

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 23rd day of June, 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: **Tim Ford**– Deputy Highway and Parks Superintendent, **Dan Delpriore** – Code Enforcement Officer, and **Ron Brand**- Director of Planning and Development, **Adrian Bellis** – **Planning Board Member**, and **Ed Hemminger** – **Planning Board Chairman**.

Also present by telephone/video conferencing were: **John Piper** – Consultant, and **Don Giroux** – Highway and Parks Superintendent

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES:

A motion was made by **Councilman Casale** and seconded by **Councilman Holtz**, that the minutes of the June 8, 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. Work on fire inspection report items.
2. Discussed replacing batteries in ¼ of the plants UPS’s.
3. Pressure test Wangum Road force main -should be completed this week.
4. Gathered data from flow meters.
5. Discussed quotes for PS-31 electrical service for new E-One Pumpstation.
6. Performing maintenance on our UV system.
7. Installing new aerator system in aerator pond.
8. Discussed the restoration of lawns-completed.
9. Discussed installation of new watermain at the Rt. 96 and Mertensia Road project.
10. Discussed service saddle leak at 1768 Estate Drive.
11. Discussed installation of one new service at 4657 Rt. 96.
12. Discussed resolution for meeting.

Highway & Parks:

1. Highway- Equipment Maintenance, binder course completed south side between Birchwood and Maplewood, Collett Recycle, shoulders wedge for 2022 prep for oil and stone, roadside mowing continues, mowing around water retention and trails, drop inlet repairs on Glen Carlyn drive, and Farmington Friends Church right away parking area repaired.
2. Parks- mowing at all town buildings and parks, applications of RoundUp in specific areas of parks as needed, Story Book Walk installed at Town Park, building repairs per codes memo continues, and parking lot light at Mertensia Park repaired (bulb replacement).
3. Backflow inspections completed. Emergency sprinkler to be completed on June 22nd.
4. Discussed slip lining on Beaver Creek.
5. Discussed resolutions on agenda.

Town Operations Committee: Councilman Casale reported:

1. Discussed various projects: Beaver Creek Park, Delaware River Solar, Hathaway’s Corners, Town Comprehensive Plan Update, State Route 332 & 96 Corridor Study (specifically plans for removing toll booths from Exit 44), and Black Creek Watershed Authority.
2. Discussed resolutions on agenda.
3. Report filed with Town Clerk and posted on website.

Town Personnel Committee: None.

Town Finance Committee: Supervisor Ingalsbe reported:

1. NYS Sales Tax -Comptroller’s Office reported that overall is up by 57% in May compared to 2020 and up 6.9% in same month in 2019.
2. 2022 budget guidance will be out on July 5th, shortly followed by the budget worksheets.
3. VLT amount was received - \$1,777,573.00.

Town Public Safety Committee: Councilman Holtz reported: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Peter Ingalsbe reported:

1. Attended multiple webinars with Jeannine and Jane on the ARPA Funds Policy Guidance, including on how to apply.
2. Councilman Holtz and Supervisor met with lawyers about first meeting with the Teamsters Union Local 118 that represents some of the water and sewer employees.
3. This past Saturday Justice Gligora, Councilman Holtz, Councilman Herendeen, Councilman Bowerman, Highway Superintendent Giroux and the Supervisor attended the Victor Library Story Walk at the Town Park. It was well attended and the author sold quite a few books.

Deputy Highway & Parks Superintendent Ford reported:

1. Discussed dead tree – Hickory Rise, on town property.
2. Picked up branches from residents in subdivisions after the storm who got them out to the road.
3. Summer Recreation starts Monday.

Town Clerk Michelle Finley reported:

1. Held a luncheon/meeting for the Ontario County Municipal Clerks Association on June 23rd at the Town Park.

Water & Sewer Superintendent Robin MacDonald reported: None.

Code Enforcement Officer Dan Delpriore reported:

1. July 3rd Fireworks update.
2. Manufactured Home Parks annual review – resolution next board meeting.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.
2. Discussed various projects: Zoning Map on display, new street map, DRS, Comprehensive Plan update, DiFelice waiver on agenda.
3. Webinar on Solar Regulations – so far nothing different.

Assessor Michelle Nicodemus reported: None.

Town Engineer Bill Davis reported: None.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – RG&E Project (Village of Manchester), Loomis Road Industrial Park project, Meyers RV Project, Decommissioning Plan for solar project.

Zoning Board of Appeals Jeremy Marshall reported: None.

Recreation Advisory Committee Bryan Meck reported: None.

Recreation Director Mark Cain reported: None.

Supervisor Ingalsbe stated that Mark Cain did a great job setting up food vendors for July 3rd Fireworks.

Ontario County Planning Board Member reported: None.

Conservation Board Chairman Hilton reported: None.

Town Historian Donna Herendeen reported: None.

Swap Shop Update: Councilman Holtz reported: None.

Agricultural Advisory Committee Chairman Hal Adams: None.

COMMUNICATIONS:

1. Letter to the Town Supervisor from Paul Thomas of Resonant Properties. Re: Interest in purchasing property 322800 41.06-1-1-18.000.
2. Letter to the Town Supervisor from Paul Thomas of Resonant Properties. Re: Interest in purchasing property 322800 29.12-2-502.000.

3. Letter to the Town Supervisor from Fely Woods of The Start Fresh Company. Re: Interest in purchasing property 3228000290650000000000.
4. Memorandum of Understanding to the Town Assessor from Gary Drake of the NYS Department of Taxation and Finance. Re: Roles and responsibilities of the Town of Farmington and the Office of Real Property Tax Services (ORPTS) in the reassessment process.
5. Letter to Mr. Dudley Lowe of the NYS DEC from the Town Supervisor. Re: Farmington-Victor Consent Order.
6. Letter to the Town Supervisor from Mark McIntyre of Merchant McIntyre Associates. Re: Federal funding of common municipal projects.
7. Letter to the Town Supervisor from Sheryl Robbins of the NYS Department of Health. Re: Public Water Supply, CFWD Partial Approval – Completed Works, Hathaway Corners Watermain.
8. Letter to the Town Supervisor from Kathy Ammari of the NYS DEC. Re: Approval of plans – sanitary sewer extension, The Fairways, Phase III, Final Design PW#2335, Town of Victor.
9. ARPA (American Rescue Plan Act) Funding Update.
10. Letter to the Town Clerk from Tessa LaBrake of the Farmington Volunteer Fire Association. Re: Change in member status.
11. Outline of services/products available at Serendipity Acres.
12. Delaware Solar Decommissioning Plan.
13. Certificates of Liability Insurance from: LeChase Construction Services, LLC; The Marrano/Marc-Equity Corporation; New York Electrical Inspection Agency, Inc.; CP Kelly & Associates, LLC.
14. Cancellation of Insurance from: Serenity Pool and Spa, LLC.

REPORTS & MINUTES:

1. Monthly Report – Judge Lew – May 2021.
2. Monthly Report – Judge Gligora – May 2021.
3. Building Department – Permit Report by Type – May 2021.
4. Town Clerk – Miscellaneous Cash Report – Safety Inspection Fees – May 2021.
5. Building Department – Inspections Report – May 2021.
6. Building Department – Inspection Schedule – May 2021.
7. Project Review Committee Meeting Minutes – June 4, 2021.
8. Manchester Fire Department – Incident Run Log – May 2021.

ORDER OF BUSINESS:**RESOLUTION 220-2021:**

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

RESOLUTION AUTHORIZING THE RETURN OF A PARK RESERVATION FEE

WHEREAS, Valerie Lyness reserved the Town Park for June 16, 2021, and we received notification that she wishes to cancel the reservation due to illness, therefore be it

RESOLVED, the Farmington Town Board authorizes the return of the park reservation fee to Valeria Lyness, in the amount of \$25.00.

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

RESOLUTION #221-2021:

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

RESOLUTION AWARDING ADVANCED REHABILITATION TECHNOLOGY THE 2021 MANHOLE REHAB PROJECT

WHEREAS, MRB has submitted to the Town of Farmington a listing of manholes in both the Town of Farmington and the Town of Victor for the 2021 repair project based on I & I studies and structure conditions,

WHEREAS, Advanced Rehabilitation Technology was part of Ontario County Bid B20011 and has the lowest vertical linear foot pricing for manhole rehab with polymer systems at \$245/VLF,

WHEREAS, the 2021 sewer budget has allocated \$100,000 in funding from expense lines SS8120.49 and SS8120.49V,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes MRB to provide Advanced Rehabilitation Technology the list of identified manholes as well as the inspection reports and plans to begin the project,

FULLY RESOLVED, that the Town Clerk forwards a copy of this resolution and to the Water and Sewer Department, the Principal Account Clerk, Dave Herman at MRB Group, and Advanced Rehabilitation Technology at 525 Winzeler Dr, Bryan, OH 43506.

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

RESOLUTION #222-2021:

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

RESOLUTION APPROVING THE PROPOSAL FROM LABELLA FOR TANK CLOSURE SERVICES AT 420 HOOK ROAD

WHEREAS, the Town received a proposal in the amount of \$2,750 from Labella for the removal of two above ground fuel tanks as well as steel drums currently located at 420 Hook Road,

RESOLVED, that the Town Board approves the Supervisor to sign the proposal from Labella,

FURTHER RESOLVED, that the Town Board authorizes the following budget amendment within the capital project which allows for a contingency,

HM 1620.2 Fuel Station	5,000	
HM 1620.25 Fuel Tank Removal		5,000

FULLY RESOLVED, that the Town forwards a copy of the resolution and to the Principal Account Clerk and the Highway Department.

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

RESOLUTION #223-2021:

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

RESOLUTION ACCEPTING THE FINAL 2020 AUDIT REPORTS FROM RAYMOND F. WAGER, A DIVISION OF MMB & CO FOR THE TOWN CLERK AND RECEIVER OF TAXES

WHEREAS, representatives from Raymond F. Wager, CPA, a division of Mengel Metzger Barr & Co. have sent the final reports for the Town Clerk and Receiver of Taxes from the year ended December 31, 2020 audit,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington accepts the reports and that the Town Clerk file one copy with the resolution and retain one copy for her records,

FULLY RESOLVED, that a copy of the resolution be forwarded to the Principal Account Clerk.

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

RESOLUTION 224-2021:

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

RESOLUTION TO RECALL AND AMEND RESOLUTION #206-2021 AUTHORIZING THE TOWN SUPERVISOR TO SIGN A CONSULTING AND OVERSIGHT SUPPORT CONTRACT WITH CAMDEN GROUP

WHEREAS, The Town has identified a need for a Grade 4 WWTP Chief Operator, and

WHEREAS, the Town Board passed Resolution #206-2021 on May 25, 2021 authorizing the Town Supervisor to sign a Consulting and Oversight Support Contract with Camden Group for 4 hours per week, and

WHEREAS, the NYS DEC has informed the Town Supervisor that the requirement is 8 hours per week, and

WHEREAS, Camden Group has submitted a revised Consulting and Oversight Support Contract to the Town Supervisor, and

WHEREAS, the Town Attorney has reviewed the Consulting and Oversight Support Contract,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby recalls and amends Resolution #206-2021 and authorizes the Town Supervisor to sign the revised Consulting and Oversight Support Contract with Camden Group, and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to the Acting W&S Superintendent, the Principal Account Clerk and the Supervisor's Secretary.

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

RESOLUTION 225-2021:

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

AMENDING THE TOWN'S OFFICIAL ZONING MAP ADDING THE DELINEATION OF THE MSOD MAIN STREET OVERLAY DISTRICT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has, by Resolution 135 of 2021, adopted Local Law No. 6 of 2021, entitled "Main Street Overlay District (MSOD) and Official Zoning Map Amendment," on March 23, 2021; and

WHEREAS, the above referenced resolution, specifies that upon receipt of filing of the above referenced local law with the New York State Secretary of State Office (hereinafter referred to as Secretary of State Office), the Town Clerk and the Town Director of Planning and Development are directed to prepare an amendment to said Official Zoning Map along with a resolution for amending the Town's Official Zoning Map in accordance with the provisions of Chapter 165, Article III, Section 12 of the Farmington Town Code; and

WHEREAS, the Town Clerk and the Town Director of Planning and Development, in conjunction with the Town Code Enforcement Officer and the Town Engineers, MRB Group, D.P.C., have prepared a draft amendment to the Town's Official Zoning Map, which was last amended by Town Board Resolution No. 104 of 2021, the adoption of Local Law No. 5 of 2021, which authorized the adding of notes to the Official Zoning Map Legend relating to dimensional criteria and other restrictions within each of the mapped IZ Incentive Zoning Districts; and

WHEREAS, the Town Board has reviewed the draft amendments to the Town's Official Zoning Map, relating to Local Law No. 6 of 2021, which are deemed to be displayed correctly and, therefore, are to be dated as set forth below herein.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board in accordance with the provisions contained in Chapter 165, Article III, Section 12. C. does hereby direct the Town Clerk to attest to the accuracy of the amended Town Official Zoning Map by signing, dating with today's date and bearing the Seal of the Town of Farmington.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to have copies of said Official Zoning Map Amendment, dated June 23, 2021 made for distribution to Town Departments, to have copies available for public purchase, to provide a copy of said amended Map to the Ontario County Planning Department and to cause the posting of said amended Map on the Town's Official website.

BE IT FINALLY RESOLVED, that the Town Board does hereby authorize and directs the Town Engineers, MRB Group, D.P.C., to assist the Town Clerk in making said copies and the posting thereof on the Town's official website.

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

RESOLUTION 226-2021:

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

CLASSIFYING THE NEW YORK STATE ROUTES 96 & 332 INTERSECTION WATERMAIN REPLACEMENT ACTION AS BEING A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) REGULATIONS

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has identified the need to install approximately 820 lineal feet of new 14-inch and 12-inch water main along the east and south sides of the intersection of New York State Route 96 and New York State Route 332; and

WHEREAS, leaks in the existing water main have been found and the existing valves have been found to be faulty, leading to the necessity and urgency for this repair; and

WHEREAS, the Town Board has determined the above cited water main replacement would involve a lengthy period of construction time, create a large inconvenience to the traveling public and may likely lead to the discovery of other unknown repairs once the earth opening is made, and, therefore, has decided to abandon the leaking water main and construct a new water main in this area of these two state highway rights-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board upon review of Part 617.5 (c) of the State Environmental Quality Review (SEQR) regulations determines the above referenced Action involves the following:

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement of a structure (water main), in kind, on the same site...unless such action meets or exceeds any of the thresholds in section 617.4 of the Part; the Town Board has reviewed the thresholds contained in said section finding this proposed Action does not exceed any of the listed thresholds in section 617.4; and
- (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities; and
- (13) extension of utility distribution facilities,...water and sewer connections to render service...in connection with any action on this list; and
- (33) emergency actions that are immediately necessary on a limited and temporary basis for the protection of ...property or natural resources,... provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, of the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of the Part;

BE IT FURTHER RESOLVED, that in making these findings the Town Board determines the proposed emergency Action is a Type II Action, an Action not requiring any further review under this Part, including a determination or other procedure under Part 617 of the State Environmental Quality Review (SEQR) regulations.

BE IT FINALLY RESOLVED, that the Town Board directs the Town Engineers, MRB Group, D.P.C., to prepare detailed plan drawings and obtain necessary permit approvals from the New York State Department of Transportation and the New York State Health Department for conducting directional drills to cross underneath New York State Route 332 and New York State Route 96 within the intersection enabling better access in the future for maintenance and repair as may become necessary.

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

RESOLUTION 227-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN REQUIRED DOCUMENTS FOR COPIER LEASE WITH XEROX

WHEREAS, the Toshiba copier leases are ending July 25, 2021, and

WHEREAS, the Confidential Secretary received quotes from 4 vendors with Xerox being the best pricing at \$489.23 per month plus a \$2,000.00 rebate, and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the required documents for copier lease with Xerox, and be it further

RESOLVED, that the Town Clerk forward the original signed documents to the Confidential Secretary and forward a copy of this resolution to the Principal Account Clerk and the Supervisor's Secretary.

RESOLUTION 228-2021:

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

LETTER OF CREDIT PARTIAL RELEASE, RELEASE #1 – AUBURN MEADOWS SUBDIVISION – SECTION 7N, IN THE TOTAL AMOUNT OF \$340,734.30

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board (hereinafter referred to as Planning Board) a resolution dated June 16, 2021 recommending approval of the requested second partial release of funds (Release #1) from the above referenced Letter of Credit. The total amount of funds recommended to be released for work completed in Section 7N of the Auburn Meadows Subdivision Tract, is \$340,734.30; and

WHEREAS, the Town Board has also been provided the Town Letter of Credit Release Forms G-1.1 and G-2.0 that have been signed by all of the town department heads and dated June 11, 2021; and

WHEREAS, the total amount of this Letter of Credit is \$719,426.93; and

WHEREAS, there will be a balance of \$378,692.63 remaining in the Letter of Credit after Release # 1; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor, to execute the above referenced partial release of funds from the above referenced Letter of Credit, by signing Form G-2.0; and approves of the above referenced release of funds in the amount specified above herein.

BE IT FURTHER RESOLVED, that the Town Clerk, is to be provided copies of this resolution to: Matt Heilmann and David Orians, Town Construction Inspectors; Don Giroux, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Letter of Credit holder, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; to Walt S. Baker, D.S.B. Engineers & Architects, P.C., 2394 Ridgeway Avenue, Rochester, New York 14626; and to Frank Affronti, 104 Contractors, P.O. Box 205, Union Hill, New York 14563.

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

RESOLUTION 229-2021:

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

LETTER OF CREDIT PARTIAL RELEASE, RELEASE #2 – AUBURN MEADOWS SUBDIVISION – SECTION 7S, IN THE TOTAL AMOUNT OF \$ 58,899.52

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board (hereinafter referred to as Planning Board) a resolution dated June 16, 2021 recommending approval of the requested second partial release of funds (Release #2) from the above referenced Letter of Credit. The total amount of funds recommended to be released for work completed in Section 7N of the Auburn Meadows Subdivision Tract, is \$58,899.52; and

WHEREAS, the Town Board has also been provided the Town Letter of Credit Release Forms G-1.1 and G-2.0 that have been signed by all of the town department heads and dated June 11, 2021; and

WHEREAS, the total amount of this Letter of Credit is \$ 647,740.86; and

WHEREAS, there will be a balance of \$ 116,384.46 remaining in the Letter of Credit after Release # 2; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor, to execute the above referenced partial release of funds from the above referenced Letter of Credit, by signing Form G-2.0; and approves of the above referenced release of funds in the amount specified above herein.

BE IT FURTHER RESOLVED, that the Town Clerk, is to be provided copies of this resolution to: Matt Heilmann and David Orians, Town Construction Inspectors; Don Giroux, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town

Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Letter of Credit holder, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; to Walt S. Baker, D.S.B. Engineers & Architects, P.C., 2394 Ridgeway Avenue, Rochester, New York 14626; and to Frank Affronti, 104 Contractors, P.O. Box 205, Union Hill, New York 14563.

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

RESOLUTION 230-2021:

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

LETTER OF CREDIT PARTIAL RELEASE, RELEASE #1 – AUBURN MEADOWS SUBDIVISION – SECTION 8N, IN THE TOTAL AMOUNT OF \$ 428,081.39

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board (hereinafter referred to as Planning Board) a resolution dated June 16, 2021 recommending approval of the requested first partial release of funds (Release #1) from the above referenced Letter of Credit. The total amount of funds recommended to be released for work completed in Section 8N of the Auburn Meadows Subdivision Tract, is \$428,081.39; and

WHEREAS, the Town Board has also been provided the Town Letter of Credit Release Forms G-1.1 and G-2.0 that have been signed by all of the town department heads and dated June 11, 2021; and

WHEREAS, the total amount of this Letter of Credit is \$ 806,890.06; and

WHEREAS, there will be a balance of \$ 378,808.67 remaining in the Letter of Credit after Release # 1; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor, to execute the above referenced partial release of funds from the above referenced Letter of Credit, by signing Form G-2.0; and approves of the above referenced release of funds in the amount specified above herein.

BE IT FURTHER RESOLVED, that the Town Clerk, is to be provided copies of this resolution to: Matt Heilmann and David Orians, Town Construction Inspectors; Don Giroux, Town Highway & Parks Superintendent; Robin MacDonald, Acting Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Letter of Credit holder, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; to Walt S. Baker, D.S.B. Engineers & Architects, P.C., 2394 Ridgeway Avenue, Rochester, New York 14626; and to Frank Affronti, 104 Contractors, P.O. Box 205, Union Hill, New York 14563.

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

RESOLUTION 231-2021:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE MERTENSIA ROAD WATERMAIN REPLACEMENT

WHEREAS, the Town of Farmington received from MRB the certificate of substantial completion for the Rochester Pipeline, Inc,

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

FULLY RESOLVED, that the Town Clerk returns the certificate of substantial completion to MRB Group, and forwards a copy of this resolution and the certificate of substantial completion to the Principal Account Clerk and the Water and Sewer department.

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

RESOLUTION 232-2021:

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

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

WHEREAS, the Highway/Parks Superintendent has asked that he be allowed to fill one (1) seasonal position in the Parks Department at a rate of \$15.70 per hour for a period not to exceed 19 weeks, and

WHEREAS, the position was included in the 2021 Budget to the General Fund Parks Seasonal Line (A-7110.11) to fund this position for a period not to exceed 19 weeks commencing **July 6, 2021**, now therefore be it

RESOLVED, that the Town Board authorizes the Highway/Parks Superintendent to fill one (1) seasonal position for the Parks Department, 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 233-2021:

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

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO SIGN THE AGREEMENT WITH THE PRECISION GROUP FOR SLIP LINE ON BEAVER CREEK ROAD

WHEREAS, The Precision Group has an Onondaga County Contract Number 0000004284, and

WHEREAS, The Farmington Highway has reached out to The Precision Group with the intent to slip line 30" and 36" drainage pipes on Beaver Creek Road, and

WHEREAS, the Highway Superintendent is requesting that the Town Board allow the Town Supervisor to sign the attached quote from **The Precision Group** allowing the Highway Superintendent to move forward with the slip lining project at a cost, **not to exceed \$ 115,000 to be paid for from DA-5110.4**, and be it

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

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

RESOLUTION 234-2021:

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

CONFIRMING RESOLUTUION AUTHORIZING THE SUPERVISOR TO SIGN THE 2021 FIREWORKS EXHIBITION AGREEMENT FROM YOUNG EXPLOSIVES CORPORATION

WHEREAS, the Town Board for the Town of Farmington has agreed to hold the annual July 3, 2021 fireworks celebration on Town Property,

WHEREAS, the Town paid Young Explosives Corporation in 2020 for services which were not utilized and Young Explosives has submitted an exhibition agreement for 2021 along with a Certificate of Liability insurance,

NOW, THEREFORE BE IT RESOLVED, that the Town will be exempt from any permit fees for the celebration,

FULLY RESOLVED, that the Town Clerk maintains a copy of the signed document and provides a copy to the Building Department and the Recreation Department.

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

RESOLUTION 235-2021:

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

RESOLUTION TO CUT TREES AND GRIND STUMPS AT 1240 MCMAHON RD.

WHEREAS there are trees that have grown into the telephone and power lines and are a safety concern. And

WHEREAS The Farmington Water and Sewer Department has received three quotes for the service and Holtz Forest and Shade Tree, LLC has submitted the lowest responsible quote in the amount of \$5,200.00.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the Acting Water and Sewer Superintendent to accept the quote not to exceed \$5,200.00.

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

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

RESOLUTION 236-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN QUOTES FROM JEFFREY ASSOCIATES AND MIRACLE RECREATION EQUIPMENT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT TO BE INSTALLED IN BEAVER CREEK PARK

WHEREAS, the Recreation Committee met with the Highway Superintendent, and

WHEREAS, the equipment selected was (350-1704) **Playworld Boondocks play unit \$61,577** (which excludes assembly of equipment), and

WHEREAS, pricing is based on **NASPO Master Agreement #6485 for the Boondocks play unit**, and

WHEREAS, the equipment selected was (718S184) **Miracle Weyer Park Tots Choice \$17,448.61** (which excludes assembly of equipment), and

WHEREAS, pricing is based on **NYS Contract PC 67386 for the Miracle Weyer Park Tots Choice**, and

WHEREAS, both playgrounds will not exceed \$87,000, and

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the **two (2) quotes** to be funded from **Beaver Creek Capital Project**, and be it further

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

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

RESOLUTION 237-2021:

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

RESOLUTION AUTHORIZING MID YEAR PAY INCREASES

WHEREAS, funds were budgeted in the Supervisor's line for mid-year increases for employees, and

WHEREAS, the Supervisor has provided this information to the members of the Town Board, and

WHEREAS, the increases will be effective starting with the June 27th payroll, and be it

RESOLVED, that pay increases for Jeannine Marciano, Principal Account Clerk and Marcy Daniels, Confidential Secretary to the Supervisor will be increased by \$.35 per hour each; and be it

FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to the Supervisor's Confidential Secretary and the Principal Account Clerk.

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

RESOLUTION 238-2021:

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

ESTABLISHMENT OF A LETTER OF CREDIT DELAWARE RIVER SOLAR – YELLOW MILLS ROAD SOLAR FACILITY – IN THE TOTAL AMOUNT OF \$80,000.10

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Lance S. Brabant, CPESC, Director of Planning & Environmental Services, MRB Group, D.P.C., the Town Engineers, dated June 21, 2021 recommending that a Surety Estimate in the amount of \$80,000.10 be approved by this Board for the above referenced solar project; and

WHEREAS, the above referenced request from Lance S. Brabant, has also been coordinated with Matt Heilmann, the Town of Farmington Construction Inspector, with both concluding that the quantities and unit prices identified in the Engineers Surety Estimate prepared by Schultz Associates, P.C. are consistent with the approved plans and private contractor pricing; and

WHEREAS, the Town Director of Planning & Development has prepared for the Town Board's consideration a separate but related draft resolution to accept and adopt the Decommissioning Plan for the above referenced solar project, which requires a dollar amount specified above herein be added to the Letter of Credit Section 2.2 of said Decommissioning Plan, for the above referenced solar project, before being acted upon.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Town Engineer's recommendation and approves the establishment of the above referenced letter of credit for this project, in the total amount of \$80,000.10.

BE IT FURTHER RESOLVED, that the Town Clerk, is to be provided copies of this resolution to: Matt Heilmann, Town Construction Inspector; Don Giroux, Town Highway & Parks Superintendent; Robin MacDonald, Acting Superintendent, Town Water & Sewer; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; and Ronald L. Brand, Town Director of Planning and Development.

BE IT FINALLY RESOLVED, that the Clerk of the Board is to provide copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; the Town Construction Inspector; and the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning & Environmental Services; and to John Robortella, Clerk of the Board, Town of Farmington Planning Board.

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

RESOLUTION 239-2021:

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

RESOLUTION ADOPTING THE ACTION ENTITLED "TOWN OF FARMINGTON DECOMMISSIONING PLAN FOR SMITHS, THEIR PROPERTY AND DELAWARE RIVER SOLAR, LLC AND AFFILIATES AND SUCCESSORS."

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received and reviewed the above referenced Decommissioning Plan, dated 6/16/21, from the Town Planning Board along with a resolution, dated June 16, 2021 recommending the Town Board take action to adopt said Plan; and

WHEREAS, the Town Board has reviewed the above referenced Plan and has discussed said document at the Town Public Works Committee Meeting and Town Operations Committee Meeting both held on Tuesday, June 22, 2021; and

WHEREAS, the Town Board has reviewed the June 21, 2021 letter from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town's Engineers, to Ronald Brand, Director of Planning & Development for the Town which recommends the Decommissioning Plan Decommissioning Estimate be approved in the combined amount of \$417,118.00; and

WHEREAS, the Town Board has reviewed the June 21, 2021 letter from Eric Redding, PE, LEED Ap, Bermann Architects, Engineers, Planners to Daniel Compitello, Delaware River Solar, acknowledging the decommissioning estimate combined in the total amount of \$417,118.00 accurately reflects the cost to decommission the site [Lots #1, #2 and #3 of the Smith Property] as outlined in the Decommissioning Plan; and

WHEREAS, the Town Board has reviewed the June 23, 2021 letter from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town's Engineers, to Ronald Brand, Director of Planning & Development for the Town, identified as Decommissioning Estimate Review #2, which explains that the Decommissioning Estimates prepared by Bergmann Associates reflects if the project were to be decommissioned at the same time (all three lots at once). This estimate in the total amount of \$368,538.00 is less than if each lot were to be decommissioned separately and that MRB is recommending the Town not accept this amount; and

WHEREAS, the Town Board has directed the Town Director of Planning & Development to amend the above referenced Decommissioning Plan draft dated 6/16/21 by re-dating each page of said Plan document to read 6/23/21, the effective date of this resolution; and

WHEREAS, the Town Board has directed the Town Director of Planning & Development to amend the above referenced Decommissioning Plan draft dated 6/16/21 by adding the Letter of Credit Amount for the construction of this solar facility site in the total amount of \$80,000.10, to section 2.2. (1) Construction Letter of Credit; and

WHEREAS, the Town Board has directed the Town Director of Planning & Development to amend the above referenced Decommissioning Plan draft dated 6/16/21 by adding Appendix I to the Plan dated 6/23/21.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the amended 6/16/21 draft Plan Document and does adopt in its entirety the above referenced Decommissioning Plan to be dated 6/23/21.

BE IT FURTHER RESOLVED, that the above referenced letters regarding Decommissioning Plan Estimated Costs be added to Appendix I of the adopted 6/23/21 Decommissioning Plan.

BE IT FURTHER RESOLVED, that said Decommissioning Plan, dated 6/23/21, is to first be signed by all parties listed on Page 30 of said Plan document, notarized and then signed by the Town Supervisor, notarized and filed with the Town Clerk's Office before taking effect.

BE IT FURTHER RESOLVED, that a Maintenance Bond, in the total combined amount of \$417,118.00 be filed by Delaware River Solar, LLC, in the Town Clerk's Office, in the amount of the three (3) estimated costs identified by the Town Engineers in the Decommissioning Plan Document for: Lot #1, in the total dollar amount of \$151,956.00; Lot #2, in the total dollar amount of \$129,121.00; and Lot #3 in the total dollar amount of \$136,041.00 as is contained in Section 2.2 i), ii) and iii), page 6, of this approved Decommissioning Plan dated 6/23/21 before the Town Code Enforcement Officer issues a Certificate of Compliance for the Smith Property Delaware River Solar Farm Project.

BE IT FINALLY RESOLVED, that the Clerk of the Board is to provide certified copies of this resolution to: Roger and Carol Smith, 4790 Fox Road, Palmyra, N.Y. 14522; Peter Dolgos, Delaware River Solar, LLC, as System Operator and Owner of NY Farmington I, LLC, NY Farmington II, LLC, and NY Farmington III, LLC, having a current address at 140 East 45th Street, Suite 32-B1, New York, N.Y. 10017; David Matt, Schultz Associates, P.C., P.O. Box 89 Spencerport, N.Y. 14559; Sheldon Boyce, Esquire, Brenna & Boyce, PLLC; Michael Crosby, Esquire, Brenna & Boyce, PLLC; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Director of Planning and Development; the Town Code Enforcement Officer; the Town Construction Inspector; the Town Engineering Firm, MRB Group, D.P.C., Attn: Lance S. Brabant, CPESC, Director of Planning & Environmental Services; the Town Planning Board; the identified Involved and Interested Agencies; and to John Robortella, Clerk of the Board, Town of Farmington Planning Board.

Discussion: Councilman Bowerman stated that it took a long time to get to this point and they want to protect the farmland. He thanked the Smith's for their patience and he's sorry that they had to deal with some disgruntle neighbors through this process. The Smith's thanked the board. Supervisor Ingalsbe stated that the Town Board has felt that the Planning Board has done the correct process and the work involved and every step, and the legal team and departments, and whether the Town Board said yes or no to the project, they were going to back the Planning Board actions. Ed Hemminger, Planning Board Chairman, stated that they bend over backwards to ensure that every citizen was heard, they went out of their way to make sure they had a location where we could have enough people to hear all the comments. He added that he feels they have done everything possible to make this the best project possible. He added that the staff was fantastic in working with the Planning Board through this process. He felt that this was one of the best projects that the Planning Board has ever done because they took their time and did it very detailed and followed the process. Dan Compitello, DRS, thanked the town and was glad they were at this point.

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

RESOLUTION 240-2021:

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

Abstract 12-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS

FROM: J. MARCIANO

ABSTRACT NUMBER

12

DATE OF BOARD MEETING

6/23/2021

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	\$105,030.68	1018-1020,1023-1041,1043-1053,1056-1063,1073,1075-1077
HG	MERTENSIA WATERLINE	24,633.50	1054
DA	HIGHWAY FUND	20,725.26	1044,1057,1066-1071,1076,1077
HA	AUBURN TRAIL PROJ	0	
HB	BEAVER CREEK PARK	226,572.32	1021,1028,1042,1055,1064,1065
SF	FIRE PROTECTION DISTRICT	0	
HR	PARKS BLDG REN CAP PROJ	2,650.51	1074
HZ	TOWNLIN CAP PROJ	8,413.76	1068
SD	STORM DRAINAGE	1,953.39	1034,1076,1077
SL1	LIGHTING DISTRICT		
SS	SEWER DISTRICT	48,511.77	972-1008,1034,1044,1050,1057,1060,1060,1061,1072,1076,1077
SW1	WATER DISTRICT	22,868.21	1044,1050,1057,1060,1061,1072,1076,1077
TA93	LETTER OF CREDIT (CASH)	0	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	6,953.14	1005,1006,1022,1044,1076-1078
	TOTAL ABSTRACT	\$ 468,371.54	

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

WAIVER OF THE RULE: No Objections.

RESOLUTION #241-2021:

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

RESOLUTION ESTABLISHING THE PENALTY DATE FOR ALL UNPAID 2021 SECOND QUARTER ACCOUNTS LOCATED WITHIN THE CANANDAIGUA-FARMINGTON (CFWD) WATER AND VICTOR SEWER DISTRICTS

WHEREAS, payment for the 2ND Quarter 2021 CFWD water and sewer bills and Victor Sewer District sewer bills are due on Saturday, July 31, 2021,

NOW THEREFORE BE IT RESOLVED that the Town Board of Farmington acting on behalf of the Canandaigua-Farmington Water and Victor Sewer Districts hereby authorizes that payments must be received at the Town Clerk's office prior to 8 am Monday August 2, 2021, including on line payments. Payments with US mail postmarks as of 12:00 AM August 1, 2021 will be accepted without penalty,

FURTHER RESOLVED, a 20% late fee will be applied to the sewer portion of unpaid residential bills and the water and sewer portion of commercial bills on Monday August 2nd with no water shutoff date established for this quarter,

FURTHER RESOLVED, special payment arrangements for residential water accounts are continuing to be set up in response to payment deferral request forms received,

FULLY RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Department and the Principal Account Clerk.

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

RESOLUTION #242-2021:

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

A RESOLUTION SCHEDULING A PUBLIC HEARING FOR A REQUESTED AREA VARIANCE FOR LOT #72 REDFIELD GROVE INCENTIVE ZONING PROJECT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has rezoned Lot #72, by Resolution No. 103 of 2015, dated February 24, 2015 as part of the Redfield Grove Incentive Zoning Project (reference Local Law #5 of 2015); and

WHEREAS, the Town Board has received an application from Frank DiFelice, DiFelice Development Incorporated, for an area variance to allow a six (6) foot tall board-on-board wood fence to be place across the north property line for Lot #72, from the front setback of the proposed building located eighty-five (85) feet from the west

right-of-way line for Commercial Drive to a point located forty (40) feet from the west right-of-way line for Commercial Drive (the defined portion of the Front Yard portion of Lot #72); and

WHEREAS, the Town Planning Board (hereinafter referred to as Planning Board) has reviewed and has granted Final Site Plan Approval with Conditions (File #PB0602-21) for the development of Lot #72 of the Redfield Grove Incentive Zoning Project; and

WHEREAS, one of the above referenced Conditions of Approval, Condition #6, requires the granting of an area variance for the proposed six (6) foot tall fence within the defined Front Yard portion of Lot #72 of the Redfield Grove Incentive Zoning Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby schedule a public hearing to be held upon the above referenced Action to commence at 7:00 p.m., on Tuesday, July 13, 2021 in the Farmington Town Hall.

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

BE IT FURTHER RESOLVED, that the Town Code Enforcement Officer is to post a Public Notice Sign on the subject property near the intersection of State Route 96 and Commercial Drive.

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

BE IT FINALLY RESOLVED, that copies of this resolution are to be provided to Mr. Frank DiFelice, DiFelice Development, Inc., and Daniel Delpriore, Code Enforcement Officer.

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

TRAINING UNDER \$100: None.

DISCUSSION:

1. New NYS Cannabis Law Opt Out Option – Supervisor Ingalsbe stated that he sent copies of an email he received from the Town Attorney to the Board basically stating the Section 135 of the Cannabis Law permits town, cities, villages to opt out of allowing retail dispensaries and onsite consumption sites that would otherwise be able to be engaged in retail sales of adult cannabis to cannabis consumers by passing a local law, which is required to be subject to a permissive referendum requesting that the cannabis control board to prohibit the establishment of such retail dispensaries, licenses and/or onsite consumption licenses contained in Article 4 of the Cannabis Law within the jurisdiction of a town, village, or city. He stated that if the town wants to opt out of these uses, the board will need to do so by December 31, 2021. He added that if the town does opt out there is a one time opt back in.

Councilman Bowerman stated that a lot of towns around them are probably going to opt into this because the state is dangling sales tax revenue in front of them, and that we (the town) do not need the tax revenue that they might get from it. He feels the residents of Farmington can travel to neighboring towns to obtain cannabis if they choose to. He felt that crime will increase if the town allows them as studies have shown in other states. He believes the town doesn’t need to encourage people to drive under the influence of marijuana, it is already going to happen. Councilman Bowerman stated that he is not in favor of opting in, Councilman Casale agreed. Councilman Bowerman added that the town only has one chance to opt out and can in the future opt in at a later date if they choose to.

Mr. Hemminger asked if the Finger Lakes Gaming and Racing will be allowed to sell cannabis without town approval even if the town opts out. Supervisor Ingalsbe will look into that.

EXECUTIVE SESSION:

Councilman Casale made a motion to go into executive session at 7:51 p.m. to discuss the Collective negotiations pursuant to Article Fourteen of the Civil Service Law, Councilman Bowerman seconded the motion. Motion **CARRIED**.

Councilman Bowerman made a motion to exit executive session at 8:20 p.m., Councilman Casale seconded the motion. Motion **CARRIED**.

With no further business before the Board, **Councilman Casale** offered a motion to adjourn the meeting at 8:22 p.m., seconded by **Councilman Bowerman**. Motion **CARRIED**.

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