Ingalsbe, Robin MacDonald, Paul Fleig, Tom Parker, Mike Abraham, Jr. and David Orians to attend the Finger Lakes Water Works Conference Annual Meeting on Thursday, February 7, 2019 in Geneva, NY at a cost not to exceed \$32.00 per person.

DISCUSSION: 2019 Proposed Legislation Program-Association of Towns. (moved to next meeting)

WAIVER OF THE RULE: No Objections

RESOLUTION #84-2019:

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

RESOLUTION AUTHORIZING THE HIRING OF A PART TIME CLERK

WHEREAS, various departments in the Town have identified the need for extra assistance; and

WHEREAS, the Town has a vacant Part-time Clerk position and Cathy Rothfuss has shown interest in this position; and

WHEREAS, this position is classified by Civil Service as Non-Competitive, now

THEREFOR BE IT RESOLVED, that the Town Board of Farmington authorizes hiring Cathy Rothfuss as a Part-time Clerk at a rate of \$14.25 per hour; and be it

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk, the Confidential Secretary and Cathy Rothfuss.

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

RESOLUTION #85-2019:

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

RESOLUTION AUTHORIZING GRANTING OF A TEMPORARY ACCESS EASEMENT TO EMPIRE PIPELINE, INC.

WHEREAS, the Town of Farmington, by Warranty Deed recorded in the Ontario County Clerk's Office in Liber 1251, Page 762, acquired real property situate on the east side of Hook Road, presently identified as 985 Hook Road and Tax I.D. No. 17.00-2-15.210, (the "Property"); and

WHEREAS, Empire Pipeline, Inc. owns property to the north and east of the Property (the "Empire Premises") and is looking to cross the Property by means of the existing driveway from Hook Road to the easterly side of the Property to temporarily gain access to the Empire Premises; and

WHEREAS, the Town of Farmington has considered the possibility of dedicating the area of driveway on the Property as a Town Highway to, among other reasons, provide public access for Empire Pipeline, Inc. to the Empire Premises; and

WHEREAS, Empire Pipeline Inc. has agreed to pay for the required materials in order for the Town of Farmington to construct and make the necessary road improvements to Town standards for the Town to dedicate as a Town Highway as a condition to the Town dedicating this area as a Town Highway; and

WHEREAS, Empire Pipeline, Inc. needs to access the Empire Premises prior to such road dedication; and

WHEREAS, the Town of Farmington, by its officers or representatives, has been approached by Empire Pipeline, Inc. regarding the Town's granting a temporary access easement over a portion of the Property to permit Empire Pipeline, Inc. to temporarily access the Empire Premises prior to this area being dedicated as a Town highway; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that the Town grant the temporary access easement to Empire Pipeline, Inc., in the form attached hereto, for a period of time to permit the Town of Farmington to construct the road to Town standards and for the Town to accept dedication; and

WHEREAS, the Town Board of the Town of Farmington is desirous of granting this temporary access easement to Empire Pipeline, Inc.; and

WHEREAS, the Town Board of the Town of Farmington has examined said instrument and finds the consideration described therein to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby grant the Easement attached hereto as Exhibit 1 to Empire Pipeline, Inc. 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 fee for said recording to be borne by Empire Pipeline, Inc., 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" (Ingalsbe, Casale, Herendeen, and Bowerman), the Resolution was **CARRIED**.

RESOLUTION #86-2019:

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

RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON CODE ENFORCEMENT OFFICER TO PURCHASE ONE (1) NEW AND UNUSED 2019 FORD F-150, SUPER CREW CAB 4X4, ½ TON PICK-UP WITH 5.5' BOX UNDER THE ONONDAGA COUNTY BID CONTRACT 8771-2019

WHEREAS, The Code Enforcement Officer has budgeted for Vehicle and Equipment purchases within the 2019 budget for a new unused 2019 pickup;

WHEREAS, in compliance with the current purchasing policy for the Town allowing Best Value Contracts, the Code Enforcement Officer has asked to be authorized to purchase one (1) new and unused 2019 Ford F-150 ½ ton crew cab pick-up truck from Van Bortel Ford, Inc., Fairport, New York and the Ford Motor Company under the bid quotation from the Onondaga bid 8771-2019, and

BE IT RESOLVED, the Farmington Town Board authorizes the Code Enforcement Officer to purchase one (1) new and Unused 2019 Ford F-150 ½ ton super crew cab, 4x4 with 5.5' box pick-up truck at a total purchase cost, including freight and delivery, as being \$37,966.19 with a 16-20 week delivery from order date, and;

BE IT FURTHER RESOLVED, THE FUNDS ARE APPROPRIATED IN THE 2019 BUDGET LINES AT THE LINE ITEM A3620.2, and

NOW THEREFORE, BE IT RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Code Enforcement Officer and the Supervisor's Confidential Secretary.

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

EXECUTIVE SESSION:

Councilman Casale motioned to go into executive session to discuss proposed, pending, or current litigation and to discuss the proposed acquisition, sale, or lease of real property at 8:55 p.m., Councilman Bowerman seconded the motion. Motion **CARRIED**.

Councilman Casale motioned to exit executive session at 9:40 p.m., Councilman Bowerman seconded the motion. Motion **CARRIED**.

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 8:38 p.m., seconded by **Councilmen Herendeen**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk: _____