

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 26th day of January, 2021, at 7:00 PM, there were:

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

Also present in person: **Don Giroux** – Highway and Parks Superintendent, **Dan Delpriore** – Code Enforcement Officer, **Adrian Bellis** – Planning Board Member, **Bill Davis** – MRB Group.

Also present by telephone/video conferencing were: **Ron Brand** – Director of Planning and Development, **Michelle Nicodemus** - Assessor, **Ed Hemminger** – Planning Board Chairman.

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

Supervisor Ingalsbe opened the public hearing at 7:00 p.m. The Clerk read the legal notice. Supervisor Ingalsbe stated the Town has always passed this law in January for next year’s budget. Supervisor Ingalsbe asked if there was anyone online or in attendance that would like to speak for or against this local law. Hearing none, he closed the public hearing at 7:02 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale**, that the minutes of the January 12, 2021, Town Board Meeting, and given to members for review, be approved. All Voting “Aye” (Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

PRIVILEGE OF THE FLOOR: None.

PUBLIC CONCERNS: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

1. Discussed work on Canandaigua-Farmington Townline Road Water.
2. Discussed Bio Tower flush.
3. Discussed Digester 3 new pump seal.
4. Water main breaks – none.
5. Started water main replacement on Yerkes Road.
6. Discussed Plant trainee and Meo.
7. Discussed signing contract for bulk stone.
8. Discussed resolutions on agenda.

Highway & Parks:

1. Highway- Equipment Maintenance, Truck Maintenance, salt and plowed roads, clearing sidewalks, and ongoing work on Bean Pole drainage.
2. Parks- building and parks maintenance, salting and plowing of parking lots, training drivers on larger trucks, SDS ongoing updates, drywall repairs downstairs at the town hall, removing swing sets at Farmbrook and Pumpkin Hook to prepare for new swing sets.
3. Discussed resolutions on agenda.

Town Operations Committee: Councilman Casale reported:

1. Discussed various projects: Solar project, Blackwood Industrial Park, County Road 41/State Route 332 Intersection (Hathaway’s Corners), Town Code updates, Beaver Creek Park updates, GLN Realty project, AutoWash upgrades, and zoning code amendments.
2. Discussed resolutions on agenda.

Town Personnel Committee: None.

Town Finance Committee: Supervisor Ingalsbe reported:

1. 2021 budget- extend Mertensia Road North (\$169,000), and Rt. 332/96 rock bore and water line replacement (\$680,000).

Town Public Safety Committee: Councilman Holtz reported: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Peter Ingalsbe reported:

1. Discussed NYS requirement for Town Emergency Plan during Pandemics.
2. County Administrator will visit the town hall on February 3rd.
3. Committee vacancies- Agricultural Advisory (1), Conservation Board (2), and Recreation Advisory Board (2).
4. DEC 4th quarter report has been sent.

Highway & Parks Superintendent Giroux reported:

1. One truck has a hole in the oil pan, had to tow it back to the Highway Department.
2. Redfern bore is completed- give streetlights.
3. Testing fuel island.
4. Beaver Creek Park update on progress.

Town Clerk Michelle Finley reported:

1. Tax Collection to date - \$3,292,867.53.

Water & Sewer Superintendent Robin MacDonald reported: None.

Code Enforcement Officer Dan Delpriore reported:

1. ZBA Clerk of the Board has stepped down and they are now looking for someone to take it over.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.
2. Update of court – Delaware River Solar – reserved decision.
3. Completed draft- Main Street Overlay District.
4. Update on Comprehensive Plan.
5. Working on solar regulations.

Assessor Michelle Nicodemus reported:

1. Discussed equalization rate process.
2. Working on several projects: renewal exemptions, Ag exemptions, and upgrading the Mobile Home worksheets.

Town Engineer Bill Davis reported:

1. Update on the following projects: Beaver Creek Park, Mertensia Road, CMOM and overflow response plan, Brickyard Road Tank, and I & I at Eastview Mall.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – Blackwood Industrial Park, GLN project, Union Crossing Development, Delaware River Solar.

Zoning Board of Appeals Jeremy Marshall reported: None.

Recreation Advisory Committee Bryan Meck reported: None.

Recreation Director Mark Cain reported: None.

Ontario County Planning Board Member reported: None.

Conservation Board Chairman Hilton reported: None.

Town Historian Donna Herendeen reported: None.

Swap Shop Update: Councilman Holtz: None.

Agricultural Advisory Committee Chairman Hal Adams: None.

COMMUNICATIONS:

1. State of NY Supreme Court Ontario County Petitioners' Memorandum of Law in Opposition to the Motions to Dismiss. Re: Delaware River Solar.
2. State of NY Supreme Court Ontario County Reply Memorandum of Law in Support of Respondent Town's Motion to Dismiss New Petition. Re: Delaware River Solar.
3. 2021 Exemption Questionnaire.
4. Letter to the Town Clerk from Mary Gates of Ontario County Department of Finance. Re: 2020 Report of Payments.
5. 2020 Pesticide Applications Report submission confirmation.
6. Letter to the Town Supervisor from Bruce Alch of the NYS Department of Public Service. Re: Virtual Workshops regarding consumer rights and special protections for utility customers.
7. Memo to the Planning Board, Town Board and Director of Development from the Town Clerk. Re: Union Crossing Development.
8. Letter to the Town Supervisor from Sam Leone of Conifer Realty. Re: Pintail Crossing II.
9. Letter to the CFWD from Supervisor David Phillips of the Town of Manchester. Re: Water charges.
10. Certificates of Liability Insurance from: Expert Environmental & Construction Group, LLC; FF Thompson Health System, Inc.; Systems Development Group, Inc.; Fitch Construction, Inc.; Unlimited Encl (Hart), Inc.; Charter Communications, Inc.; Village of Manchester and Village of Manchester Fire Department; Patriot Towers, Inc.; Middle Department Inspection Agency, Inc.; David Genecco.
11. Certificates of Workers' Compensation Insurance from: Systems Development Group, Inc.; Unlimited Enclosures Hart, Inc.; Patriot Towers, Inc.
12. Certificate of Disability and Paid Family Leave Benefits from: Unlimited Enclosures Hart, Inc.

REPORTS & MINUTES:

1. Manchester Fire Department – Incident Run Log – December 2020.
2. Miscellaneous Cash Report – Permits, Parkland Fees – 2020.
3. Project Review Committee Meeting Minutes – January 8, 2021.
4. Planning Board Meeting Minutes – January 6, 2021.
5. 2021 Planning Board Rules of Procedure.

ORDER OF BUSINESS:**RESOLUTION #66-2021:**

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

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF FARMINGTON OF LOCAL LAW NO. 4 OF 2021

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 26, 2021, 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 14, 2021 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 26, 2021, 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. 4 of 2021, 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 is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Farmington, and to give due notice of the adoption of said local law to the Secretary of State of New York.

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

LOCAL LAW NO. 4 OF THE YEAR 2021

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board

County
City
Town of Farmington as follows:
Village

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 2022 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 2022 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 #67-2021:
Councilman Herendeen offered the following Resolution, seconded by **Councilman Bowerman**:

RESOLUTION AUTHORIZING TO ADOPT A BUDGET FOR THE FISCAL YEAR ON BEHALF OF THE SPECIAL DISTRICTS AND/OR FIRE PROTECTION DISTRICTS SET FORTH IN THE SCHEDULE ATTACHED 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

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 2022 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 2022 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, Bowerman, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #68-2021:

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

**RESOLUTION FOR CONSENT OF ABANDONMENT PART OF COMMERCIAL DRIVE
NYS HIGHWAY LAW ARTICLE 8, SECTION 171(2)**

WHEREAS, Commercial Drive in the Town of Farmington, Ontario County, New York, was accepted for dedication by the Town of Farmington in 1989 by order of the Town of Farmington Highway Superintendent and with the consent of the Farmington Town Board, as reflected in a deed of dedication from Primo DiFelice to the Town of Farmington, dated August 14, 1989 and recorded in the Ontario County Clerk's office on September 27, 1989 in liber 889 of Deeds, page 1044 (hereinafter, the "1989 Dedicated Commercial Drive"); and

WHEREAS, Redfield Townhomes LLC and DiFelice Lands, LLC (hereinafter, the "Applicants"), all of the owners of Redfield Grove Subdivision, Phase 2, the real estate affected by the requested alteration, have submitted an application dated December 29, 2020, for the alteration of a portion of Commercial Drive as described in said application; and

WHEREAS, there is attached to said application a written release from all damages executed by the Applicants, the owners of all of the lands affected thereby; and

WHEREAS, the requested alteration consists of the elimination of a 90 degree left turn at the northerly end of the 1989 Dedicated Commercial Drive and of the realignment of Commercial Drive, in accordance with the warranty deeds of dedication submitted to the Town of Farmington for the dedication of Commercial Drive by the Applicants.

WHEREAS, it appears that the 1989 Dedicated Commercial Drive is an improved highway and has heretofore been constructed in the Town of Farmington and includes a portion thereof located wholly within the Redfield Grove Subdivision, Phase 2, in the Town of Farmington, Ontario County, New York; and

WHEREAS, it further appears that the Applicants are the only persons owning any land that will be affected by the alteration of Commercial Drive, as described in the application, and that no claim for damages is made; and

WHEREAS, Commercial Drive needs to be altered as described in the Application to eliminate and discontinue a 90 degree left turn at the northerly end of the 1989 Dedicated Commercial Drive and to accept for dedication and to open new portions of Commercial Drive that will connect with the remaining part of the 1989 Dedicated Commercial Drive, in accordance with deeds of dedication previously submitted to the Town by the Applicants;

NOW, THEREFORE BE IT, **RESOLVED**, We, Councilpersons of the Town Board of the Town of Farmington, Ontario County, New York, do hereby resolve to consent, pursuant to Section 171 of the Highway Law of the State of New York, to the alteration of the 1989 Dedicated Commercial Drive, as described in the Application, to include the elimination and discontinuance of a 90 degree left turn at the northerly end of the 1989 Dedicated Commercial Drive.

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

RESOLUTION #69-2021:

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

**RESOLUTION REGARDING THE CONSENT OF THE TOWN BOARD TO DEDICATE
REDFIELD DRIVE AND COMMERCIAL DRIVE IN REDFIELD GROVE SUBDIVISION, PHASE 2**

TOWN BOARD CONSENT

WHEREAS, Upon reading the dedication of Commercial Drive in Redfield Grove Subdivision, Phase 2, dated the 28th day of September, 2020 and the Release related thereto dated the 27th day of October, 2020 as well as the dedication of Redfield Drive and Commercial Drive in Redfield Grove Subdivision, Phase 2, dated the 1st day of October, 2020 and the Release related thereto dated the 27th day of October, 2020, all in the above entitled matter, wherein the owners of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes; now, therefore, be it

RESOLVED, that consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said dedications, dated the 28th day of September, 2020 and the 1st day of October, 2020 respectively, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

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

RESOLUTION #70-2021:

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

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS AND A STORMWATER
MAINTENANCE AGREEMENT AFFECTING COLLETT WOODS III SUBDIVISION**

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with Collett Woods, LLC (“Owner”) regarding the Town’s obtaining two (2) Water and Utility Easements, a Stormwater Management Facility Easement and a Stormwater Maintenance Agreement over portions of its property in the Collett Woods III Subdivision, as shown on maps prepared by Passero Associates dated December 28, 2018 and February 2016; 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.

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

RESOLUTION #71-2021:

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

RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON TOWN BOARD TO REFUND PRELIMINARY SUBDIVISION AND PARTIAL SITE PLAN APPLICATION FEES IN REGARD TO THE PROJECT AT BLACKWOOD INDUSTRIAL PARK FOR A TOTAL AMOUNT OF \$7,010.00.

WHEREAS, The Town received \$210.00 for preliminary subdivision application and \$93,350.00 for preliminary site plan application,

WHEREAS, the applicant submitted a letter showing a reduction of 34,000 sq feet to the preliminary site plan application which would equal a partial site plan refund of \$6,800.00 (34,000x.20=\$6,800.00)

WHEREAS, the applicant submitted a letter requesting a cancellation to have the property subdivided and requested a refund of the application fees for subdivision in a total amount of \$210.00

WHEREAS, the total requested amount of refund comes to \$7,010.00

NOW THEREFORE, BE IT RESOLVED, That the Town Board of Farmington does herein approve the refund of \$7,010.00 to the Union Crossing Development, LLC

MAY IT BE FURTHER RESOLVED, that copies of this resolution to be submitted by the Town Clerk to the attention of Michael Montalto of Costich Engineering at 217 Lake Avenue, Rochester New York 14608,

MAY IT BE FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Principal Account Clerk, the Confidential Secretary and to Building Department for the property file.

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

RESOLUTION 72-2021:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND

WHEREAS, the invoice from Ontario County for dog control services came in at \$28,520 and the budget amount for that line item for 2021 is \$28,500,

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

From:	A1990.4 Contingency	\$20.00
To:	A3510.4 Contractual Expense – Dog Control	\$20.00

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

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

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

RESOLUTION 73-2021:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE HIGHWAY FUND

WHEREAS, resolution 220-2018 authorized a commitment from the Town of Farmington of \$250,000 for intersection improvements at Route 332 and County Road 41 as part of the Hathaway Corner incentive zoning project,

WHEREAS, funding for this was budgeted in the 2019 budget and approved by resolution 75-2019 utilizing VLT funds,

WHEREAS, the VLT money was moved to the Highway fund and rolled over to fund balance in 2019,

NOW, THEREFORE BE IT RESOLVED, the Town Board approve the voucher to pay Hathaway Corner LLC and authorizes the budget transfer

DA599 Appropriated Fund Balance	\$250,000
DA5110.45VLT Route 332/41 Intersection	\$250,000

FURTHER RESOLVED, the Town Clerk provides a copy of this resolution to the Highway Superintendent, the Building Department, and the Principal Account Clerk.

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

RESOLUTION #74-2021:

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

AUTHORIZING PROVISIONALLY HIRING OF A CODE ENFORCEMENT OFFICER

WHEREAS, a third full time Code Enforcement Officer Position was Classified by Ontario County Department of Human Resources for the Town of Farmington on September 22, 2020 and

WHEREAS, the Code Enforcement Officer is classified as a competitive position, therefore, in order to qualify for appointment a candidate must meet the minimum qualifications and not only pass the written examination, but also score within the top three highest scores, and

WHEREAS, this appointment will be provisional upon Leland Cody completing the Code Enforcement Officer Civil Service Exam and scoring within the top three highest scores, and

WHEREAS this position shall complete and pass all state training for New York State Code Enforcement Officer within 18 months of appointment, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the provisional hiring of Leland Cody effective February 1, 2021 at a rate of \$19.25 per hour, and

LET IT BE FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Confidential Secretary, the Principal Account Clerk, Dan Delpriore, and Leland Cody at 7901 Parish Road, Victor, NY 14564.

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

RESOLUTION #75-2021:

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

RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO PURCHASE A 3/4 TILT TRAILER

WHEREAS, the Highway/Parks Superintendent budgeted for an additional trailer for the Park's Department for 2021, and

WHEREAS, 3 quotes are as follows Roy Teitsworth, Inc. price is (\$6,415.65), Jim's Trailer World, Inc., is (\$6,816) and Davis Trailer World, LLC (\$7,495), and

WHEREAS, in compliance with the current purchasing policy for the Town at a cost not to exceed \$6,500 per equipment allocated from (A-7110.2), *now therefore be it*

RESOLVED, that the Town Board authorizes the Highway Superintendent to purchase, and be it further

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

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

RESOLUTION #76-2021:

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

RESOLUTION ACCEPTING A TWO-YEAR MAINTENANCE BOND FROM THE SERVICE INSURANCE COMPANY, INC., 80 MAIN STREET, WEST ORANGE, NEW JERSEY, 07052 ON BEHALF OF VICTOR EXCAVATING, INC., FOR A PARTIAL SURETY OF THE WORK COMPLETED AND THE ITEMS TO BE DEDICATED THAT ARE LOCATED WITHIN PHASE 2 OF THE REDFIELD GROVE INCENTIVE ZONING PROJECT, IN THE TOTAL AMOUNT OF \$52,484.30; AND ACKNOWLEDGING THE FILING OF SAID SURETY WITH THE TOWN CLERK'S OFFICE

WHEREAS, the Farmington Town Clerk has received a two-year maintenance bond, Bond Number 9659N, having a term that commenced on 12/21/2020 – 12/20/2021 to renew annually, entitled "Maintenance Bond For Subdivision," for certain public improvements constructed within Redfield Grove Subdivision – Phase 2, MRB Project No. 0610.12001.000 Phase 094 Farmington Project # 0704-15, which is also known as Redfield Grove Incentive Zoning Project, Phase 2, in the total amount of \$52,484.30 which has been issued by The Service Insurance Company, Inc., and which names the specified surety amount obligated 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 December 22, 2020 did identify the need for said Maintenance Bond, in the total amount of \$52,484.30 be provided to the Town, to cover the site improvements identified in the paragraph below herein which have been completed, inspected and accepted by Town Officials (Forms G-3.2) on January 21, 2021; and

WHEREAS, it is understood that the above referenced Maintenance Bond covers the following items which are now being dedicated to the Town: the re-construction and dedication of two (2) portions of the southern section of Commercial Drive (e.g. the intersection of State Route 96 and Commercial Drive; and the intersection of Commercial Drive with Redfield Drive); the construction and dedication of the second phase of Redfield Drive, from the intersection of said highway with Commercial Drive on the south and the connection of said highway with Redfield Drive – Phase 1 on the north; the installation and dedication of the public water main, sanitary sewer line, storm sewer, sidewalks and street lights within the Phase 2 portion of the Redfield Grove Incentive Zoning Project.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept Maintenance Bond Number 9659N, from The Service Insurance Company, Inc., dated December 29, 2021 in the total amount of \$52,484.30; and directs said bond to remain in effect for the two year period commencing on 12/21/2020 and ending on 12/20/2022.

BE IT FURTHER RESOLVED that Victor Excavating, Inc., is to have the Expiration Date shown on the Power of Attorney Form provided by The Service Insurance Company, Inc., of December 31, 2020 amended to reflect the two year required period of Maintenance Bond (Bond No. 9659N) coverage to the Town of Farmington which is to expire after 12/21/2022.

BE IT FURTHER RESOLVED that the Town Clerk is to monitor this two year Maintenance Bond to insure its' current one (1) year automatic renewal date on 12/21/2021 is received and filed in the Town Clerk's Office.

BE IT FURTHER RESOLVED that the Town Board does hereby direct Victor Excavating, Inc., to authorize and be responsible for the one (1) year renewal of the above referenced Maintenance Bond for an additional period of one year to expire on 12/21/2022.

BE IT FURTHER RESOLVED that in the event the above referenced Maintenance Bond is not renewed on the date specified and for the additional one year period the Town Board does hereby direct the Town Code Enforcement Officer to cease and desist from issuing any pending Building Permit or Certificate of Occupancy for any dwelling located within Phase 2 of the Redfield Grove Incentive Zoning Project until such date and time as the renewed Maintenance Bond, in the full amount, has been filed in the Town Clerk's Office.

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 James S. Burger, President, The Service Insurance Company, Inc., cqueline 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, Bowerman, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #77-2021:

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

Abstract 2-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS

FROM: J. MARCIANO

ABSTRACT NUMBER	2
DATE OF BOARD MEETING	1/26/2021

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	136,833.63	34-36,38-40,42,44-52,54-60,62-70,72-83,122,126,127
HG	MERTENSIA WATERLINE	3,003.98	60
DA	HIGHWAY FUND	292,183.05	34,44,46,53,60,63,65,70,76,81,84-93
HA	AUBURN TRAIL PROJ	0	
HB	BEAVER CREEK PARK	176,123.00	37,41,60,61
SF	FIRE PROTECTION DISTRICT	229,250.17	123-125
HM	FUEL STATION CAP PROJ	0	
HN	NORTH RD CAP PROJ	0	
HP	TOWN PARK IMPROVEMENTS	810.00	60
HQ	LED STREET LIGHTING	0	
HW	WATER TANK REPAIR	20,800.00	60
HZ	TOWNLINE CAP PROJ	0	
SD	STORM DRAINAGE	3,943.27	44,60,70
SL1	LIGHTING DISTRICT	46.47	71
SM	SIDEWALKS	0	
SS	SEWER DISTRICT	54,946.68	44,60,63,70,76,77,81,94-113
SW1	WATER DISTRICT	17,728.72	44,60,63,70,76,77,81,94,95,100,101,103,107,111-112
TA93	LETTER OF CREDIT (CASH)		
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	6,584.28	43,44,63,70,78,112
	TOTAL ABSTRACT	\$ 942,333.25	

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

TRAINING UNDER \$100: None.

WAIVER OF THE RULE: No Objection

RESOLUTION #78-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) AND AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 118

WHEREAS, the Town of Farmington has interviewed individuals to fill an MEO and WWTP Trainee position; and

WHEREAS, these positions are funded in the 2021 Water and Sewer Budget; and

WHEREAS, both individuals meet and exceed the entry requirements for these positions; and

WHEREAS, this MOU will offer a Step 1 starting hourly wage per the Union Contract; now therefore be it

RESOLVED, that the Town Board of the Town of Farmington hereby authorizes the Town Supervisor to sign each MOU; and be it further

RESOLVED, that the Town Clerk provide copies of this resolution and the signed MOU to Mr. David Weilert of Teamsters Local 118 at dweilert@teamesterslocal118.org, the Principal Account Clerk and the Acting W&S Superintendent.

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

RESOLUTION #79-2021:

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

RESOLUTION TO APPROVE A TWO-YEAR NYPA LED STREET LIGHT MAINTENANCE SERVICE AGREEMENT

WHEREAS, the Farmington Town Board has signed an agreement with RG&E to purchase street light fixtures; and

WHEREAS, the Town Board has also signed an agreement with the New York Power Authority (NYPA) to replace street light fixtures with LED fixtures; and

WHEREAS, this work will be completed in 2021 requiring a Street Light Maintenance Service Agreement; and

WHEREAS, the Town has reviewed two different cost structures for routine and non-routine maintenance; and

WHEREAS, the NYPA Authorization to Proceed (ATP) for routine maintenance is \$8,097.70 for one year and the second year of maintenance is not to exceed \$8,340.63; and

WHEREAS, the first year cost is already included in the Customer Project Agreement and the September 21, 2020 ES-ESN-0693 Project Cost Estimate and Finance Sheet; now therefore be it

RESOLVED, that the Town Board of the Town of Farmington hereby authorizes the Town Supervisor to sign the ATP; and be it further

RESOLVED, that the Town Clerk provide copies of this resolution and the signed ATP to Mr. Joseph Szabo of NYPA at joseph.szabo@nypa.gov; the Principal Account Clerk, the Highway Superintendent and the Supervisor's Office.

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

RESOLUTION #80-2021:

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

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

WHEREAS, the Highway/Parks Superintendent has an MEO Light position to fill (Mark Lohr) in the Highway Department at a rate of \$19.00 per hour, and

WHEREAS, this position is funded in the 2021 Budget to the Highway Department and,

RESOLVED, that the Town Board authorizes the Highway/Parks Superintendent to fill one MEO Light position at a rate of \$19.00 per hour, and be it further

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

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

RESOLUTION #81-2021:

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

CONFIRMING RESOLUTION FOR CHANGE ORDER GC-01 FOR MRI CONTRACTORS FOR BEAVER CREEK PARK SITE WORK

WHEREAS, change order GC-01 was submitted by MRB for a decrease in contract price of \$3224.00 due to soil and water material service credits less storm pipe and backstop post for the contractor MRI,

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk returns the signed change order to MRB group and forwards a copy of the resolution and change order to the Building Department and the Principal Account Clerk.

DISCUSSION: None.

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 7:34 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

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