

At a regular meeting of the Town Board of the Town of Farmington held at the Farmington Town Hall of said Town on the 27th day of June, at 7:00 PM, there were:

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

Also present were: **Don Giroux** – Highway/Parks Superintendent, **Dave Degear** – Water & Sewer Superintendent, **Dan Delpriore** – Code Enforcement Officer, **Ron Brand** – Director of Planning and Development, and **Adrian Bellis** – Planning Board Member.

PUBLIC HEARINGS: LOCAL LAW #5 OF 2018 – STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL

Supervisor Ingalsbe opened the public hearing at 7:00 p.m. The Town Clerk read the Legal Notice. Supervisor Ingalsbe asked if anyone wanted to speak for or against the local law, hearing none he then asked for staff comments. Ron Brand, Director of Planning and Development, stated that there has been several meetings and what they are basically doing is that the stormwater regulations out of the zoning chapter of the town code and putting them in their own chapter, chapter 138, and in the process of doing that they added new definitions and new policies that have been enacted since the original Article IV was adopted a number of years ago. He added that it has been reviewed by Ontario County Planning and recommended for approval. Supervisor Ingalsbe closed the public hearing at 7:03 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale**, that the minutes of the June 12, 2018, and given to members for review, be approved. All Voting “Aye” (Ingalsbe, Holtz, Herendeen, and Casale), Motion Carried.

A motion was made by **Councilman Casale** and seconded by **Councilman Holtz**, that the minutes of the June 12, 2018, Workshop with the Victor-Farmington Volunteer Ambulance Corp., and given to members for review, be approved. All Voting “Aye” (Ingalsbe, Holtz, Herendeen, and Casale), Motion Carried.

PRIVILEGE OF THE FLOOR: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

Water & Sewer:

1. Discussed WWTP Disinfection UV Project & Outfall and Bank Stabilization Project.
2. Discussed Control Building #1 and UV Building #17 – UV SCADA System.
3. Discussed Sand Filter Building #8.
4. Discussed Final Clarifier #3.
5. Discussed Asphalt Paving of the Employee Parking Lot.
6. Discussed ICS Survey & FROSI Submission.
7. Discussed Pumpstations.
8. Discussed Sanitary Sewer Manhole Rehabilitation.
9. Discussed Sewer Flow Meters.
10. Water Breaks – none. Continued trouble along areas of Coral Drive.
11. Discussed resolutions on agenda.

Highway & Parks:

1. Current projects- Highway –Mertensia Road project, roadside mowing.
2. Parks – mowing of town parks and buildings, maintaining playing field, park cleanup, preparation for summer recreation program, and preparation for July 3rd Fireworks Celebration.

Town Operations Committee: Councilman Casale reported:

1. Reports on file and on the website.
2. Discussed Auburn Meadows Section 6n and 6s.
3. Discussed Monarch Manor Section 1.
4. Discussed Estates at Beaver Creek Section 3 and Section 4.
5. Discussed Collett Road Section 3.
6. Discussed Auburn Trail.
7. Discussed America’s Best Motel.
8. Discussed Transportation Alternatives Program Application.
9. Discussed Beaver Creek Bridges.
10. Discussed resolutions on agenda.

Town Personnel Committee: None.

Town Finance Committee: Supervisor Ingalsbe reported:**Town Public Safety Committee: Councilman Holtz reported:****REPORTS OF TOWN OFFICIALS:****Supervisor Ingalsbe reported:**

1. Ontario County Board of Elections will store voting machines in the town hall basement area while their building is being renovated. They will pay the town \$50 per month plus carpet one of the rooms downstairs.
2. Reminder – July 3rd Fireworks Celebration.
3. Meeting on Tub grinding –Farmington was picked as a site - resolution will be done in July.

Highway& Parks Superintendent Giroux reported:

1. First of paving is completed. Next week will start into some oil and stoning.
2. Discussed Fibermat – letters will be going out.

Town Clerk Michelle Finley reported:

1. Started going through very old traffic tickets as part of records management – need to take out any that show DWI and DWAI.
2. Treat and Trunk will be October 27th at 12 p.m.

Water & Sewer Superintendent Dave Degear reported:

1. Grade 4 WWTP Operator received renewal of license.
2. All three dump trucks are pack in service. Thanked Highway Superintendent for use of their trucks.

Code Enforcement Officer Dan Delpriore reported:

1. Very busy – pulled some reports – last year at this time we were approaching 300 permits and today approaching 420 permits.

Director of Planning and Development Ron Brand reported:

1. Gave an update on the TAP grant – referred to map with existing sidewalks, went over areas that do not have sidewalks. This grant would match local monies with federal monies to fill in the blanks where sidewalks are needed.

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

1. Gave an update on the bridges project.
2. Town Line Road Culvert bid documents – resolution on agenda.
3. Gave an update on the Brickyard Road Water Tank project.

Fire Chief reported: None.**Planning Board Member – Adrian Bellis reported:**

1. Last Meeting – American Equipment and LOC's.
2. Next Meeting – Hathaways Corner, Myers RV.

Zoning Board of Appeals Tim Delucia reported: None.**Recreation Advisory Committee Brian Meck reported: None.****Ontario County Planning Board Member reported: None.****Conservation Board Chairman Hilton reported: None.****Town Historian Donna Herendeen reported: None.****Agricultural Advisory Committee Chairman Hal Adams: None.****COMMUNICATIONS:**

1. Highway/Parks Department Public Works Agenda – June 12, 2018.
2. Water & Sewer Department Public Works Agenda – June 12, 2018.
3. Letters from the Town Supervisor requesting support and endorsement for 2018 Consolidated Funding Application (CFA) for Beaver Creek Park.
4. Letter to the Director of Development and the Town Board from Timothy Lawless of American Properties of WNY, LLC. Re: Town ordinance on removing billboards.
5. Town of Victor Resolution No. 261. Re: Authorization for payment to the Town of Farmington for two Grunfos Model A30.125 vortex sewer pumps for PS-22.

6. Finance Meeting Agenda – June 5, 2018.
7. Create A Scape Auburn Trail Connector Project Schedule.
8. Verizon Connect Networkfleet NYS OGS Hardware & Service Order for GPS in Highway and Water & Sewer Departments.
9. Letter to the Town Supervisor from the NYS Department of Taxation and Finance Office of Real Property Tax Services. Re: Tentative Equalization Rate.
10. Confidentiality and Assurance Agreement between the Town of Farmington and RG&E.
11. Letter to Paul Colucci of DiMarco Group from the Town Supervisor. Re: MIII Enterprises Project, Box Culvert, Carmens Way.
12. Town Clerk/Receiver of Taxes Report from Raymond F. Wager, CPA for year ended December 31, 2017.
13. Certificate of Liability Insurance from: CP Kelly & Associates, LLC; MW Controls Service, Inc.; Clark-Thompson, Inc.; RG&E.
14. Certificate of Workers' Compensation Insurance from: ADP TotalSource MI XXX, Inc.

REPORTS & MINUTES:

1. Farmington Senior Citizens Meeting Minutes – June 4, 2018.
2. Planning Board Meeting Minutes – June 6, 2018.

RESOLUTION #261-2018:

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

RESOLUTION OF SYMPATHY FOR THE SEEHOFFER FAMILY

WHEREAS, the Town Board was deeply saddened to learn of the untimely passing of former Court Clerk, Claudia Seehoffer, on June 6, 2018; and

WHEREAS, Claudia was employed for over eight (8) years in the Justice Court as both a part time and full time Court Clerk serving residents of the Town of Farmington;

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts this resolution extending its sincere sympathy to the Seehoffer family and spreading her memory upon the minutes of this board meeting, and be it

FURTHER RESOLVED, that the Town Clerk forward a copy of this resolution to Claudia's husband, Brad at 1755 Fort Hill Road, Phelps, NY 14532.

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

RESOLUTION #262-2018:

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

RESOLUTION AUTHORIZING THE RENEWAL OF SYMANTEC ENDPOINT PROTECTION

WHEREAS, the Symantec Endpoint Protection (antivirus system used on all Town computers) expires on July 9, 2018, therefore the subscription needs to be renewed, and

WHEREAS, Shane Keyser of Keyser Computer Services has reached out to us informing us that the cost for said renewal is \$1,160.00 (40 seats at \$29.00 per seat), now therefore

BE IT RESOLVED, the Town Board authorizes the renewal of Symantec Endpoint Protection at a cost not to exceed \$1,160.00, and be it

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

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

RESOLUTION #263-2018:

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

RESOLUTION AUTHORIZING THE RENEWAL OF MICROSOFT OFFICE 365 EXCHANGE

WHEREAS, the Microsoft Office 365 Exchange (email used on all Town computers) expires on July 31, 2018, therefore the subscription needs to be renewed, and

WHEREAS, Shane Keyser of Keyser Computer Services has reached out to us informing us that the cost for said renewal is \$1,050.00 (25 seats at \$42.00 per user), now therefore

BE IT RESOLVED, the Town Board authorizes the renewal of Microsoft Office 365 Exchange at a cost not to exceed \$1,050.00, and be it

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

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

RESOLUTION #264-2018:

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

RESOLUTION MAKING AN EVALUATION OF THE CRITERIA CONTAINED IN THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) REGULATIONS AND MAKING A DETERMINATION OF NON-SIGNIFICANCE UPON THE ACTION IDENTIFIED AS ADOPTION OF LOCAL LAW #5 OF 2018, TO BE ALSO KNOWN AS CHAPTER 138 OF THE FARMINGTON TOWN CODE, ENTITLED STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has determined the proposed Action referenced above to be an Unlisted Action under Part 617 of the State Environmental Quality Review Act (SEQR) Regulations; and

WHEREAS, the Town Board has conducted a public hearing upon said Action giving consideration to the comments provided; and

WHEREAS, the Town Board is the only involved agency and, therefore, is established as the designated lead agency in accordance with the procedures established under Part 617 described above herein; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Short Environmental Assessment Form.

Now, therefore, be it RESOLVED, that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; and
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site; and
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action; and
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations; and
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site according to the State Office of Parks, Recreation and Historic Preservation (SHPO) Letter dated June 8, 20117 (File 17PR03555), or will the proposed Action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of current active agricultural land;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

Be it further RESOLVED, that based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

Be it further RESOLVED, that the Town Board does hereby make a Determination of Non-Significance upon said Action and directs the Town Supervisor to sign and date the Short Environmental Assessment Form, Part 3 and file it with this Action.

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

RESOLUTION #265-2018:

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

RESOLUTION ADOPTION - CHAPTER 138 OF THE FARMINGTON TOWN CODE, ENTITLED STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL, TO BE ALSO KNOWN AS LOCAL LAW # 5 OF 2018

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has completed its review of a draft local law (hereinafter referred to as Local Law # 5 of 2018), and has given consideration to the environmental record for said Action, the public comments made at tonight's public hearing held upon said Local Law and the Ontario County Planning Board Referral # 100-2018, recommending approval; and

WHEREAS, the Town Board has given consideration to the fact that this Local Law has been reviewed by the Town Codes Advisory Committee, the Town MS4 Committee and other Town Staff and members of two Town Advisory Committees; and

WHEREAS, the Town has in accordance with the provisions of the State Environmental Quality Review Act (SEQR) Regulations made a determination of non-significance upon the Action identified above herein.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law #5 of 2018, dated June 27, 2018 in its entirety.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct the Town Clerk to complete the certification of said Local Law, forward it to the Town's Attorney for his certification and then filing with the Secretary of State in accordance with established procedures.

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk, upon receipt of the filing of said Local Law with the Secretary of State to notify General Code Publishers of the new Chapter of the Town Code and the need to amend Article IX of Chapter 165 as set forth in said Local Law.

BE IT FINALLY RESOLVED, that upon receipt of the Secretary of State notice of filing copies of Chapter 138 are to be provided to the following Town Staff and consultants: Peter Ingalsbe, Town Supervisor; Donald Giroux, Town Highway & Parks Superintendent; Paul Crandall, Town Highway Department; David Degear, Town Water & Sewer Superintendent; Matt Heilmann, Town Construction Inspector; James Morse, Town Code Enforcement Officer; Lance Brabant, CPESC, MRB Group, Town Engineers; Ronald L. Brand, Town Director of Planning & Development; and John Robortella, Clerk of the Planning Board & Zoning Board of Appeals.

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

Local Law No.5 of the year 2018

A local law amending Chapter 165, Article IX, Stormwater Management, by deleting it in its' entirety; and establish a new Chapter 138, entitled STORMWATER MANAGEMENT and EROSION & SEDIMENT CONTROL

Be it enacted by the Town Board of the

Town of Farmington as follows:

- Section 1: Chapter 165, Article IX, Stormwater Management, is hereby deleted in its entirety.
- Section 2: Chapter 165, Article IX is hereby described as a reserve Article with Sections 103 through 114 as reserved Sections.
- Section 3: Chapter 138, entitled Stormwater Management and Erosion & Sediment Control is hereby established as follows:

Chapter 138
STORMWATER MANAGEMENT and EROSION & SEDIMENT CONTROL

- §138-1. Title.
- §138-2. Definitions.
- §138-3. Purpose.
- §138-4. Objectives.
- §138-5. Applicability.
- §138-6. Exemptions.
- §138-7. Stormwater Pollution Prevention Plans.
- §138-8. Performance and design criteria for stormwater management and erosion and sediment control.
- §138-9. Water Quality Standards.
- §138-10. Maintenance, inspection and repair of stormwater facilities.
- §138-11. Administration and enforcement.
- §138-12. Enforcement and Penalties.
- §138-13. Withholding of Certificates of Occupancy, or Compliance.
- §138-14. Restoration of lands.
- §138-15. Fees for services.

§138-1. Title.

This chapter shall be known as the "The Town of Farmington Separate Storm Sewer System (MS4) Phase II stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES) regulations, administered by New York State through the State Pollutant Discharge Elimination System (SPDES) regulations.

§138-2. Definitions.

The following terms as used in this chapter, shall have the meanings indicated:

AGRICULTURAL ACTIVITY - the activity of an active farm including grazing and wetting livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

CHANNEL- a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING- any activity that removes the vegetative surface cover.

EROSION CONTROL MANUAL- the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book.”

GRADING- excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER- those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water.

INDUSTRIAL STORMWATER PERMIT- a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION- the process of percolating stormwater into the subsoil

JURISDICTIONAL WETLAND- an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY- construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area this is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER- the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MS4 SWPPP ACCEPTANCE FORM – Upon completing a review of the project Stormwater Pollution Prevention Plan (SWPPP), the Stormwater Management Program Coordinator is to sign this form approving and accepting the SWPPP for the project. This form is to be inserted into the project SWPPP.

NOTICE OF INTENT (NOI)- a form used to apply for coverage from NYSDEC under the SPDES General Permit for Stormwater Discharges from Construction Activity. All Land Development Activity (construction activities or otherwise) which would result in the disturbance of one (1) or more acres of land, except as exempted by current General Permit for Stormwater Discharges from Construction Activity, shall be required to complete this form. This form is required to be included within the Stormwater Pollution Prevention Plan (SWPPP) and shall be completed and submitted to the Town’s Stormwater Management Program Coordinator, and Town Engineer as part of the land development review process. The NOI form shall not be submitted to the NYSDEC until the SWPPP and land development plans have received Final Approval, and the MS4 SWPPP Acceptance Form has been signed by the Stormwater Management Program Coordinator.

NOTICE OF TERMINATION (NOT)- upon completion of all construction activities which would result in soil disturbance, completion and implementation of all required Post-Construction Stormwater Management Practices, and achieving Final Stabilization (as defined in the SPDES General Permit for Stormwater Discharges from Construction Activity), the Applicant shall complete the Notice of Termination (NOT) form and submit it to the Town’s Stormwater Management Program Coordinator, and Town Engineer for review and approval. Upon Acceptance of the NOT by the Town, the Applicant shall submit this form to the NYSDEC.

NONPOINT SOURCE POLLUTION- pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING- clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN- sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT- land development activity.

RECHARGE- the replenishment of underground water reserves.

SEDIMENT CONTROL- measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS- cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES GP-0-15-002 – a permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS (MS4) GP-0-15-003 – a permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with the Environmental Protection Agency (EPA) established water quality standards and/or to specify stormwater control standards.

STABILIZATION- the use of practices that prevent exposed soil from eroding.

STOP WORK ORDER- an order issued which requires that all construction activity on a site be stopped.

STORMWATER – rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT- a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MAINTENANCE AGREEMENT- a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

STORMWATER MANAGEMENT- the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY- one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER- the Town Code Enforcement Officer, an employee or officer designated by the Town Board to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)- measures, either structural or non-structural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source of non-point source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)- a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF- flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK- lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean with the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground water), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE- a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY- a channel that directs surface runoff to a watercourse or to the public storm drain.

§ 138-3. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and regulations to enable Town control over the review and approval of Stormwater Pollution Prevention Plans (SWPPPs) as required by the New York State Pollutant Discharge Elimination System (SPDES) Program during subdivision and site plan reviews and approvals.

§138-4. Objectives.

The objectives of this chapter are to establish minimum stormwater management requirements and soil and erosion controls to protect and safeguard the general health, safety and welfare of the public residing within the Town; and to address the findings of fact set forth by the Town's reviews of subdivision plats and site plans as further required in chapters 144 and 165 of the Town Code. This chapter seeks to achieve the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-15-003, as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation's State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-15-002, as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities that would otherwise degrade local water quality;

E. Minimize the total annual volume of stormwater runoff that flows from any specific site during and following development to the maximum extent practicable; and

F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 138-5. Applicability.

A. This chapter shall be applicable to all land development activities as defined elsewhere in the Town Code.

B. The Town Code Enforcement Officer (CEO) is hereby designated as the Town Stormwater Management Program Coordinator. The CEO shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Program Coordinator may:

(1) Review the plans;

(2) Upon approval by the Town Board of the Town of Farmington, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

(3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.

C. All land development activities subject to review and approval by the Town of Farmington Planning Board under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.

D. All land development activities not subject to review and approval, as stated in Subsection C, shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Program Coordinator, who shall approve the SWPPP if it complies with the requirements of this chapter.

§ 138-6. Exemptions.

The following activities may be exempt from review under this chapter.

A. Agricultural activity as defined in this chapter.

B. Silvicultural activity, except that landing areas and log haul roads are subject to this chapter.

C. Routine maintenance activities that disturb fewer than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Program Coordinator.

E. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Farmington on or before the effective date of this chapter.

F. Land development activities for which a building permit has been approved on or before the effective date of this chapter.

G. Cemetery graves.

H. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.

I. Emergency activity immediately necessary to protect life, property or natural resources.

J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.

K. Landscaping and horticultural activities in connection with an existing structure.

§ 138-7. Stormwater Pollution Prevention Plans (SWPPP).

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of stormwater pollution prevention plans (SWPPPs).

(1) All SWPPPs shall provide the following background information and erosion and sediment controls:

(a) Background information about the scope of the project, including location, type and size of project;

(b) Site map/construction drawings for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface waters; wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and locations of the stormwater discharges;

- (c) Description of the soils present at the site and soils mapping;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;
 - (h) A site map/construction drawing specifying the locations, sizes and lengths of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (l) Post construction maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Names of the receiving waters;
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants, from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
 - (q) A copy of the NYSDEC current General Permit
 - (r) A copy of a SWPPP inspection form to be used
 - (s) Copy of the approved project Notice of Intent (NOI) signed
 - (t) NYSDEC Acknowledgement letter
 - (u) Copy of a blank Notice of Termination (NOT)
 - (v) Town of Farmington 5-acre waiver form to be completed and signed. (if waiver is being requested)
 - (w) Owner and Contractor Certification Forms signed.
 - (x) NYSDEC Erosion and Sediment Control Training Certification Cards for the identified individuals who will be onsite at all times.
- (2) Notice of Intent (NOI). All land development applications involving the disturbance of one (1) or more acres of land shall be required to complete a NOI on forms provided by the New York State Department of Environmental Conservation (NYSDEC) and submit said form to the Regional Office of the NYSDEC with a copy thereof provided to the CEO.
- (3) Prior to issuance of any site disturbance permits, the CEO, shall receive a NYSDEC Acknowledgement Letter approving the General Permit for the construction activities.
- (4) Land development activities, as defined elsewhere in the Town Code and meeting Condition (a), (b) or (c) below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B (5) below as applicable:
- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water, identified on the Department's 303(d) list of impaired waters, or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: stormwater runoff from land development activities disturbing five (5) or more acres.
 - (c) Condition C: stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (5) SWPPP requirements for Conditions (4) (a), (b) and (c):

- (a) All information in Subsection B (1) of this chapter;
 - (b) Description of each post-construction stormwater management practice;
 - (c) Site map/construction drawings showing the specific locations and sizes of each post-construction stormwater management practice;
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - (e) Comparison of post-development stormwater runoff conditions with pre-development conditions;
 - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - (g) Post construction maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements recorded upon the plans shall also be recorded in the Ontario County Clerk's Office and shall remain in effect with transfer of title to the property. The liber and page of any easement shall be provided to the Town Development Office for filing with the property records;
 - (i) Inspection and maintenance agreement binding upon all subsequent landowners served by the on-site stormwater management measures in accordance with these regulations;
 - (j) For land development activities meeting the Conditions specified above herein, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.
- C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been, or will be, acquired for the land development activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statements shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 138-8. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, November 2016, most current version or its successor, hereafter referred to as the "Erosion Control Manual"). (Blue Book)
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection A herein and the SWPPP shall be prepared by a New York State licensed professional engineer.

§ 138-9. Water Quality Standards.

Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 138-10. Maintenance and Repair of Stormwater Facilities.

- A. Maintenance During Construction.

(1) The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) The applicant or developer or their representatives shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed in compliance with the NYSDEC General Permit requirements. The reports shall be delivered to the Stormwater Management Program Coordinator and also copies to the site log book.

B. Maintenance easements. Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility, at reasonable times, for periodic inspection by the Town of Farmington to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Counsel for the Town of Farmington. A copy of the liber and page of the filing shall be provided to the Town Development Office.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices, installed in accordance with this chapter, shall ensure they are operated and maintained to achieve the objectives of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the objectives of this chapter;

(2) Written procedures for operation and maintenance and training new maintenance personnel;

(3) Discharges from the SMPs shall not exceed design criteria, or cause or contribute to water quality standard violations, in accordance with these regulations.

D. Maintenance agreements. The Town of Farmington shall approve a formal maintenance agreement for stormwater management facilities, binding upon all subsequent landowners, and recorded in the office of the County Clerk, as a deed restriction upon the property prior to issuance of either a Certificate of Compliance, or Certificate of Occupancy by the Town Code Enforcement Officer. The maintenance agreement shall be consistent with the terms and conditions of the forms ST-1 through ST-8, as contained in the Appendices of the adopted Town of Farmington Site Design and Development Criteria, as may be amended from time to time by the Town Board. The Town of Farmington, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

E. Notice of Termination (NOT). Once a land development project has achieved final stabilization in accordance with the general permit and SWPPP, then the NYSDEC NOT Form shall be completed by the applicant and submitted to the CEO for his review and acceptance. Upon such acceptance, the CEO shall sign the NOT Form and provide signed copies thereof to the Region 8 Office of the NYSDEC, the applicant and a file copy for the Town Development Office. The owner or developer will send the NOT to the Albany office of the NYSDEC.

§ 138-11. Administration and Enforcement.

A. Construction inspection.

(1) Erosion and sediment control inspection.

(a) The Town of Farmington Stormwater Management Program Coordinator may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Farmington CEO at least 48 hours before any of the following:

[1] Start of construction;

[2] Installation of sediment and erosion control measures;

[3] Completion of site clearing;

[4] Completion of rough grading;

[5] Completion of final grading;

[6] Close of the construction season;

[7] Completion of final landscaping; and

[8] Successful establishment of landscaping in public areas.

(b) If any violations are found, the applicant and developer shall be notified, in writing by the Stormwater Management Program Coordinator, of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Stormwater Management Program Coordinator.

(2) Stormwater management practice inspections. The Town of Farmington Stormwater Management Program Coordinator is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans to the Stormwater Management Program Coordinator for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a New York State licensed professional engineer.

(3) Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges; surface water; groundwater; and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

(4) Submission of reports. The Town of Farmington Stormwater Management Program Coordinator may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

(5) Right-of-entry for inspection. When any new stormwater management facility is installed on private property, or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of Farmington the right to enter the property, at reasonable times and in a reasonable manner, for the purpose of inspection as specified in Subsection A (3) above.

B. Performance guarantee.

(1) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Farmington in its approval of the stormwater pollution prevention plan (SWPPP), the Town of Farmington may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution that guarantees satisfactory completion of the project and names the Town of Farmington as the beneficiary. The security shall be in an amount to be determined by the Town of Farmington, based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Farmington, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Farmington. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability. Release of the performance bond, cash escrow, or irrevocable letter of credit shall be accomplished in the manner set forth in § 144-32 of the Town Code, entitled "Town of Farmington Subdivision and Development of Land Regulations."

(2) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Farmington with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Farmington may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

(3) Recordkeeping. The Town of Farmington may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 138-12. Enforcement and Penalties.

A. Notice of Violation.

When the Town of Farmington determines that a land development activity is not being carried out in accordance with the requirements of this chapter, the Code Enforcement Officer may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) The name and address of the landowner, developer or applicant;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the land development activity into compliance with the provisions of this chapter and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the Town Board by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Order.

The Code Enforcement Officer may issue a stop work order for violations of this chapter. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of Farmington confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures provided for in New York Town Law.

C. Violations.

Any land development activity that is commenced or is conducted contrary to the provisions of this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.

§138-13. Withholding of Certificate of Occupancy, or Compliance.

If any building or land development activity is installed or conducted in violation of this chapter the Code Enforcement Officer may prevent the issuance of said building, or use of said land.

§ 138-14. Restoration of lands.

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Farmington may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 138-15. Fees for services.

The Town of Farmington may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections or SMP maintenance performed by the Town of Farmington or performed by a third party for the Town of Farmington.

Section 3: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 4: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #266-2018:

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

RESOLUTION AUTHORIZING THE TOWN CLERK'S OFFICE TO WAIVE THE RESERVATION FEE FOR THE MERTENSIA LODGE FOR THE VICTOR FARMINGTON ROTARY ON JUNE 28TH, 2018 AND AUGUST 15TH, 2018

WHEREAS, the Victor Farmington Rotary has requested the use of the Mertensia Lodge on June 28th and on August 15th, 2018 for their events, and

WHEREAS, they have requested that the reservation fee be waived, and

WHEREAS, the Town Clerk's Office has that date available and is agreeable to the fee waiver, and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk's Office to waive the reservation fee for the Victor Farmington Rotary on June 28th and August 15th, and be it

FINALLY RESOLVED, that the Town Clerk keeps a copy of this resolution for her office and provides a copy to James Crane, PO Box 25176, Farmington, NY 14425.

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

RESOLUTION #267-2018:

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

RESOLUTION AUTHORIZING THE TOWN OF FARMINGTON CODE ENFORCEMENT OFFICER, JAMES MORSE, TO REQUEST THAT THE TOWN SUPERVISOR SIGN THE MICRO PHISH ANNUAL SERVICE CONTRACT WITH IN STREAM TECHNOLOGY SYSTEMS

WHEREAS, The Town Code Enforcement Office is responsible for maintaining the equipment necessary to perform the duties of the Building Department and its employees

WHEREAS, The Code Enforcement officer, James Morse has requested that the Town Supervisor sign the Micro Phish annual service contract.

NOW THEREFORE, BE IT RESOLVED, That the Town Board of Farmington does herein authorize the Town Supervisor to sign the Micro Phish annual service contract with In Stream at a cost not to exceed \$900.00.

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

RESOLUTION #268-2018:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS AND A STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with MiniTec Framing Systems, LLC ("Owner") regarding the Town's obtaining a Stormwater Management Facility and Water and Utility Easements

and a Stormwater Control Facility Maintenance Agreement over portions of Owner's property in the Blackwood Associates LLC Subdivision, said property being Lot R-3 therein, as shown on maps prepared by McMahon LaRue Associates, P.C. dated 09/16; and

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

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 the Town; and

WHEREAS, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said easements and agreement to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easements and agreement attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the 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"(Holtz, Casale, Herendeen, and Ingalsbe), the Resolution was **CARRIED**.

RESOLUTION #269-2018:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS AND A STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT AFFECTING THE REDFIELD GROVE SUBDIVISION

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with DiFelice Lands, LLC ("Owner # 1") regarding the Town's obtaining Storm Sewer and Utility, Water and Utility and Stormwater Management Facility Easements and a Stormwater Control Facility Maintenance Agreement and has also engaged in discussions with Redfield Townhomes LLC ("Owner # 2") regarding the Town's obtaining a Sanitary Sewer and Utility, Storm Sewer and Utility and Water and Utility Easements over portions of their respective properties in the Redfield Grove Subdivision, as shown on maps prepared by Parrone Engineering dated various dates; and

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

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

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

WHEREAS, said easements have been offered by Owner # 2 to the Town of Farmington; and

WHEREAS, the Town Board of the Town of Farmington is desirous of accepting said offered easements and agreement on behalf of said Town; and

WHEREAS, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said easements and agreement to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easements and agreement attached hereto as Exhibit 1 from Owner # 1 in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by Owner # 1, and be it further

RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easements attached hereto as Exhibit 2 from Owner # 2 in accordance with the terms and conditions contained in said instrument and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by Owner # 2; 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"(Holtz, Casale, Herendeen, and Ingalsbe), the Resolution was **CARRIED**.

RESOLUTION #270-2018:

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON AUTHORIZING SCHEDULING OF PUBLIC HEARING

WHEREAS, by written Petition dated October 25, 2017, submitted in due form by Petitioner, containing the required signatures, which has been presented and filed with the Town Board of the Town of Farmington, Ontario County, New York, for the Redfield Grove Lighting District (“District”) to serve the several parcels of land within the proposed District; and

WHEREAS, the Town Board deems it to be in the best interests of the residents of the Town of Farmington to pursue the District, pursuant to a Map and Plan prepared by Parrone Engineering, and filed with the Town Clerk on June 27, 2018, (See Exhibit 1 attached hereto and made a part hereof.).

NOW, THEREFORE, BE IT RESOLVED,

That the Order Calling for Public Hearing, attached hereto, shall be signed by the members of the Town Board of the Town of Farmington and published, posted and entered into the Minutes in accordance with Section 193 of the Town Law and the Town Clerk and/or Counsel to the Town are hereby authorized to take any and all further measures necessary to comply with the Town Law in preparation for the final adoption of the aforementioned extension.

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

RESOLUTION #271-2018:

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON AUTHORIZING SCHEDULING OF PUBLIC HEARING

WHEREAS, by written Petition dated October 25, 2017, submitted in due form by Petitioner, containing the required signatures, which has been presented and filed with the Town Board of the Town of Farmington, Ontario County, New York, for the Redfield Grove Sidewalk District (“District”) to serve the several parcels of land within the proposed District; and

WHEREAS, the Town Board deems it to be in the best interests of the residents of the Town of Farmington to pursue the District, pursuant to a Map and Plan prepared by Parrone Engineering, and filed with the Town Clerk on June 27, 2018, (See Exhibit 1 attached hereto and made a part hereof.).

NOW, THEREFORE, BE IT RESOLVED,

That the Order Calling for Public Hearing, attached hereto, shall be signed by the members of the Town Board of the Town of Farmington and published, posted and entered into the Minutes in accordance with Section 193 of the Town Law and the Town Clerk and/or Counsel to the Town are hereby authorized to take any and all further measures necessary to comply with the Town Law in preparation for the final adoption of the aforementioned extension.

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

RESOLUTION #272-2018:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE GC CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE WWTP DISINFECTION IMPROVEMENT PROJECT

WHEREAS, the Town of Farmington received on 6/14/18 from MRB the certificate of substantial completion for the General Contractor, Wind-Sun for the UV Disinfection improvement project

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 two copies to MRB Group and retains one for the Town files and forward a copy of this resolution and the certificate to the Principal Account Clerk, and the Water and Sewer Superintendent.

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

RESOLUTION #273-2018:

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

RESOLUTION TO RECALL AND FURTHER AMEND RESOLUTION #178 OF 2004, A RESOLUTION TO “AMEND THE OFFICIAL ZONING MAP OF THE TOWN BY REZONING TAX ACCOUNTS – AUBURN MEADOWS INCENTIVE ZONING;” AND TO RECALL AND FURTHER AMEND RESOLUTION #262-2010, A RESOLUTION TO AMEND TOWN BOARD RESOLUTION #178 OF 2004, “CONDITIONS OF APPROVAL FOR AUBURN MEADOWS INCENTIVE ZONING DISTRICT.”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has requested and has received information from the Town Code Advisory Committee regarding the creation of regulations for the Auburn Meadows Incentive Zoning District that would allow for “Landscape/Privacy Fences” and “Landscape Fences” to be placed upon Patio Lots located within the Auburn Meadows Incentive Zoning Project; and

WHEREAS, the Town Board, based upon its' review of Resolution #178 of 2004, finds that Patio Lots are those lots having... "not less than 10,000 square feet in total land area;" and

WHEREAS, the Town Board has also reviewed Resolution #262 of 2010, which further amended the definition of a Patio Lot, as follows... "All of the dwelling units shall be located on either patio lots that are hereby defined as being a lot having less than 15,000 square feet or more in total lot area. Furthermore, any lot having less than 15,000 square feet in total lot area and that is further defined in the Town Code as being a "Through Lot" shall also be defined as a patio lot within the Auburn Meadows Tract. Finally, all of the lots defined herein are to be based upon the overall preliminary plat for the Auburn Meadows Incentive Zoning Project as was approved by the Town Planning Board and is on file in the Town Development Office.;" and

WHEREAS, the Town Board has reviewed Resolution #262 of 2010, finding that restrictions number 4 and 5 as contained in the above referenced Town Board Resolution #178-2004 is to be further amended to clarify that "Landscape/Privacy Fences" and "Landscape Fences" may be placed upon the property line between two Patio Lots; and

WHEREAS, the Town Board, based upon its' review of the above referenced Resolution #178 of 2004 finds a need exists to more clearly define the term Patio Lots, and to define and allow for "Landscape/Privacy Fences" and "Landscape Fences" to be placed upon Patio Lots within the Auburn Meadows Incentive Zoning Project; and

WHEREAS, the Town Board, based upon its' review of Resolution #178 of 2004 also finds it necessary to clarify the use of 3.8 acres of land that has been donated to the Town of Farmington which was originally intended to be used by the Farmington Volunteer Fire Department for a future fire station and/or combination fire station/emergency medical services station in conjunction with the Victor/Farmington Volunteer Ambulance Corps.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby move to further amend the above referenced Resolution #178 of 2004 and Resolution #262-2010, as follows:

- (1) The term Patio Lots shall mean a lot having less than 15,000 square feet in total area.
- (2) Any lot having less than 15,000 square feet in total lot area and that is further defined in Chapter 165 of the Town Code as a THROUGH LOT shall also be defined as a patio lot within the Auburn Meadows Incentive Zoning Project.
- (3) Patio Lots for this project have been identified and are listed within the August 6, 2010 report from the Town Director of Planning & Development and the Town Code Enforcement Officer, which is on file in the Town's Development Office and Town Clerk's Office.
- (4) The term "Landscape/Privacy Fences," as used within the Auburn Meadows Incentive Zoning Project, shall mean a fence panel made of either wood or plastic materials with each panel having a maximum dimension of eight (8) feet in width and six (6) feet in height above existing ground level.
- (5) "Landscape/Privacy Fences" may be permitted to be placed upon Patio Lots within the Auburn Meadows Incentive Zoning Project, as follows:
 - [a] There shall be no "Landscape/Privacy Fences" permitted in the front yard portion of a Patio Lot.
 - [b] There shall be no "Landscape/Privacy Fence" permitted upon a Patio Lot that is longer in total length, as measured in a straight line, of twenty-four (24) feet.
 - [c] The maximum total length of "Landscape/Privacy Fence" permitted upon a Patio Lot shall not exceed twenty-four (24) feet.
 - [d] "Landscape/Privacy Fence" may be placed upon the side, or rear property line of a Patio Lot.
 - [e] "Landscape/Privacy Fence" may not be placed upon a Patio Lot property line that would in effect extend the total length of such fence longer than twenty-four (24) feet. Where two adjacent Patio Lots desire to have "Landscape/Privacy Fence" installed along their property boundary line, such fence may not be connected to each other.
- (6) The term "Landscape Fence," as used within the Auburn Meadows Incentive Zoning Project, shall mean a split rail fence consisting of two sections surrounded by natural vegetation, or landscaping.

BE IT FURTHER RESOLVED, that site amenity number 4, as contained in Town Board Resolution #178 of 2004, is hereby deleted in its' entirety and replaced with the following amenity wording... 4. A total of 3.5 acres of land having been dedicated to the Town of Farmington, identified as Tax Map Account #041.15-1-65.200 and containing a total of 3.5 acres of land is to be set aside for future use by the Town of Farmington.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to: the Town Highway and Parks Superintendent; the Town Code Enforcement Officer; the Town Assessor; and the Town Director of Planning and Development.

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

RESOLUTION #274-2018:

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

RESOLUTION AUTHORIZING PURCHASE OF GALVANIZED CORRIGATED STEELPIPE AND END SECTIONS FROM LANE ENTERPRISES FOR ACCESS DRIVEWAY AT PS-1, #5839 NYS ROUTE 96, FLRT IN THE FARMINGTON SEWER DISTRICT

WHEREAS, the Farmington Sewer District had installed a sewer lift station in 1962 that required a culvert pipe in the drainage ditch to obtain access to Pump Station #1 which is located at #5839 New York State Route 96, and

WHEREAS, due to deterioration of the culvert pipe over the past 50+ years, the Water and Sewer Superintendent is concerned with accessing this pump station with the sewer flusher truck and other maintenance equipment and has recommended replacement of the existing culvert pipe due to its condition, and

WHEREAS, a Joint Permit Application for the replacement of the New York State Route 96 culvert for access to PS-1 has been applied for by the Ontario County Soil and Water Conservation District using their District's NYS DEC General Permit GP-8-14-003 under activity 4, maintenance, repair and replacement of existing culverts, and

WHEREAS, under the Ontario County Purchasing Department Bid Pricing for Pipe and Appurtenances, B18025 dated April 11, 2018, a price for 40 linear feet of 71" x 47" 10 gage galvanized corrugated steel pipe; galvanized bands, T2 12" wide reroll band and two (2) galvanized end sections at a cost of \$5,655.92, and

NOW, THEREFORE BE IT RESOLVED, that the Farmington Town Board acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the to purchase drainage pipe from Lane Enterprises, for a total expenditure not to exceed \$5,750.00, and

BE IT FURTHER RESOLVED that this is budgeted under the 2018 Sewer Budget lines SS 8120.4, Sanitary Sewers-CE, and

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

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

RESOLUTION #275-2018:

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

RESOLUTION AUTHORIZING THE ASPHALT DRIVEWAY RESTORATIONS LOCATED IN THE AUBRUN MEADOWS SUBDIVISION AT #1480 CORAL DRIVE, CANANDAIGUA-FARMINGTON WATER DISTRICT WATER SERVICE

WHEREAS, on June 5, 2018 the Water and Sewer Department was notified of a leaking water service in the Auburn Meadows Subdivision, Phase 1 located at #1480 Coral Drive, and

WHEREAS, the leaking water service was located in the middle of the existing asphalt driveway which required the removal of the pavement section during the water repair, and

WHEREAS, in accordance with the Town of Farmington Purchasing Policy, the Water and Sewer Supt. has requested three (3) written quotes for the preparation, paving and final restoration of the fore mentioned asphalt driveways based on a daily rate or a square footage cost with the lowest quote being accepted from Floyd Frye Inc. #710 Quaker Road, Macedon NY, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Farmington acting on behalf of the Canandaigua-Farmington Water District hereby authorizes the payment of the invoice for asphalt driveway restoration work to Floyd Frye Inc. Macedon New York at a cost not to exceed \$4,000.00, and

BE IT FURTHER RESOLVED, that funding for said driveway restoration will be from Budget Code SW1 8340.4 (CE), and

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

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

RESOLUTION #276-2018:

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

LETTER OF CREDIT HICKORY RISE INCENTIVE ZONING PROJECT, SECTION 4 - IN THE TOTAL AMOUNT OF \$1,170,322.13

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 site improvements to be located within Section 4 of 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 \$1,170,322.13.

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 Tom Danks, BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450; and Gregg Bowering, Bowering Homes, Inc., 1303 Marsh Road, Suite #2, Pittsford, New York 14534.

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, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION 277-2018:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR THE MUNICIPAL LEASE PURCHASE

WHEREAS, the 2018 Town of Farmington budget included the purchase of one new and unused 2018 model 320 Caterpillar excavator and one new and unused 2018 model 910M Caterpillar wheel loader to be split over water and sewer equipment lines,

WHEREAS, resolution 167 of 2018 authorized accepting the financing proposal from Key Government Finance for the two pieces of equipment in the amount of \$309,970 at an interest rate of 4.33% for three years,

WHEREAS, the first payment on the lease is due July of 2018 in the amount of \$108,514.04, the following budget amendments re-appropriate funds into municipal lease principal and interest expenditure lines:

From:	SW1-8340.2 Equipment	53369.86	
	SW1-8340.20 Minor Equipment	887.16	
To:	SW1-9785.6 Installment Pur Debt-Principal		53137.71
	SW1-9785.7 Installment Pur Debt-Interest		1119.31
From:	SS8130.2 Equipment	27128.51	
	SS8120.2 Equipment	27128.51	
	SS9785.6 Installment Pur Debt-Principal		53137.70
	SS9785.7 Installment Pur Debt-Interest		1119.32

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the budget amendments and a copy of the resolution be forwarded to the Principal Account Clerk and the Water and Sewer Superintendent.

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

RESOLUTION 278-2018:

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

RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE BEAVER CREEK PARK CAPITAL PROJECT.

WHEREAS, the 2018 budget has allocated a transfer of \$100,000 from the Parkland Reserve into the Beaver Creek Park Capital Project,

Now, therefore, be it RESOLVED, that the Town Clerk will publish the 30 day permissive referendum notice and after the completion of the referendum, the 100,000 will be transferred from the Parkland Reserve (A231PL) as budgeted under A9950.9R (Reserve transfer to Capital Projects)

Further RESOLVED, that the Principal Account Clerk, of the Town of Farmington, is hereby authorized and directed to transfer the funding and make the following budget amendment within the capital project:

		Debit	Credit
HB5031	Interfund Transfer:	\$100,000	
HB1440.2	Engineering		\$50,000
HB7110.21	Contingency-Park Construction		\$50,000

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

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

RESOLUTION 279-2018:

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

RESOLUTION ACCEPTING DONATIONS TO BE PUT TOWARD FUNDING THE VETERANS MEMORIAL

WHEREAS, a donation in the amount of \$200.00 was made to be put toward the final brick purchases for the Veterans Memorial:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington accepts this donation and that the funds be deposited to the special revenue fund CV where expenses for the project will be tracked.

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

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

RESOLUTION 280-2018:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN CERTIFICATES OF SUBSTANTIAL COMPLETION FOR THE ELECTRICAL, HVAC AND PLUMBING CONTRACTORS FOR TOWN HALL PROJECT

WHEREAS, certificates of substantial completion have been submitted for Landry and Kaplan Schmidt by MRB as well as their final payment applications and closeout binders,

WHEREAS, the following change orders have been submitted by MRB for the project:

GC-08 -Nicoletta: -\$1134.96
PC-02 - Landry-Plumbing: -\$4227.43
HVAC-02 - Landry-HVAC: -\$1697.19

WHEREAS, a re-appropriation of funds is needed in the expenditure lines to pay the remaining payments to the contractors,

Now, therefore, be it RESOLVED, that the Supervisor sign the attached certificates of substantial completion, and change orders,

Now, therefore, be it further **RESOLVED**, the following budget adjustments be made within the capital project:

		From	To
HT1620.27	Contingency	\$6,131	
HT1620.25	Furniture	\$11,428	
HT1620.21	Electrical		\$13,054
HT1620.2	Building		\$4,505

Be it finally RESOLVED, that the Town Clerk, of the Town of Farmington, is to send the signed copies of the change orders, certificates of substantial completion to MRB group and forward copies to the Principal Account Clerk. The Town Clerk will retain the closeout documentation binders for the project.

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

RESOLUTION 281-2018:

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

FIBERMAT FOR THE 2018 SEASON

WHEREAS, Midland was awarded the quote from OGS #23101 for Asphalt Emulsions, and

WHEREAS, the Highway Superintendent has decided to award Midland Asphalt for our Fibermat portion of our 284 agreement of the following roads: Galvin Court, Bonnie Brae, Cornfield Circle, Wheatstone, Hayride Circle, Beechwood, Maplewood, Flaxen Drive and Oatfield, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Highway/Parks Superintendent to accept the quote for \$64,327.32 Fibermat to be expended from DA -5110.46VLT (General Road – VLT) **at a cost not to exceed \$66,000.00**, and

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

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

RESOLUTION 282-2018:

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

MICRO-SURFACING TREATMENTS FOR 2018

WHEREAS, stated in the 2018 284 agreement Galvin Court, Bonnie Brae, Cornfield Circle, Wheatstone, Hayride Circle, Beechwood, Maplewood, Flaxen Drive and Oatfield are slated to be micro paved , and

WHEREAS, Suit-Kote was the only bidder in the Ontario County Bid Book for Micro Surfacing at the time of this quote, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Highway/Parks Superintendent to accept the quote to accommodate the above mentioned roadways to be expended to DA-5110.46VLT (General Road Repairs – VLT) **at a cost not to exceed \$50,000**, and

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

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

RESOLUTION 283-2018:

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

CHIP SEALING FOR THE 2018 SEASON

WHEREAS, Midland was awarded the quote from OGS #23101 for Asphalt Emulsions, and

WHEREAS, the Highway Superintendent has decided to award Midland Asphalt for our Chip Sealing of the following roads: Fox Road, Yellow Mills, and Ellsworth Road, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Highway/Parks Superintendent to accept the quote for \$132,286.47 for oil and \$4,800.00/2 days for Chip Spreader to be expended from DA -5110.46VLT (General Road – VLT) **at a cost not to exceed \$140,000**, and

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

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

RESOLUTION 284-2018:

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

RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO FILL TWO (2) SEASONAL POSITIONS IN THE PARKS DEPARTMENT

WHEREAS, the Highway/Parks Superintendent has asked that he be allowed to fill two (2) seasonal positions in the Parks Department at a rate of \$12.50 per hour for a period not to exceed 19 weeks, and

WHEREAS, the positions were included in the 2018 Budget to the General Fund Parks Seasonal Line (A-7110.11) to fund these positions for a period not to exceed 19 weeks commencing from the date of hire, now therefore be it

RESOLVED, that the Town Board authorizes the Highway/Parks Superintendent to fill two (2) seasonal positions 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, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION 285-2018:

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

AUTHORIZATION OF THE HIGHWAY/PARKS SUPERINTENDENT TO ACCEPT THE QUOTE PROPOSAL FROM SUPPER SEAL SEALCOATING LLC FOR RESURFACING TOWN PARK BASKETBALL COURT

WHEREAS, the Town Park Basketball Courts need to be resurfaced and lined, and

WHEREAS, the Highway/Parks solicited and received two (2) quotes in return, and

WHEREAS, Super Seal Sealcoating LLC proposal came in (\$7,200), and Kevin & Russ Driveway Sealing declined to quote, and

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Highway/Parks Superintendent to hire Super Seal Sealcoating LLC, and that the project be funded from **Parks – CE (A-7110.4)**, and be it further

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

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

RESOLUTION 286-2018:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF DRAINAGE AND UTILITY EASEMENT

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with **A&D Real Estate Development, LLC**, ("Owner") regarding the Town's obtaining a drainage and utility easement over a portion of premises owned by the Owner located on a vacant lot on Canandaigua Farmington Town Line Road located in the Town of Farmington; and

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

WHEREAS, said easement has 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 easement on behalf of said Town; 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; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easement attached hereto as Exhibit 1 from Owners 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 the Town, 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, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION 287-2018:

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

RESOLUTION OF AGREEMENT WITH THE TERMS OF THE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH ONTARIO COUNTY, TO CONSTRUCT A CURB AND SIDEWALK ALONG AND WITHIN THE RIGHT-OF-WAY OF COUNTY ROAD 41, BETWEEN NEW MICHIGAN ROAD AND THE AUBURN TRAIL, IN THE TOWN OF FARMINGTON; AND AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE SAID AGREEMENT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has reviewed the terms and conditions contained in the above referenced Agreement; and

WHEREAS, the Town Board has also reviewed the attached forms and drawings which are hereby attached hereto and made a part of this resolution; and

WHEREAS, said Agreement is necessary to permit connection between the sidewalk at the intersection of County Road 41 and the Auburn Trail Connector Project, as provided for within the existing Federal Highway Administration's Contract Agreement with the Town, thereby providing for a separation of vehicular and pedestrian movements along this section of the County Highway.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby move to agree to the terms and conditions contained in the above referenced Agreement which is hereby attached hereto and made a part of this resolution.

BE IT FURTHER RESOLVED, that Marcy Daniels, Confidential Secretary to the Supervisor, is hereby directed to cause the Exhibit A, Construction & Maintenance, Certificate of Liability Insurance; and the attached New York State Department of Taxations and Finance, Combined Real Estate Form TP-584, to be completed and included with the above referenced signed Agreement.

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Town Supervisor to sign said Agreement and return it along with the attached drawings and completed exhibits to William Wright, Commissioner of Public Works, County of Ontario, 2962 County Road 48, Canandaigua, New York 14424.

BE IT FINALLY RESOLVED, that certified copies of this resolution and the completed attachments thereto are to be provided to: Timothy McElligott, Ontario County Department of Public Works; Emily Smith, P.E., Fisher Associates, 180 Charlotte Street, Rochester, New York 14607; and the Town Director of Planning & Development, the Town's Project Manager.

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

RESOLUTION 288-2018:

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

RESOLUTION AUTHORIZING RONALD L. BRAND, TOWN DIRECTOR OF PLANNING AND DEVELOPMENT, TO PREPARE A 2018 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATION FOR THE FARMINGTON HAMLET SIDEWALK CONNECTION PROJECT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received information from Ronald L. Brand, Town Director of Planning and Development (hereinafter referred to as Director), that the Town's TAP Pre-Application Grant has been reviewed by Staff at the Region 4 Office of the New York State Department of Transportation (NYSDOT), as being eligible for the 2018 TAP Grant Application for the above referenced project; and

WHEREAS, the Town Board understands that the TAP Grant Application, requires detailed information to be added to the TAP Application Form, which is due to the NYSDOT, in Albany, on Thursday, August 16, 2018; and

WHEREAS, the Town's TAP Grant Application requires designating a Town Project Manager who is qualified for both grant submission and project administration once the TAP Grant is awarded; and

WHEREAS, the Town Director of Planning & Development has been accepted by the NYSDOT for another recently awarded federal transportation grant, the Auburn Trail Connector Project, as being a qualified local official; and

WHEREAS, the Town Board supports the need for connecting the various segments of sidewalks throughout the established Hamlet of Farmington; and

WHEREAS, the Town Board understands that a commitment to match a portion of the total project costs is required under the TAP Application Form; and

WHEREAS, the Action is defined in Part 617.5. (c) (28), article 8 of the New York State Environmental Conservation Law (hereinafter referred to as the SEQR Regulations) as a Type II Action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby support the 2018 TAP Sidewalk Connection Project; and furthermore, authorizes the Director to complete and submit the TAP Grant Application for the above referenced 2018 TAP Sidewalk Connection Project.

BE IT FURTHER RESOLVED, that the Town Board does hereby commit to provide a match of thirty percent (30%) of the total TAP Grant Project.

BE IT FURTHER RESOLVED, that the Town Board does hereby approve the funding for the Director of Planning to prepare and submit the final TAP Grant Application to the New York State Department of Transportation; and agrees to a stipend payment to the Director, in the amount not to exceed \$1,000.00 with the funds available in the 2018 Planning Account budget line.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to the Town Principal Account Clerk and to the Director of Planning & Development.

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

RESOLUTION 289-2018:

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

LETTER OF CREDIT DIFELICE INDUSTRIAL COMPLEX PROJECT, COLLETT AND HOOD ROAD - IN THE TOTAL AMOUNT OF \$413,671.33.

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 site improvements to be located upon the site at the southwest corner of Collett and Hood Roads 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 \$413,671.33.

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 Paul Parrone, Parrone Engineering, 349 West Commercial Street, East Rochester, New York 14445.

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, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION 290-2018:

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

RESOLUTION AUTHORIZING THE ASPHALT PAVING OF THE WATER AND SEWER EMPLOYEE PARKING LOT LOCATED AT THE WWTP

WHEREAS, the existing employee parking lot for all water and sewer employees is located at the Waste Water Treatment Plant located at #1216 McMahon Road, and

WHEREAS, the existing surface is stone surface which has been identified as an area of the WWTP that needs to become a dust free asphalt service for proper operations at the Plant, and

WHEREAS, in accordance with the Town of Farmington Purchasing Policy, the Water and Sewer Supt. has requested three (3) written quotes for the preparation and asphalt paving of 8,860 square feet of service based on a daily paving rate for placement of 3 inches of #1 dense binder with the lowest quote being accepted from Floyd Frye Inc. #710 Quaker Road, Macedon New York, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Farmington acting on behalf of the Canandaigua-Farmington Water District hereby authorizes the payment of the invoice for asphalt driveway restoration work to Floyd Frye Inc. Macedon New York at a cost not to exceed \$6,500.00, and

BE IT FURTHER RESOLVED, that funding for said driveway restoration will be from a 50-50 split from Budget Code SW1 8340.4 (CE) and SS-8130.4 (CE), and

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

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

RESOLUTION 291-2018:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN PROPOSAL FOR PROFESSIONAL SERVICES FOR CANANDAIGUA FARMINGTON TOWNLINE ROAD CULVERT REPLACEMENT WITH MRB GROUP

WHEREAS, MRB Group has submitted a Proposal for Professional Services for the Canandaigua Farmington Townline Road Culvert Replacement at a cost not to exceed \$24,000.00, now therefore

Be it RESOLVED, that the Town Board of the Town of Farmington authorizes the Town Supervisor to sign Proposal for Professional Services for Canandaigua Farmington Townline Road Culvert Replacement at a cost not to exceed \$24,000.00, and be it further

RESOLVED, that the Town Clerk of the Town of Farmington forward copies of this resolution and the signed Proposal to Gregory Hotaling of MRB Group, the Principal Account Clerk and the Highway Superintendent.

RESOLUTION 292-2018:

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

Abstract 12-2018

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: **MARCY DANIELS**

FROM: **J. MARCIANO**

ABSTRACT NUMBER	12
DATE OF BOARD MEETING	6/27/2018

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	62,899.93	1240,1242,1244-1284, 1294
HT	TOWN FACILITY CAP PROJECT	44,762.07	1356-1359
DA	HIGHWAY FUND	22,345.54	1103,1113,1123,1127, 1153-1168,1238
CV	VETERANS MEMORIAL	60.00	1271
HL	LILIBROOK PED BRIDE PROJ	0.00	
HA	AUBURN TRAIL PROJECT	0.00	
HZ	TOWNLINE CAP PROJ	0.00	
HU	WWTP DIS IMP CAP PROJ	29,605.24	1329
HW	WATER TANK REPAIR	0.00	
SF	FIRE PROTECTION DISTRICT	0	
SD	STORM DRAINAGE	2,427.07	1250
HB	BEAVER CREEK PARK	0.00	
SL1	LIGHTING DISTRICTS	0	
SS	SEWER DISTRICT	137,688.85	1249,1250,1254,1265, 1295-1328,1343-1350
SW1	WATER DISTRICT	87,832.19	1249,1250,1254,1265, 1296,1306,1310,1316-1318,1320,1321,1323, 1328,1330-1342,1344, 1348,1351-1355
TA30	BUILDER GUARANTEE	0.00	
CW	LSWMP (LOCAL SOLID WASTE MANAGEMENT)	0.00	
85C	CODE COMPLIANCE REVIEW	0.00	
TA93	LETTER OF CREDIT (CASH)	0.00	1144
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	7,737.69	1241,1243,1250,1265, 1306
	TOTAL ABSTRACT	\$ 451,075.67	

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

TRAINING UNDER \$100: None.

DISCUSSION: None.

WAIVER OF THE RULE: No Objections

RESOLUTION #293-2018:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO TAKE APPROPRIATE ACTION TO SIGN LAWN MOWING CONTRACT AND TO APPLY LAWN MOWING CHARGES TO THE PROPERTY WITHIN THE TOWN, TO THE TAX ROLL

WHEREAS, the Code Enforcement Officer has taken the necessary action to bring property within the Town to compliance per Town Code Chapter 112, and

WHEREAS, the properties have not complied with Town Code Chapter 112, and

WHEREAS, the Code Enforcement Officer has requested bids for the maintenance of these properties, and

WHEREAS, Country Care Landscape Management submitted a quote for the lawn Care compliance actions and has been determined to be the lowest responsible quotes received as follows:

- 1) 1770 Birchwood Dr. \$45.00 per hour
- 2) 6057 Amber Drive \$45.00 per Hour
- 3) 5931 Kennebec Ct. \$45.00 per hour

NOW THEREFORE BE IT RESOLVED, the Farmington Town Board authorizes the Town Supervisor to take appropriate action to apply mowing charges along with a 50% service charge to the above listed properties,

AND, further be it RESOLVED, that a copy of this resolution be forwarded to the Building Department, the Principal Account Clerk, the Confidential Secretary and the Town Clerk.

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

DISCUSSION: None.

EXECUTIVE SESSION:

Councilman Casale motioned to enter into executive session at 7:46 p.m. to discuss the employment of a particular individual, and Councilman Holtz seconded the motioned. Motioned Carried.

Councilman Casale motioned to exit the executive session at 8:22 p.m., and Councilman Holtz seconded the motion. Motioned Carried.

A motion made by **Councilman Casale** to adjourn the meeting at 8:30 p.m., **Councilman Holtz** seconded the motion. All in favor. Motion **CARRIED**.

Minutes were taken by and transcribed by:

Michelle Finley, MMC, RMC -Town Clerk