

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 10<sup>th</sup> day of November, 2020, at 7:00 PM, there were:

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

Also present in person: **Don Giroux** – Highway and Parks Superintendent, **Adrian Bellis** – Planning Board Member, **Dan Delpriore** – Code Enforcement Officer, **Robin MacDonald** – Acting Water & Sewer Superintendent, **Ron Brand** – Director of Planning and Development

Also present by telephone/video conferencing were: John Piper

## **PUBLIC HEARINGS-**

### **APPROVAL OF MINUTES:**

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale**, that the minutes of the October 27, 2020, Town Board Meeting, and given to members for review, be approved. All Voting “Aye” ( Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

**PRIVILEGE OF THE FLOOR: None.**

**PUBLIC CONCERNS: None.**

### **REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Herendeen reported:**

1. Discussed Vaughn Chopper Pump Repair.
2. Discussed Sand Filter Bid Controller.
3. Discussed Bio Tower #1 Fan Motor.
4. Discussed Bio Tower #3-LFP bearing replacement.
5. Discussed repairing manholes covers and frames.
6. Discussed work on Canandaigua-Farmington Townline Road Water.
7. Discussed resolutions on agenda.

### **Highway & Parks:**

1. Highway- Equipment Maintenance, Vac All sweeping gutters, Ice Control, paving Townline Road, hauling stone, building road to Collett Road from Salt Barn, and snow removal for night schedule.
2. Parks- building and parks maintenance, mowing parks, assist carpet cleaners, prepping picnic tables for repairs, snow removal for night schedule.
3. Discussed court and town hall carpet cleaning and HVAC Maintenance.
4. Discussed resolution on agenda.

**Town Operations Committee: Councilman Bowerman reported:**

1. Discussed various projects: DRS, Farmington Market Center (pulled application, not seeking incentive zoning), GLN project, Hathaway’s Corners, Redfield Grove Section 2, Union Square project.
2. Discussed resolutions on agenda.

**Town Personnel Committee: None.**

**Town Finance Committee: Supervisor Ingalsbe reported: None.**

**Town Public Safety Committee: Councilman Holtz reported: None.**

## **REPORTS OF TOWN OFFICIALS:**

**Supervisor Peter Ingalsbe reported:**

1. Discussed DEC Consent Order.
2. Discussed LED light switch over.
3. Discussed Pass to Tax - almost \$213,000.
4. Discussed Covid numbers increasing within County.

**Highway & Parks Superintendent Giroux reported:**

1. TownLine Road update – drainage pipe completed today.
2. Parks Department assisted with sewer issue at Pumpkin Hook Park.

**Town Clerk Michelle Finley reported:**

1. Reported on October Report: issued 6 marriage licenses, officiated one wedding, issued 164 dog licenses, and 100 building permits.

**Water & Sewer Superintendent reported:**

1. Reported on CMOM report.
2. Townline Road update.

**Code Enforcement Officer Dan Delpriore reported:**

1. Update on building permits issued: October- 109, year 782, 2019 – 621.
2. Busy with Covid compliance.

**Director of Planning and Development Ron Brand reported:**

1. Report available on website and filed with the Town Clerk.
2. Currently 42 projects and more to come.

**Assessor Michelle Nicodemus reported: None.****Town Engineer Bill Davis reported: None.****Fire Chief reported: None.****Planning Board Chairman Ed Hemminger reported: None.****Planning Board Member Adrian Bellis reported:**

1. Last meeting – DRS, GLN, DeFelice Extension Project.
2. Next Meeting -GLN Meyers RV, Fowler 2 lot subdivision.

**Zoning Board of Appeals Jeremy Marshall reported: None.****Recreation Advisory Committee Bryan Meck reported: None.****Recreation Director Mark Cain reported: None.**

\*\* Code Enforcement Officer Dan Delpriore stated that he is working with the Recreation Director on having a Santa at the Lodge event. His concern is Covid restrictions.

Update on Beaver Creek Park – arial photos.

**Ontario County Planning Board Member reported: None.****Conservation Board Chairman Hilton reported: None.****Town Historian Donna Herendeen reported: None.****Swap Shop Update: Councilman Holtz: None.****Agricultural Advisory Committee Chairman Hal Adams: None.****COMMUNICATIONS:**

1. Letter to the Director of Development from Anthony DiPrima of A&D Real Estate. Re: Auburn Meadows Section 8S and Monarch Manor Section 2.
2. Letter to the Town Supervisor from Tim McElligott of Ontario County DPW. Re: Support from the Town of Farmington regarding the traffic circle at County Road 28 and Shortsville Road.
3. Letter to Michelle Phillips of the NYS Public Service Commission from the Town Supervisor. Re: Matter No. 20-01676 (COVID-19 Utility Moratorium on Terminations and Disconnections).
4. Letter to the Town Board and Town Planning Board from various residents (as per attached). Re: Delaware River Solar Project.
5. Email to the Town Supervisor and Town Clerk from Thomas and Jennifer Goodell. Re: Support of Delaware River Solar Project.

6. Letter to Victor Central School families from the VCS Superintendent. Re: COVID-19 Update.
7. Letter to the Town Supervisor from Judge Gligora. Re: OCA Internal Audit Services.
8. Email to the Town Supervisor, Town Clerk and Planning Board Chairperson from Stacey VanDenburgh, resident. Re: Moratorium to solar projects.
9. Email to the Town Supervisor from the Town Attorney. Re: Ontario County Supreme Court Notification of Filing (Delaware River Solar).
10. Certificates of Liability Insurance from: Walworth Hardware Services, LLC; Reid Petroleum Corp.; McKenna Builders, Inc.; Rochester Computer Recycling & Recovery, LLC; R-J Taylor General Contractors, Inc.; Tesla Energy Operations; BME Associates.

**REPORTS & MINUTES:**

1. ZBA Meeting Minutes – September 28, 2020.
2. Comprehensive Plan Committee Meeting Minutes – October 20, 2020.
3. Planning Board Meeting Minutes – October 21, 2020.
4. Report to Public Works and Town Operations Committees for Town Board Meeting on Tuesday, October 27, 2020.
5. Building Department – Permit Report by Type – October, 2020.
6. Building Department – Inspection Schedule – October 2020.
7. Building Department – Inspections Report – October 2020.
8. Judge Gligora – Monthly Report – October, 2020.
9. Judge Lew – Monthly Report – October 2020.

**ORDER OF BUSINESS:****RESOLUTION #387-2020:**

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

**RESOLUTION ADOPTING THE 2021 TOWN BUDGET**

**WHEREAS**, a Public Hearing was held October 27, 2020, for the 2021 Town Budget, and

**WHEREAS**, the Town's tax rate will decrease by .01% to 1.1030 per thousand dollars of assessed property value and the total tax levy of all funds is under the New York State Property Tax Cap by \$37,159.00 and,

**WHEREAS**, the Town Board nevertheless voted at its annual Organizational Meeting, held in January 2020, to override the state's 2 percent Property Tax Cap as a precautionary measure should any errors in calculation be found subsequent to the budget's adoption, or changes in interpretation of the state legislation occur after the Town Budget's adoption, now therefore be it

**RESOLVED**, the Farmington Town Board adopts the 2021 Town Budget as attached, and further be it

**RESOLVED**, that the Town Clerk is directed to furnish two copies to Ontario County along with a certified copy of this resolution adopting the budget.

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

**RESOLUTION #388-2020:**

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

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ONTARIO COUNTY FOR ENHANCED LAW ENFORCEMENT FOR THE 2021 YEAR**

**WHEREAS**, Ontario County has provided the Town Supervisor with an Agreement for Enhanced Law Enforcement for the 2021 year, and

**WHEREAS**, this is a 2021 budgeted item (A3310.4), now therefore be it

**RESOLVED**, that the Town Board authorizes the Town Supervisor to sign the online Ontario County Agreement for Enhanced Law Enforcement for the 2021 year at a cost not to exceed \$25,000.00, and be it further

**RESOLVED**, that the Town Clerk forward a copy of this resolution to Brian Young at Ontario County and the Principal Account Clerk.

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

**RESOLUTION #389-2020:**

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

**RESOLUTION REGARDING THE CONSENT OF THE TOWN BOARD TO DEDICATE OSBURN LANE, EDDY GATE AND PART OF SAVALLA BOULEVARD IN HATHAWAY’S CORNERS SUBDIVISION**

**TOWN BOARD CONSENT**

**WHEREAS**, Upon reading the dedication of Osburn Lane, Eddy Gate and Part of Savalla Boulevard in Hathaway’s Corners Subdivision, dated the 20<sup>th</sup> day of October, 2020 and the Release related thereto dated the 20<sup>th</sup> day of October, 2020, all in the above entitled matter, wherein the owner of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes; now, therefore, be it

**RESOLVED**, that consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said dedication, dated the 20<sup>th</sup> day of October, 2020, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

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

**RESOLUTION #390-2020:**

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

**RESOLUTION CREATING A SECOND CONSTABLE POSITION**

**WHEREAS**, The Town has identified that an additional Constable position is needed, and

**WHEREAS**, a new position duties statement was sent to Ontario County Human Resources for their review and approval, and

**WHEREAS**, Ontario County Human Resources sent the Town Supervisor a letter dated September October 22, 2020 enclosing a copy of Classification Certification No. 48-2020 which classifies one position of Constable for the Town of Farmington and has directed the Town to create the position,

NOW THEREFORE BE IT **RESOLVED**, that the Town Board hereby authorizes the creation of a second Constable position, and be it further

**RESOLVED**, that the Town Clerk forward a copy of this resolution to Michele Smith, Director of Ontario County Human Resources, Town Court, the Principal Account Clerk and the Supervisor’s Secretary.

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

**RESOLUTION #391-2020:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE SEWER FUND**

**WHEREAS**, additional funding is needed in the Sewage Treatment Overtime Line

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

From:	SS8130.1 Per Serv	\$5,000	
To:	SS8130.12 Per Serv OT		\$5,000

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

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

**RESOLUTION #392-2020:**

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

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MONTHLY REPORT OF THE SUPERVISOR FOR OCTOBER 2020**

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

**WHEREAS**, the Principal Account Clerk submitted the Monthly Report of the Supervisor for October 2020 to the Town Supervisor on November 3, 2020, and

**WHEREAS**, the Town Supervisor approved and executed the Monthly Report of the Supervisor for October 2020 on November 3, 2020,

**WHEREAS**, the Town Supervisor submitted said Monthly Report to the Town Board for approval via email,

NOW, THEREFORE, BE IT **RESOLVED**, that the Town Board hereby accepts the Monthly Report of the Supervisor for October 2020, and be it further

**RESOLVED**, that the Town Clerk give a copy of this resolution to the Principal Account Clerk.

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

**RESOLUTION 393-2020:**

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

**RESOLUTION AUTHORIZING COLACINO INDUSTRIES PROJECT #39288-PS-16 HAMPTONS PUMP CONTROL UPGRADE WITH OPTION #1**

**WHEREAS**, the Water and Sewer Supervisor has established that PS-16 Hamptons Pump Station needs an electrical upgrade, and

**WHEREAS**, the Water and Sewer Department has budgeted for such upgrades in the 2020 Victor sewer budget under budget line SS8120.2V, and

**Be it RESOLVED**, the Farmington Town Board authorizes the Water and Sewer Acting Superintendent to accept one estimate # E41214 including option #1 which deducts the full control option and reuses the existing control system (savings of \$24,150) for a total cost not to exceed \$27,600.00 from expense line SS8120.2V,

**Be it further RESOLVED**, that work for option #2 and #3 on the quote will not be authorized at this time,

**Be it fully RESOLVED**, that the Town Clerk provides a copy of this resolution to the Water/Sewer Superintendent, and the Principle Account Clerk.

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

**RESOLUTION #394-2020:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY SUPERINTENDENT TO PURCHASE A FREESTANDING SWING SET FOR PUMPKIN HOOK AND FARMBROOK PARKS**

**WHEREAS**, the Highway/Parks Department will be installing a new freestanding swing (2 belt seats, 2 tot seats and one ADA seat) at Farmbrook Park and Pumpkin Hook Park, and

**WHEREAS**, pricing is based on NY State Contract #PC67836 from Miracle Recreation equip., Co, (**\$7,760.15**) **includes freight**, now therefore be it

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to sign the quote from Miracle Recreation equip., Co., at a cost **not to exceed \$8,000 to be paid for from 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.

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

**RESOLUTION #395-2020:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY SUPERINTENDENT TO PURCHASE TERRA COTTA RED PLAYSAFER RUBBER MULCH TO BE UTILIZED WITH INSTALLATION OF NEW SWING SETS AT PUMPKIN HOOK PARK AND FARMBROOK PARK**

**WHEREAS**, the Highway/Parks Department is installing new swing sets at Farmbrook Park and Pumpkin Hook town park and there needs to be a 6-inch-deep coverage of rubber mulch, and

**WHEREAS**, we reviewed 2 quotes from R.E. Woodson, Inc. (**\$18,000**), and MRC (**\$22,176**), and

**WHEREAS**, RE Woodson's quote is the lowest, now therefore be it

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to sign the quote from RE Woodson, **not to exceed \$18,000 to be paid for from 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

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

**RESOLUTION #396-2020:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO TUB GRIND BRANCH STOCKPILE AT THE TOWN TRANSFER STATION**

**WHEREAS**, the Highway/Parks Superintendent has had vendors prepare quotes for tub grinding, and

**WHEREAS**, the quotes include grind and removal of current pile and also perform a second grind of existing pile for residents of the Town of Farmington to utilize, and

**WHEREAS**, this quote will provide services at a cost not to exceed \$7,500.00 (**\$5,000 from DA-5140.4. and \$2,500 from DA-5110.4), now therefore be it**

**RESOLVED**, that the Town Board authorizes the Highway/Parks Superintendent to sign the quote and hire vendor, and therefore,

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

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

**RESOLUTION #397-2020:**

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

**A RESOLUTION ACCEPTING A DRAFT LOCAL LAW TO AMEND CHAPTER 122, SEWER RENTS AND CHARGES, SECTION 8, SEWER CONNECTION FEE, OF THE FARMINGTON TOWN CODE; DETERMINING SAID ACTION TO BE A TYPE II ACTION UNDER THE STATE'S ENVIRONMENTAL QUALITY REVIEW (SEQR) REGULATIONS; SCHEDULING A PUBLIC HEARING THEREON; AND DIRECTING THE PUBLISHING AND POSTING OF A LEGAL NOTICE THEREOF**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has at tonight's meeting received and reviewed a draft local law to amend Chapter 122, Sewer Rents and Charges, Section 8, Sewer Connection Fee, of the Farmington Town Code; and

**WHEREAS**, Town Board desires to amend the above referenced section of Chapter 122 of the Farmington Town Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby agree to schedule a public hearing upon the above referenced amendment to be held on Tuesday, November 24, 2020 starting at 7:00 p.m., Standard Time, in the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.

**BE IT FURTHER RESOLVED**, that the Town Board determines that the Action to amend Chapter 122, Section 8, of the Farmington Town Code, is hereby classified as a Type II Action, under the State Environmental Quality Review (SEQR) Regulations, Section 617.5 (c), Subsections (26) and (33).

**BE IT FURTHER RESOLVED**, that Type II Actions have been determined under the State Environmental Quality Review Act (SEQRA) not to have any adverse impact upon the environment; and, therefore, no further consideration is required, under SEQRA, by the Town Board.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby instructed to prepare and cause to be published a legal notice of said public hearing; to post notices thereof on the Town Hall Bulletin Board and upon the town's website [www.townoffarmingtonny.org](http://www.townoffarmingtonny.org). in accordance with adopted town policy under the New York State Open Meetings Law.

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

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

**RESOLUTION #398-2020:**

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

**ESTABLISHING A TWO-YEAR SURETY, IN THE TOTAL AMOUNT OF \$131,708.25, FOR THE DEDICATION OF CERTAIN PARTIAL SITE IMPROVEMENTS LOCATED WITHIN PHASE 1A & B HATHAWAY'S CORNERS INCENTIVE ZONING PROJECT**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request dated October 20, 2020 from Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, to accept a form of surety in the total amount of \$131,708.25 for certain site improvements to be dedicated to the Town, that are to be located within Phase 1A and B of the above referenced Project; and

**WHEREAS**, said improvements include water mains, sanitary sewers, storm sewers and highway pavement (excluding top course); and

**WHEREAS**, Town Code, Chapter 165, Section 33. C. requires a two-year form of surety be established for all newly constructed improvements that are to be offered to the Town for dedication.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the amount of the above referenced two-year surety guarantee (\$131,708.25) and directs the filing thereof in the Town Clerk’s Office within the next thirty (30) calendar days.

**BE IT FURTHER RESOLVED**, that said surety is to be dated after the date of this resolution and is to remain in effect for a period of two years.

**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby directed to provide certified copies of this resolution to the following parties: Mark Stevens, President, S.B. Ashley Development Corporation, LLC, 16 West Main Street, Suite 700, Rochester, New York 14614; William Smith, Vice President – CFO, Ashley Management Corporation, 16 West Main Street, Suite 700, Rochester, New York 14614; Sarah J. Jones, Banking Officer, M&T Bank, Commercial Banking/Closing Specialist, 180 S. Clinton Avenue, Suite 700, Rochester, New York 14604; Jeannine Marciano, Town Principal Account Clerk; Matthew Heilman, Town Construction Inspector; Robin MacDonald, Acting Town Water and Sewer Superintendent; Don Giroux, Town Highway and Parks Superintendent; Dan Delpriore, Town Code Enforcement Officer; Lance S. Brabant, MRB Group, D.P.C., Town Engineers; and Ronald L. Brand, Town Director of Planning and Development.

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

**RESOLUTION #399-2020:**

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

**RESOLUTION ESTABLISHING A TWO-YEAR SURETY, IN THE TOTAL AMOUNT OF \$9,192.00, FOR THE DEDICATION OF THE OFF-SITE SANITARY SEWER IMPROVEMENT PHASE 1 HATHAWAY’S CORNERS INCENTIVE ZONING PROJECT**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request dated September 28, 2020 from Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C., the Town Engineers, to accept a form of surety in the total amount of \$9,192.00 for certain site improvements to be dedicated to the Town, a part of Phase 1 of the above referenced Project; and

**WHEREAS**, said improvement involves the construction of the off-site sanitary sewer for the above referenced project; and

**WHEREAS**, Town Code, Chapter 165, Section 33. C. requires a two-year form of surety be established for all newly constructed improvements that are to be offered to the Town for dedication.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the amount of the above referenced two-year surety guarantee (\$9,192.00) and directs the filing thereof in the Town Clerk’s Office within the next thirty (30) calendar days.

**BE IT FURTHER RESOLVED**, that said surety is to be dated after the date of this resolution and is to remain in effect for a period of two years.

**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby directed to provide certified copies of this resolution to the following parties: Mark Stevens, President, S.B. Ashley Development Corporation, LLC, 16 West Main Street, Suite 700, Rochester, New York 14614; William Smith, Vice President – CFO, Ashley Management Corporation, 16 West Main Street, Suite 700, Rochester, New York 14614; Sarah J. Jones, Banking Officer, M&T Bank, Commercial Banking/Closing Specialist, 180 S. Clinton Avenue, Suite 700, Rochester, New York 14604; Jeannine Marciano, Town Principal Account Clerk; Matthew Heilman, Town Construction Inspector; Robin MacDonald, Acting Town Water and Sewer Superintendent; Don Giroux, Town Highway and Parks Superintendent; Dan Delpriore, Town Code Enforcement Officer; Lance S. Brabant, MRB Group, D.P.C., Town Engineers; and Ronald L. Brand, Town Director of Planning and Development.

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

**RESOLUTION #400-2020:**

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

**RESOLUTION AUTHORIZING SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD FOR JOHN WEIDENBORNER**

**WHEREAS**, John Weidenborner started employment with the Town as Zoning Inspector on May 13, 2019, and

**WHEREAS**, the Building Department Head, Dan Delpriore, has deemed that John Weidenborner’s work is satisfactory and recommends that he be retained; now therefore be it

**RESOLVED**, the Farmington Town Board authorizes successful completion of Probationary Period for John Weidenborner effective September 8, 2020, and further be it

**RESOLVED**, that a copy of this resolution be given to the Supervisor’s Secretary and the Building Department.

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

**RESOLUTION #401-2020:**

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

Abstract 21-2020

**TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS**

**TO: MARCY DANIELS FROM: J. MARCIANO**

ABSTRACT NUMBER		21	
DATE OF BOARD MEETING		11/10/2020	
FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	33,030.23	1969-2004,2018
HG	MERTENSIA WATERLINE	0	
DA	HIGHWAY FUND	24,872.63	1969,1985,1992,1993,2001,2003,2005-2015,2018
HA	AUBURN TRAIL PROJ	0	
HB	BEAVER CREEK PARK	562.50	1972
HS	PUMPSTATION 2	0	
HM	FUEL STATION CAP PROJ	0	
HN	NORTH RD CAP PROJ	0	
HP	TOWN PARK IMPROVEMENTS	0	
HQ	LED STREET LIGHTING	0	
HW	WATER TANK REPAIR	0	
HZ	TOWNLINE CAP PROJ	4,516.75	1930
SD	STORM DRAINAGE	208.58	1957,2016
SF	FIRE PROTECTION DISTRICT	0	
SL1	LIGHTING DISTRICT	0	
SM	SIDEWALKS	0	
SS	SEWER DISTRICT	28,050.64	1938-1959,1985,2001,2004,2016
SW1	WATER DISTRICT	7,809.01	1938,1946-1948,1951,1953,1957,1958,1960-1968,1985,2001,2004,2016
TA93	LETTER OF CREDIT (CASH)		
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	113.92	1975
	<b>TOTAL ABSTRACT</b>	\$ 99,164.26	

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

**TRAINING UNDER \$100: None.**

**WAIVER OF THE RULE: No Objection**

**RESOLUTION #402-2020:**

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

**RESOLUTION AUTHORIZING WAIVING THE MERTENSIA LODGE FEES FOR COBBLESTONE ARTS CENTER**

**WHEREAS**, the Cobblestone Arts Center has requested use of the Mertensia Lodge to hold their Dayhab Program for adults with disabilities on various dates, and have asked to have the fees waived, and

**WHEREAS**, the Town Board requires a head count and safety plan turned into the Building Department at least three days before the event, therefore be it

**RESOLVED**, the Farmington Town Board authorizes the waiving of the fees for the use of the Mertensia Lodge on various dates for the Cobblestone Arts Center for their Dayhab Program for adults with disabilities, and be it

**FURTHER RESOLVED**, that a copy of this resolution be sent to Vanessa Goodwin at [vanessa@cobblestoneartscenter.com](mailto:vanessa@cobblestoneartscenter.com).

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



**RESOLUTION #403-2020:**

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

**A RESOLUTION RECALLING A PORTION OF CONDITION #6 OF TOWN BOARD RESOLUTION NO. 176 OF 2013; AND ESTABLISHING THE HICKORY RISE CONSERVATION DISTRICT LANDS; THE HICKORY RISE NATURE TRAIL SECTIONS; AND THE TOWN'S RESPONSIBILITIES FOR ON-GOING TRAIL AND GATEWAY LANDSCAPING MAINTENANCE**

**WHEREAS**, Town Board Resolution No. 176 of 2013, adopted Local Law #3 of 2013 directing the amendment of the Town's Official Zoning Map, affecting Tax Map Account # 029.00-2-9.100 from LI Limited Industrial to IZ Incentive Zoning for the Hickory Rise Incentive Zoning Project; and

**WHEREAS**, Town Board Resolution No. 176 of 2013 set forth a number of conditions of approval for the rezoning of said Tax Map Account; and

**WHEREAS**, Condition #6 of the above referenced Town Board Resolution specified that upon the completion of the trail system throughout the Conservation District Lands, the Town would be responsible for the maintenance of the two gateway entrances to the Hickory Rise Subdivision Tract and the maintenance of the nature trail located in each of the four (4) Conservation District Lands; and

**WHEREAS**, Condition #6 of the above referenced Town Board Resolution specified that there is to be no permanent surface materials (i.e. stone dust, gravel, stone or black top) installed as part of this trail corridor; and

**WHEREAS**, Condition #6 of the above referenced Town Board Resolution specified that the applicant (Bowering Homes) agreed-to and has purchased and installed trail corridor signs to be posted at all entrances to the trail from within the project; and

**WHEREAS**, the four (4) Conservation District Lands are shown on the map prepared by BME Associates, entitled "Overall Community Sidewalk and Trails Map," with the latest revision date of 8/8/19, drawing no. 2344E, Sheet 12, which is hereby made an attachment to this resolution; and

**WHEREAS**, the four (4) Conservation District Maps are identified as: "Conservation District A-1" (Tax Map Account No. 029.120-2-501); "Conservation District A-2" (Tax Map Account No. 029.120-2-500.4); "Conservation District B" (Tax Map Account No. 029-120-2-500.2); and "Conservation District C" (Tax Map Account No. 029.120-2-502); and

**WHEREAS**, the above referenced condition specifies that the nature trail is described as both a ten (10) wide grassed trail area to be mowed by the Town, or its designee, whenever the height of the grassed trail reaches a height of six inches (6"); and

**WHEREAS**, the above referenced condition does not specify the frequency for mowing portions of the above referenced four (4) Conservation District Lands, or for maintaining a height of the mowed grass areas within these lands; and

**WHEREAS**, Condition #6 referenced above herein, specifies that the Maintenance Agreement is to further specify that all costs associated with maintaining this trail corridor are to be borne by all of the owners of the lots contained within the residential portion of this project.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board does hereby recall that portion of Condition #6 of Town Board Resolution No. 176 of 2013 by removing the prohibition that there is to be no permanent surface materials installed as part of this trail corridor and by further striking out gravel, stone, or black top, leaving stone dust surface materials as may be required by the Town Highway & Parks Superintendent.

**BE IT FURTHER RESOLVED**, that there shall be stone dust trail surface materials installed and maintained between: Lots #10 and #11 located in Section 1 of the Hickory Rise Incentive Zoning Site; Lot #17 within Section 3 and Lot #45 in Section #4 of said Site; Lots #94 and #95 within Section 4 of said Site; beginning on Conservation District Land A-2, at the northeast corner of Lot #70 and connecting to the sidewalk along the northwest side of Harlow Lane; and beginning at the end of the concrete sidewalk, located at the southeast corner of the intersection of Harlow Lane and Collett Road extending easterly for a distance of approximately 300 feet to and including the turn in the mapped grass trail corridor located within Conservation District "B."

**BE IT FURTHER RESOLVED**, that the Town Highway and Parks Superintendent is hereby authorized to install drainage improvements and stone dust trail surface materials in other areas along the trail corridor.

**BE IT FURTHER RESOLVED**, that only the ten-foot-wide grassed nature trail exists within the established trail corridor located within Conservation District Lands shown on the above referenced "Overall Community Sidewalk and Trails Map, as "A-1," "A-2" and "B/" There is to be no grassed trail located within Conservation District "C."

**BE IT FINALLY RESOLVED**, that the trail corridor segment shown across portions of Tax Map Accounts No. 029.120-2-500.5 and 029.120-2-501 and identified on the above referenced "Hickory Rise Overall Community Sidewalk and Trails Map" is to be maintained in the future as is stated in Note #3 on said map. The note on said

map reads as follows... “This trail segment shown herein is to be connected upon sidewalk installation along Hood Road to the Commercial Area.”

**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 Zoning Officer; the Town Director of Planning & Development; and a copy placed in the Hickory Rise Incentive Zoning Project File in the Town Development Office.

Discussion: Councilman Holtz stated that there is minimal work to be done as far as maintaining the trails and he is all for the parts of the resolution that give Don more leeway so if he needs to put down more stone and do what he needs to do but his concern is taking on the financial responsibility of the actual landscaping at the two entrances. He added that it talks about it in the Whereas parts of the resolution, but it is not really laid out in the resolved areas of the resolution. He felt that the whole town shouldn't have to pay for the landscaping of two entrances in one neighborhood. Supervisor Ingalsbe asked what the town does for Monarch Manor and Auburn Meadows. Mr. Giroux replied that they do not do anything. Mr. Delpriore stated that the Section 9 has an HOA that will take care of the signs. He added that the other ones in Auburn Meadows are maintained by the person who buys the lot that the signs are located on, the town has an easement over it, but the property owners maintains the landscaping. He added that he had asked Ryan Homes what happens when that owner sells the home, are the new owners aware of this, and he stated he received a vague answer back. Councilman Casale asked shouldn't it be on the deed. Mr. Delpriore responded that Ryan couldn't not confirm if it was in the deed. Mr. Delpriore stated that they all should have easements over them should the town need to maintain them. Councilman Holtz stated that he was on the board when Hickory Rise was formed and there was specific discussion about this and at that time the town would form a district and the residents in the district would pay for the landscaping. He added that the mowing of the trail and stuff is minor cause our mowers drive by there anyways, he is more concern with the planting of flowers and putting mulch down every year. He added that he felt this is something that should be contracted out and charged back to that specific neighborhood. Supervisor Ingalsbe stated that he doesn't want another district because there are too many districts now. Mr. Giroux's concern was more of the time and staffing to maintain these than the cost of flowers and mulch plus the addition of Beaver Creek Park. Supervisor Ingalsbe replied that they have always talked about getting him more help. Councilman Casale stated that they either create a district or leave it. Supervisor Ingalsbe replied that they had the district language in this resolution then they took it out. Mr. Giroux stated that there is nothing in the resolution saying that they need to keep the same plantings that are there now and they could get something that needs less attention other than the pulling of a few weeds and adding mulch but it does involve staff time to do it even if it is twice a year. Councilman Herendeen stated that he doesn't know exactly what the Town Board did when they setup the conservation district in Hickory Rise as he was on the Planning Board. Councilman Holtz stated that this is the opposite of what they did in the incentive zoning other than they are giving Don more leeway if he needs it. He added that they wrote it so strict the first time that you couldn't put stone down even if you wanted too so the main thing they are doing is giving him more leeway but we are also accepting the financial responsibility for the maintenance of it. Councilman Herendeen stated its one thing if were just going to mow the grass and the trail so people can walk on it. Mr. Giroux added that this is about mowing around the signs and the landscaping around the signs.

Supervisor Ingalsbe stated that they way the resolution read was..”sometimes as deemed necessary the cost of mowing and maintaining the area was at a point where 51% of the residents wanted it to be contracted out” so it's not just the town. Supervisor Ingalsbe added that the board can pull the resolution and submit a new resolution next meeting. Supervisor Ingalsbe stated that the main reason to get this done was to get it off Gregg Bowering's docket and if Don does want to do some work in there he can. Councilman Holtz stated that the land is technically the towns. Supervisor Ingalsbe replied that technically it is, but it has not been dedicated to the town formally, but it does show up on the tax map as the towns. Councilman Bowerman stated that it sounds like if they do just some general mowing and some minimal landscaping to keep it looking okay but if the residents want more done then they vote to contract it out and pay the difference. He doesn't feel they are incurring that much of a cost and the trail is not used just by that neighborhood and if the residents there want more done then they can go through the process of contracting it out. Councilman Holtz stated that it is his understanding that this undoes the stipulation saying that the 51% want it and puts it onto the town, correct? Mr. Brand replied yes, the board replaced that and to put it on the county tax roll. Mr. Brand added that if the board wanted to have something in place that gives Don the right to get in there this Fall to make some improvements to the trail, adopting this resolution doesn't put it in concrete what the town is doing, and if in six weeks, six months, the town decides they want to recall a portion of this resolution to further clarify it they can. Supervisor Ingalsbe stated that they can take the one further be it resolved section that reads “..that the Town Board does hereby recall that portion of Condition #6 of Town Board Resolution 176-2013 by removing any and all reference to the Maintenance Agreement specifying that all costs associated with maintaining this trail corridor are to be borne by all of the owners of the lots contained within the residential portion of this project”.

Councilman Holtz made a motion to remove the third “resolved” from the bottom of the original resolution, Councilman Bowerman seconded the motion. All voted “Aye”, motion **CARRIED**.

On resolution as amended, all Voting “Aye” (Ingalsbe, Casale, Herendeen, Bowerman, and Holtz), the Resolution was **CARRIED**.

**RESOLUTION #404-2020:**

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

**Pass to Tax - 2020**

**WHEREAS**, the Farmington Town Board has been notified by the Water and Sewer Department of the unpaid sewer charges and unpaid water charges for businesses, and

**WHEREAS**, an Annual Statement has been filed with the Town Clerk listing all unpaid charges, fees, and rents for the 2020 Tax Levy which are broken down in the following special districts:

**Sewer Districts**

• WD-281 Canandaigua-Farmington Water (Farmington Only) Business	\$34,059.60
• Canandaigua Sanitary Sewer	\$1717.96
• Farmington Sanitary Sewer	\$89,887.85
• Victor Sanitary Sewer	<u>\$87,251.11</u>
Total	\$212,916.52

**NOW, THEREFORE BE IT RESOLVED**, the Town Board acting through its' Water and Sewer Superintendent, shall transmit such Statement to the Ontario County Board of Supervisors which shall levy such sums against the property liable.

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

**RESOLUTION #405-2020:**

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

**RESOLUTION SETTING A PUBLIC HEARING FOR THE 2021 FIRE CONTRACTS: FARMINGTON AND MANCHESTER**

**WHEREAS**, the Town Board has met with the Farmington and Manchester Fire Departments to discuss the 2021 budget, and

**WHEREAS**, the contracts expire on December 31, 2020, therefore be it

**RESOLVED**, the Farmington Town Board sets the Public Hearing for the 2021 Fire Contracts for November 24<sup>th</sup>, at 7:01 p.m. at the Farmington Town Hall, and further be it

**RESOLVED**, that the Town Clerk post the Notice of Public Hearing in the Daily Messenger, and further be it

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the Farmington and Manchester Fire Departments, Supervisor's Office and the Principal Account Clerk.

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

**DISCUSSION:**

1. Marrano Homes – Supervisor Ingalsbe stated that Marrano Homes talked with Public Works today and they pleaded their case for condominium status for the villa homes at Hathaway's Corners. He would like to offer them an option to look at instead of a private road having a public road, and instead of private water/sewer going with public water/sewer, and sidewalks and save that money for the HOA fee instead of being in a condominium status with everything private. Supervisor Ingalsbe stated that it was originally approved for 61 lots and he is down to 56 lots now because he is putting bigger homes so he might have to lose a couple more to make a town road. He added that the town was offered \$125,000.00 as an incentive to go with the condominium status and he would rather tell them to take the \$125,000 and build the town road and to especially make the sidewalks public so there wont be any discussion for people using it to get to the Auburn Trail. Councilman Holtz stated that the Acting Water & Sewer Superintendent would like the water and sewer public.
2. CDL qualified employees – training and testing.

**EXECUTIVE SESSION: None.**

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 7:56 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk: \_\_\_\_\_