

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 27<sup>th</sup> day of October, 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: **Michelle Nicodemus** – Assessor, John Piper, and William Allen-resident

### **PUBLIC HEARINGS- 2021 Town Budget**

Supervisor Ingalsbe opened the meeting at 7:01 p.m. The Town Clerk read the legal notice. Supervisor Ingalsbe stated that the town is currently under the tax cap by approximately \$33,000. He added that the Tax rate for the General Fund and the Highway Fund, which is the biggest part of the budget, remains flat at \$1.10 per thousand per assessed value. He added that the tax rate has remained \$1.10 per thousand since 2017. He added that they couldn't do that with the current economy and sales tax shortages and the Governor keeping 20% a lot of the Highway funds and VLT funds the Town Board really couldn't use that without using a lot the General Fund savings and VLT savings to keep the \$1.10 per thousand assessed value along with some cuts in some of the departments. Supervisor Ingalsbe asked if anyone would like to speak for or against the proposed 2021 Town Budget. Councilman Bowerman stated that the board did not cut any existing positions/staff, but they agreed to hold off on filling some vacant positions. Supervisor Ingalsbe added that none of the full-time staff positions were cut.

Supervisor Ingalsbe closed the public hearing at 7:06 p.m.

### **APPROVAL OF MINUTES:**

A motion was made by **Councilman Casale** and seconded by **Councilman Holtz**, that the minutes of the October 13, 2020, Town Board Meeting, and the Joint Annual Water Meeting held on October 13, 2020, and given to members for review, be approved. All Voting "Aye" (Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

### **PRIVILEGE OF THE FLOOR: Rob Laviano – Farmington Pointe Incentive Zoning Project**

Mr. John Sciarabba from Land Tech Surveying and Planning appeared to discuss this project. He presented the Board the applicants concept plan. He added that a traffic study was completed and report given to the town last month. He stated that MRB Group had done a sewer capacity study to make sure they could have access to the sewer. Mr. Sciarabba stated that they are at a point where they can move forward with the incentive zoning, and last week Mr. Laviano appeared in front of the Planning Board and the Planning Board is looking for a positive referral from the Town Board. They are hoping to receive incentive zoning on this parcel so that Mr. Laviano can market it for a wide range of needs.

Supervisor Ingalsbe asked if they can explain the phasing portion of the plan. Mr. Sciarabba replied that essentially, they are trying to work from Route 332 to the west. He added that they feel that the commercial section of this project will develop first. Brief overview of the different phases.

Mr. Brand stated that what the board is looking at it a planned development for a large area of our development corridor along Route 332 and incorporate the mix of uses that have been reviewed and discussed in the past with the Planning Board and the applicant. He added that this is a project that brings to the table is another signalized intersection on Route 332 at the southern end of the property which is shown on the official MTOD map and it is also identified in the Comprehensive Plan. Mr. Brand stated that the next step is to have a public hearing on this then if approved the Planning Board goes to work with the applicant and the engineers to do some preliminary design work to show that everything is going to fit together nicely. He added that there is an area behind Cobblestone Art Center that they would exchange property for the betterment of the community pertaining to the trail.

Councilman Bowerman asked if the townhomes will be rented or for purchase, Mr. Laviano replied probably a mixture of both. He added that it was hard to say at this point because it depends on what the market is at the time. Councilman Holtz asked if there were interested developers, Mr. Sciarabba replied yes and that has worked with several developers and this project is in line where they want to be in the market area. Councilman Holtz stated that he really likes the first two phases of it, his concerns are more on the back end of it with some of the density of apartments and townhomes. He added that there is a resolution on tonight to at least send it to the County Planning Board and he doesn't have a problem doing that to see what their comments would be, and then schedule some workshops to discuss this style of a project and things like that. Mr. Sciarabba stated that he had hoped to get it rezoned first then do overall preliminary. Mr. Laviano said that it is called a concept plan for a reason, this is what the market currently would support, there could be elements that change depending on what the market is asking for. Councilman Bowerman agreed with Councilman Holtz regarding a concern about the density, and he felt that the

town doesn't need anymore apartments. Councilman Holtz stated that he didn't know if maybe the board could approve different sections, like work what is most marketable and work on that section and so on. He added that he is not oppose to the rezoning, he just wants to do the best way for everybody. Supervisor Ingalsbe asked for clarification on the different color shading on the map between town roads and private roads. Mr. Delpoire stated that at the Town Operations meeting it was noticed that they do not have a detailed report of exactly what the applicant is looking for, in writing, cause all they have is the map, they also need a list of the incentives to the town.

Supervisor Ingalsbe stated that the resolution on the agenda will be sent to County Planning for their comments.

**PUBLIC CONCERNS: None.**

**REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Holtz reported:**

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

**Highway & Parks:**

1. Highway- rebuild of Canandaigua-Farmington Townline Road, general maintenance, and prepping for winter.
2. Parks- building and parks maintenance, mowing parks, Fall prep of flower beds for the winter, spraying, park landscaping, equipment maintenance and winter preparation.
3. Discussed heating maintenance and street lighting repairs.
4. Discussed resolution on agenda.

**Town Operations Committee: Councilman Casale reported:**

1. Discussed various projects: Auburn Meadows Incentive Zoning District, rezoning of approximately 85 acres located along the west side of NYS 33, Auburn Trail Project, and Comprehensive Plan Update.
2. Code side of things they have been busy with covid violations and inspections, discussed KFC grease trap issue, and patio lots in Auburn Meadows.

**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 putting together all the sewer upgrade information to send to the DEC.
2. Discussed working on the Public Service Commission's Covid Guidance- meeting tomorrow with how to implement it.
3. Discussed Police Reform and Reinvention Collaborative program. County will hold four public forums seeking input from the community regarding personal experiences, whether negative or positive, with the Ontario County Sheriff's Office. The purpose of the forum is to improve the relationship between the community and the Ontario County Sheriff's Office, these forums will serve as an opportunity to discuss eight topics. The first meeting is October 28<sup>th</sup> at 6:00 p.m. at the Phelps Community Center, the next one will be October 29<sup>th</sup> at the Bloomfield Highway School at 6:00 p.m., October 30<sup>th</sup> at Finger Lakes Community College at 3 p.m., and on November 5<sup>th</sup> there will be a virtual forum on WebEx at 12 p.m. The other meetings will also have WebEx available.

**Highway & Parks Superintendent Giroux reported:**

1. Will be paving portions of Townline Road.

**Town Clerk Michelle Finley reported:**

1. Attending OCMCA meeting on October 21<sup>st</sup> at the Town of Hopewell.
2. Starting December 2<sup>nd</sup> evening hours in the Clerk's Office will resume.

**Water & Sewer Superintendent reported:**

1. Working on Townline Road.

**Code Enforcement Officer Dan Delpriore reported:**

1. Discussed Redfield Grove-a resolution was done a while ago to extend the sidewalk in phase two and that it was to be installed by October 31<sup>st</sup>, 2020, they are extremely close but they are going to be a little bit short for two reasons (1) in working with Don and Matt they are not going to allow them to pour concrete this Thursday or Friday due to the low temperatures so they are looking to push to get them to have a couple days next week and (2) the other thing he was looking to have done was the sidewalk along Commercial Drive and the sidewalk that goes over to Sunny Acres to be backfilled around with topsoil if needed all by next Friday (11/6) if it was okay with the Town Board. He added that he had spoken with Don about it and that he is in agreement. He added that if the work is not completed by November 6<sup>th</sup> then all work will have to stop. Town Board was okay with this extension.

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

1. Report available on website and filed with the Town Clerk.
2. 13 lots left in the Ryan tracts.

**Assessor Michelle Nicodemus reported:**

1. New Assessor's Aide-Paula Ruthven from Manchester.
2. Thanked Pat Eddy for her help in a long-term project of straightening up the files and pulling out financial/personal information that inadvertently was in the files. 4,000-5,000 files. She removed items that were not supposed to be in them.
3. Discussed feedback received from newsletter.

**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 – Joyce Pimm application and Meyers RV.
2. Next Meeting -DRS, GLN, Phillips Landing, and DiFelice Extension.

**Zoning Board of Appeals Jeremy Marshall reported: None.****Recreation Advisory Committee Bryan Meck reported: None.****Recreation Director Mark Cain reported: None.****Ontario County Planning Board Member reported: None.****Conservation Board Chairman Hilton reported: None.****Town Historian Donna Herendeen reported: None.****Swap Shop Update: Councilman Holtz: None.****Agricultural Advisory Committee Chairman Hal Adams: None.****COMMUNICATIONS:**

1. General Liability Coverage (additional insured) for Country Bible Baptist Church.
2. Memo to the 2020 Joint Water Budget Members from the Town Supervisor. Re: Annual Water Meeting.
3. Letter to the Town Supervisor from Gerald Geist of the NYS Association of Towns. Re: 2021 Training School and Annual Meeting.
4. Letter to the Town Supervisor from Donald MacCormack and Jonathan Halligan of Bank of Greene County. Re: Municipal Deposit Program.
5. Letter to the Town Supervisor from Kevin Madonna of Kennedy & Madonna, LLP. Re: Impending NYS maximum contaminant levels for PFOA and PFOS.
6. Letter to the Farmington Historical Society from Donna Herendeen. Re: South Farmington Cemetery Foundation donation.
7. Email to the Planning Board from Kathleen and Gary Cook. Re: Support of solar power plant.

8. Email to the Town Board from Kathleen and Gary Cook. Re: Support of solar power plant.
9. Letter to the Town Supervisor from Thomas Vogler of MRB Group. Re: General GIS Mapping Assistance, MRB Project No. 0610.17002.000.
10. Email to the Town Supervisor from Mark Hartmann. Re: Support of solar power plant.
11. Certificates of Liability Insurance from: Neufeld Custom Homes, LLC; Oasis Outsourcing, Inc.; T Bell Construction Corp.; Anderson Watersystems, Inc.; Creative Contracting; Empire Fence Co., Inc.; MRI Contractors of NY, Inc.; Douglas Patnode Enterprise.
12. Certificates of Workers' Compensation Insurance from: Empire Fence Co., Inc.; Douglas Patnode.
13. Reinstatement of Insurance from: Serenity Pool and Spa, LLC.

**REPORTS & MINUTES:**

1. Report to Public Works and Town Operations Committees for Town Board Meeting – October 13, 2020.
2. Planning Board Meeting Minutes – October 7, 2020.

**ORDER OF BUSINESS:**

**RESOLUTION #369-2020:**

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

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN PROPOSAL FOR PROFESSIONAL SERVICES WITH MRB GROUP FOR MERTENSIA WATERMAIN REPLACEMENT – CONSTRUCTION PHASE SERVICES**

**WHEREAS**, MRB Group submitted a Proposal for Professional Services for Mertensia Watermain Replacement – Construction Phase Services at a cost not to exceed \$23,800.00, now therefore be it

**RESOLVED**, that the Town Board of the Town of Farmington authorizes the Town Supervisor to sign the Proposal for Professional Services for Mertensia Watermain Replacement – Construction Phase Services at a cost not to exceed \$23,800.00 from MRB Group; and be it further

**RESOLVED**, that the Town Clerk forward copies of this Resolution to the Water & Sewer Department, Bill Davis of MRB Group and Principal Account Clerk.

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

**RESOLUTION #370-2020:**

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

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A HISTORICAL GRANT FROM THE WILLIAM G. POMEROY FOUNDATION**

**WHEREAS**, a grant check was received in the amount of \$1,140.00 from the William G. Pomeroy Foundation to be used to install a historical marker,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington accepts the grant and approves the budget transfer from the grant funding to the expense line A7510.43–Historical Marker.

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

**RESOLUTION #371-2020:**

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

**RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE CUSTODIAL AGREEMENT WITH LYONS NATIONAL BANK**

**WHEREAS**, Lyons National Bank has quoted interest rates for CDs and Money Markets higher than the rates of current investments,

**WHEREAS**, Lyons National Bank has provided a third-party custodial agreement with the Town of Farmington, and M and T Bank

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington hereby authorizes the Supervisor to sign three copies of the custodial agreement,

**FURTHER RESOLVED**, that the following accounts be established at LNB:

- 12 month CD for 2019 VLT funds (A232V19)
- 12 month CD for 2020 VLT funds (A232V20)
- 6 month CD for Parks Equipment Reserve (A231PE)
- 6 month CD for Town Complex Facility and Land Acquisition Reserve (A231T)

Money Market account for Parkland Reserve (A231PL)

**FULLY RESOLVED**, the three original signed copies of the custodial agreement be returned to Jeffrey Friend, Lyons National Bank, 1423 Hathaway Drive, Farmington, NY 14425.

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

**RESOLUTION #372-2020:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT WITHIN THE TOWN PARK IMPROVEMENTS CAPITAL PROJECT**

**WHEREAS**, a budget transfer is needed in the Capital Project for additional engineering services

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Town Board of Farmington hereby authorizes the following budget amendment within the capital project,

Debit: HP 7110.2	Park Improvements	\$2500	
Credit: HP 1440.2	Engineering		\$2500

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

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

**RESOLUTION #373-2020:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT WITHIN THE BEAVER CREEK PARK CAPITAL PROJECT**

**WHEREAS**, Resolution 263-2020 authorized three notice of awards for the project,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington hereby authorizes the following budget amendment within the capital project to track contractor expenses

Debit: HB7110.2	Park Construction	\$2,084,638	
Credit: HB1440.2	Engineering		\$80,000
Credit: HB7110.21	Site Work		\$1,560,400
Credit: HB7110.23	Electrical		\$137,600
Credit: HB7110.24	Maint Bldg/Restroom		\$306,638

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

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

**RESOLUTION #374-2020:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT WITHIN THE MERTENSIA ROAD WATERLINE CAPITAL PROJECT**

**WHEREAS**, the 2020 budget has \$107,500 remaining to be transferred to Capital Projects,

**NOW, THEREFORE BE IT RESOLVED**, that the funds be transferred to the Mertensia Road Waterline Capital Project

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Town Board of Farmington hereby authorizes the following budget amendment within the capital project,

Debit: HG5031	Interfund Transfer	\$107,500	
Credit: HG1440.2	Engineering		\$26,500
Credit: HG8340.2	Waterline		\$81,000

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

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

**RESOLUTION 375-2020:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE WATER FUND**

**WHEREAS**, budget amendments are needed in the water funds for engineering expenses,

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

From: SW1-8340.41 Meters	\$8,000	
To: SW1-8340.47 Contractual Engineering		\$8,000

**BE IT RESOLVED**, that the Principal Account Clerk completes the budget amendment,

**FURTHER RESOLVED**, that the Town Clerk submits one copy of the resolution to the Principal Account Clerk and the Water and Sewer Department.

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

**RESOLUTION #376-2020:**

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

**A RESOLUTION TO RECALL AND AMEND PORTIONS OF TOWN BOARD RESOLUTIONS NOS. 178 OF 2004, 228 OF 2007, 252 OF 2007, 262 OF 2010, 297 OF 2010, 308 OF 2010, AND 273 OF 2018 BY ADOPTING A NEW RESOLUTION PROVIDING REGULATIONS FOR ACCESSORY STRUCTURES TO BE PLACED UPON “PATIO LOTS” LOCATED WITHIN THE AUBURN MEADOWS INCENTIVE ZONING DISTRICT**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 178 of 2004 approved the rezoning of lands comprising the Auburn Meadows Incentive Zoning District and directed by Local Law the Town Clerk to cause amendment to be made to the Town’s Official Zoning Map; and

**WHEREAS**, Resolution No. 178 of 2004 contains restriction #d., in part, that “for all patio lots the minimum... side yard setback shall be 8 feet and the minimum rear yard setback shall be 25 feet;” and

**WHEREAS**, Resolution No. 178 of 2004 contains restriction #e., in part, that “for all other lots the minimum... Side yard setback shall be 10 feet on one side and 25 feet total for both sides and the minimum rear yard setback shall be 25 feet;” and

**WHEREAS**, Resolution No. 178 of 2004 contains restriction #f., in part, that “no accessory structures shall be permitted with the patio home portion of the site;” and

**WHEREAS**, Resolution No. 178 of 2004 contains restriction #e., in part, that “no accessory structures shall be permitted within the patio home portion of the site and accessory shall be permitted on the other lots within the development, but only within the rear yard portion of the site provided that such rear yards are screened from adjacent public rights-of-ways;” and

**WHEREAS**, Resolution No. 262 of 2010 contains restriction # 4 that reads as follows, “for all patio lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 8 feet and the minimum rear yard setback shall be 25 feet;” and

**WHEREAS**, Resolution No. 262 of 2010 contains restriction # 5 that reads as follows, “for all conventional lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 10 feet on one side and 25 feet total for both sides, and the minimum rear yard setback shall be 25 feet;” and

**WHEREAS**, Resolution No. 283 of 2010 contains restriction # 6 that reads as follows, “no accessory structures shall be permitted within the patio home portion of the site and accessory structures shall be permitted on the other lots within the development, but only within the rear yard portion of the site provided that such rear yards are screened from adjacent public rights-of-ways;” and

**WHEREAS**, Resolution No. 297 of 2010 contains the following restriction, that reads as follows, “**NOW, THEREFORE, BE IT RESOLVED** that the Town of Farmington Zoning Board of Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer of body in the enforcement of Restrictions numbered 4, 5 and 6 of Town Board Resolution #178-2004, as amended by Town Board Resolution #262-2010, which reads as follows:

4. for all patio lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 8 feet and the minimum rear yard setback shall be 25 feet; and

5. for all conventional lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 10 feet on one side and 25 feet total for both sides, and the minimum rear yard setback shall be 25 feet; and
6. no accessory structures shall be permitted within the patio home portion of the site and accessory structures shall be permitted on the other lots within the development, but only within the rear yard portion of the site provided that such rear yards are screened from adjacent public rights-of-ways.”

**WHEREAS**, Resolution No. 308 of 2010 contains the following restriction... ‘BE IT FURTHER RESOLVED that the Town of Farmington Town Board does hereby refuse to consider allowing accessory structures to be placed upon the patio home portion of any site defines as a patio home located within the mapped Auburn Meadows IZ Incentive Zoning District;” and

**WHEREAS**, Resolution No. 234 of 2011 contains the following restriction # 4, which reads, “The fence must be wholly removed from 1685 Lillybrook Court within 25 days of either Cole Austin ceasing to use 1685 Lillybrook Court as his residence or the filing of a deed in the Ontario County Clerk’s Office evidencing a chane in ownership to 1685 Lillybrook Cour;” and

**WHEREAS**, Resolution No. 234 of 2011 contains the following restriction # 5, which reads, “The fence must be removed at the expense of the Austin’s or of the new owners of 1685 Lillybrook Court;” and

**WHEREAS**, Resolution No. 234 of 2011 contains the following restriction # 6, which reads, “Should the fence not be removed from 1685 Lillybrook Court within the time period specified in # 4 above, then the Town shall be able to bring legal action to enforce the removal of the fence and whoever is the owner of 1685 Lillybrook Court at that time shall be liable for all of the Town’s expenses in bringing such legal action, including, but not limited to, costs and reasonable attorney’s fees;” and

**WHEREAS**, Resolution No. 196 of 2012 contains the following restriction #4, which reads, “The installation of the above-ground swimming pool must meet all setback, location and other area requirements of the Zoning Law of the Town of Farmington...;” and

**WHEREAS**, Resolution No. 196 of 2012 contains the following restriction #7, which reads, “The fence and the above-ground swimming pool must both we wholly removed from 1685 Lillybrook Court within 21 days of the earliest of the following to happen:

- A. Cole Austin ceasing to use 1685 Lillybrook Court as his primary residence, or
- B. The current owners of 1685 Lillybrook Court ceasing to be the owners of 1685 Lillybrook Court, whether by conveyance, death of any other reason, or
- C. Any additional person, trust or entity of any kind being added as an owner of 1685 Lillybrook Court;” and

**WHEREAS**, Resolution No. 196 of 2012 contains the following restriction #8, which reads, “The fence and the above-ground swimming pool must both be removed at the expense of the Austin’s or of the new owners of 1685 Lillybrook Court;” and

**WHEREAS**, Resolution No. 196 of 2012 contains the following restriction #9, which reads, “Should the fence and/or the above-ground swimming pool not be removed from 1685 Lillybrook Court within the time period specified in #7 above, then the Town shall be able to bring legal action to enforce the removal of the fence and the above-ground swimming pool and whoever is the owner of 1685 Lillybrook Court at that time shall be liable for all of the Town’s expenses in bringing such legal action, including, but not limited to, costs and reasonable attorney’s fees;” and

**WHEREAS**, the Town Board has previously determined that it is no longer necessary to prohibit the placement upon patio lots of Accessory Structures, for those defined patio lots located within the Auburn Meadows Incentive Zoning District, as the term is further defined in Chapter 165, Article II, of the Farmington Town Code; and

**WHEREAS**, there have been a number of Town Board Resolutions adopted over the years that have included restrictions upon the placement of Accessory Structures on patio lots, as referenced above herein, and as defined for the Auburn Meadows Incentive Zoning District.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby further amend the following portions of the above referenced Town Board Resolutions:

Resolution No. 178 of 2004 contains restriction #d.(referenced above herein), which is hereby amended in part to read... “for principal buildings located on all patio lots the minimum side yard setback shall be 8 feet and the minimum rear yard setback shall be 25 feet.”

Resolution No. 178 of 2004 contains restriction #e. (referenced above herein), which is hereby amended in part to read... “for principal buildings located on all other lots the minimum.... side yard setback shall be 10 feet on one side and 25 feet total for both sides and the minimum rear yard setback shall be 25 feet.”

Resolution No. 178 of 2004 contains restriction #f. (referenced above herein), which is hereby amended in part, to delete.... “no accessory structures shall be permitted with the patio home portion of the site.”

Resolution No. 178 of 2004 contains restriction #e. (referenced above herein), which is hereby amended in part, to read... “accessory structures shall be permitted within the patio home portion of the site and accessory shall be permitted on the other lots within the development, but only within the rear yard portion of those sites.”

Resolution No. 262 of 2010 contains restriction # 4 (referenced above herein), which is hereby amended in part to read... “for principal structures on all patio lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 8 feet and the minimum rear yard setback shall be 25 feet.”

Resolution No. 262 of 2010 contains restriction # 5 (referenced above herein), which is hereby amended in part to read... “for principal structures on all conventional lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 10 feet on one side and 25 feet total for both sides, and the minimum rear yard setback shall be 25 feet.”

Resolution No. 283 of 2010 contains restriction # 6 (referenced above herein), which is hereby amended in part to read... “accessory structures shall be permitted within the patio home portion of the site and accessory structures shall be permitted on the other lots within the development, but only within the rear yard portions of those sites.” and

Resolution No. 297 of 2010 contains the following restrictions (referenced above herein), which are hereby amended in part to read... “NOW, THEREFORE, BE IT RESOLVED that the Town of Farmington Zoning Board of Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer of body in the enforcement of Restrictions numbered 4, 5 and 6 of Town Board Resolution #178-2004, as amended by Town Board Resolution #262-2010, which reads as follows:

4. for all patio lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 8 feet and the minimum rear yard setback shall be 25 feet; and

5. for all conventional lots the minimum front setback shall be 40 feet, the minimum side yard setback shall be 10 feet on one side and 25 feet total for both sides, and the minimum rear yard setback shall be 25 feet; and

6. accessory structures shall be permitted within the patio home portion of the site and accessory structures shall be permitted on the other lots within the development, but only within the rear yard portion of those sites.”

Resolution No. 308 of 2010 contains the following restriction... “BE IT FURTHER RESOLVED that the Town of Farmington Town Board does hereby refuse to consider allowing accessory structures to be placed upon the patio home portion of any site defines as a patio home located within the mapped Auburn Meadows IZ Incentive Zoning District;” which is hereby amended in its entirety to read... “BE IT FURTHER RESOLVED that the Town of Farmington Town Board does hereby allow accessory structures to be placed within the rear yard portion of a patio home lot defined as a patio home located within the mapped Auburn Meadows IZ Incentive Zoning District.”

Resolution No. 234 of 2011 contains the following restriction # 4 (referenced above herein), which is hereby amended in its’ entirety to reads... “The fence located on property at 1685 Lillybrook Court is no longer subject to being removed within 25 days of either Cole Austin ceasing to use 1685 Lillybrook Court as his residence or the filing of a deed in the Ontario County Clerk’s Office evidencing a change in ownership to 1685 Lillybrook Court.”

Resolution No. 234 of 2011 contains the following restriction # 5 (referenced above herein), which is hereby amended in its’ entirety to read... “The fence must only be removed at the expense of the Austin’s or of the new owners of 1685 Lillybrook Court when it has been determined unsafe to remain by the Town Code Enforcement Officer.”

Resolution No. 234 of 2011 contains the following restriction # 6 (referenced above herein), which is hereby amended in its’ entirety to read... “The fence located at 1685 Lillybrook Court shall be permitted to remain unless it has been determined unsafe to remain by the Town Code Enforcement Officer.”

Resolution No. 196 of 2012 contains the following restriction #4 (referenced above herein), which is hereby amended in its’ entirety to read... “The above-ground swimming pool must meet all setback, location and other area requirements of the Zoning Law of the Town of Farmington...”

Resolution No. 196 of 2012 contains the following restriction #7 (referenced above herein), which is hereby amended in its’ entirety to read... “The fence and the above-ground swimming pool may remain on the property located at 1685 Lillybrook Court as long as it has not been determined unsafe to remain by the Town Code Enforcement Officer.”

Resolution No. 196 of 2012 contains the following restriction #8 (referenced above herein), which is hereby amended in its’ entirety to read... “The fence and the above-ground swimming pool may remain upon property located at 1685 Lillybrook Court as long as it has not been determined unsafe to remain by the Town Code Enforcement Officer.”

Resolution No. 196 of 2012 contains the following restriction #9 (referenced above herein), which is amended in its’ entirety to read... “Should the fence and/or the above-ground swimming pool located upon property at 1685

Lillybrook Court be determined to be unsafe by the Town Code Enforcement Officer, the Town shall be able to bring legal action to enforce the removal of the fence and/or the above-ground swimming pool by the owner of 1685 Lillybrook Court.”

**BE IT FURTHER RESOLVED**, that the Town Board does hereby allow the placement of Accessory Structures on all lots contained within the Auburn Meadows Incentive Zoning Subdivision Tract, Sections 1 through 8N subject to the following restrictions:

1. No Accessory Structure, other than a Fence, shall be placed on a property line located within the Front Yard portion of a lot. All Fences are to be further regulated as set forth in Chapter 165, Article V, Section 61, of the Farmington Town Code.
2. No Accessory Structure shall be placed, within the Rear Yard portion of any lot, closer than five (5) feet from the property line.
3. No Accessory Structure shall be allowed to be placed within an easement area.
4. Accessory Structures, excluding private garages, shall have a maximum building area of two hundred (200) square feet and shall not exceed a maximum height of fifteen (15) feet above existing grade to the peak of the roofline.
5. Private garages shall have a maximum building area of eight hundred (800) square feet and shall not exceed a maximum height of fifteen (15) feet above existing grade to the peak of the roofline.
6. All Accessory Structures shall have exterior siding to match, to the extent practical, the siding material and color of the Principal Structure on the lot.
7. No Accessory Structure, excluding private garages, shall be permitted to store an automobile.
8. No Accessory Structure shall be permitted to provide a habitat for animals.
9. No Accessory Structure shall be permitted lighting that creates light trespass (e.g. lighting, or glare) onto adjacent property, or on adjacent public rights-of-way.

**BE IT FURTHER RESOLVED**, that Accessory Structures shall not be permitted on any lot which is not in compliance with any of the provisions regulating such structures as may be contained elsewhere in Farmington Town Code.

**BE IT FURTHER RESOLVED**, that the Town Director of Planning and Development has prepared a draft local law for amending Chapter 165, Article V, Section 58 of the Farmington Town Code by adding appropriate language identifying setback criteria which affect any mapped T.L. Section 278 – Cluster Development District and any IZ Incentive Zoning District delineated upon the Town’s Official Zoning Map.

**BE IT FURTHER RESOLVED**, that the Town Director of Planning and Development is hereby instructed to submit said draft local law to the Ontario County Planning Board for its’ review and recommendation at their November 12<sup>th</sup> meeting.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby schedule a public hearing to be held on Tuesday, November 24, 2020 on the proposed local law referenced above herein; and that the Town Clerk is to publish a legal notice of said public hearing, post said notice on the Town Hall Bulletin Board and cause said notice to be posted upon the town’s website.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution are to be provided to the Town Director of Planning & Development, the Town Code Enforcement Officers, the Town Zoning Officer, the Administrator in the Town Development Office and the Town Engineer, MRB Group, D.P.C.

**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby directed to add notation to the Town’s Official Zoning Map that reads... “Dimensional criteria and other restrictions may be in effect within each of the mapped IZ Incentive Zoning Districts. Before any Building Permit is issued for any structure located within a mapped IZ District, the Code Enforcement Officer shall review the Town Board Regulations established for said IZ District.”

Discussion: Supervisor Ingalsbe stated that staff had gone through this with a fine-tooth comb and made sure we covered them all. Councilman Holtz questioned if we only had to amend Resolution No. 273-2018 since that was the last resolution, Mr. Brand stated that resolution only dealt with the landscaping and fencing for privacy. Mr. Delpoire stated that each one of these resolutions had pieces that needed amending.

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

**RESOLUTION #377-2020:**

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

**RESOLUTION ACCEPTING THE TOWN PLANNING BOARD’S REPORT AND RECOMMENDATION FOR: REZONING OF FOUR (4) PARCELS OF LAND LOCATED ALONG THE WEST SIDE OF NEW YORK STATE ROUTE 332, OPPOSITE FARBROOK DRIVE, FROM GB GENERAL BUSINESS, NB NEIGHBORHOOD BUSINESS, RMF RESIDENTIAL MULTI-FAMILY AND R-1-15 RESIDENTIAL SINGLE FAMILY TO IZ INCENTIVE ZONING; AUTHORIZING THE DIRECTOR OF PLANNING & DEVELOPMENT TO SUBMIT THE NECESSARY DOCUMENTATION TO THE ONTARIO COUNTY PLANNING BOARD FOR ITS REVIEW, REPORT AND RECOMMENDATION TO THE TOWN BOARD**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a report and recommendation from the Farmington Town Planning Board (hereinafter referred to as Planning Board) dated October 21, 2020 on the above referenced Action; and

**WHEREAS**, the Town Board has reviewed said Planning Board report and recommendation and has received favorable input from the members of both the Town Public Works and Town Operations Committees upon said Action to move forward at tonight’s public meeting; and

**WHEREAS**, the Town Board has reviewed the public record established upon said Action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby agree to give consideration to the above referenced Action.

**BE IT FURTHER RESOLVED**, that the Director of Planning & Development is to submit the necessary documentation to the Ontario County Planning Board, under the provisions of the New York State General Municipal Law, for its review, report and recommendation at their November 12, 2020 meeting.

**BE IT FINALLY RESOLVED**, that certified copies of this resolution are to be provided to: the Town Planning Board; the Town Director of Planning & Development; the Town Code Enforcement Officer; Robert Laviano, Farmington Pointe LLC, 19 Trotters Field Run, Pittsford, New York 14534; John Sciarabba, P.E., Land Tech Surveying & Planning, P.L.L.C., 710 Latta Road, Rochester, New York 14612.

Discussion: Mr. Brand stated that the resolution shouldn’t state that the scheduling of a public hearing at this point. Councilman Holtz made a motion to delete the scheduling of a public hearing, Councilman Casale seconded the motion, motion CARRIED.

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

**RESOLUTION #378-2020:**

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

Abstract 20-2020

**TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS**

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

ABSTRACT NUMBER	20
DATE OF BOARD MEETING	10/27/2020

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	80,209.14	1884-1912,1914-1927,1935
HG	MERTENSIA WATERLINE	3,933.00	1912
DA	HIGHWAY FUND	29,412.79	1890,19025,1915,1917,1924,1926,1928-1934
HA	AUBURN TRAIL PROJ	0	
HB	BEAVER CREEK PARK	360,123.11	1878,1894,1895,1912,1913,1936
HS	PUMPSTATION 2	0	
HM	FUEL STATION CAP PROJ	85.00	1902
HN	NORTH RD CAP PROJ	450.00	1912
HP	TOWN PARK IMPROVEMENTS	410.00	1912
HQ	LED STREET LIGHTING	0	
HW	WATER TANK REPAIR	19,800.00	1912
HZ	TOWNLIN CAP PROJ	8,206.06	1930
SD	STORM DRAINAGE	3,591.59	1890,1912,1917
SF	FIRE PROTECTION DISTRICT	0	
SL1	LIGHTING DISTRICT	742.31	1918
SM	SIDEWALKS	0	
SS	SEWER DISTRICT	139,322.75	1844-1865,1890,1905,1912,1914,1915,1917,1923,1926,1937
SW1	WATER DISTRICT	86,602.32	1844,1845,1847,1852-1855,1865-1883,1890,1905,1912,1914,1915,1917,1922,1923,1926,1937
TA93	LETTER OF CREDIT (CASH)		
TA200	<b>PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)</b>	6,388.54	1890,1891,1897,1915,1917,1925
	<b>TOTAL ABSTRACT</b>	<b>\$ 739,006.61</b>	

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

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

**WAIVER OF THE RULE: No Objection**

**RESOLUTION #379-2020:**

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

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE NEW YORK POWER AUTHORITY (NYPA) LED INITIAL CUSTOMER PROJECT COMMITMENT (ICPC) FORM**

**WHEREAS**, the Town of Farmington has been in discussion with the NYPA for the past two years to convert non LED street lights in the Town to LED; and

**WHEREAS**, the Town recently purchase the non LED fixtures from RG&S; and

**WHEREAS**, the next step is to sign the online Initial Customer Project Commitment (ICPC) Form; now therefore

**BE IT RESOLVED**, that the Town Board of Farmington hereby authorizes the Town Supervisor to sign the online NYPA ICPC Form; and be it

**FURTHER RESOLVED**, that the Town Clerk provide copies of this resolution to the Principal Account Clerk, the Highway Superintendent and Joseph Szabo of NYPA at Joseph.Szabo@nypa.gov.

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

**RESOLUTION #380-2020:**

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

**AUTHORIZATION TO PURCHASE NEW BADGER WATER METERS, ITRON METER READER ENCODERS WITH INLINE CONNECTORS FOR VARIOUS LOCATIONS WITHIN THE CANANDAUGUA-FARMINGTON WATER DISTRICT**

**WHEREAS**, in 1998 the Farmington Water and Sewer Department was authorized by Board Resolution #153-98 and #154-98 to make improvements to its billing and meter-reading capabilities, and

**WHEREAS**, the Water and Sewer Department has purchased and installed New Billing Software including the Itron Automated Meter Reading System for usage of the CFWD, and

**WHEREAS**, in 1998 the Water and Sewer Superintendent was authorized by Resolution #201-98 to begin a CFWD Meter Replacement Program with standardization of the purchase of the Badger and Itron AMR System, and

**WHEREAS** written quote #Q141769 dated October 19, 2020 has been received from Schmidt’s Wholesale, Inc. who is now the Area Representative for Badger and Itron for the following water meters and readers as follows:

48 each Badger 25, 5/8x3/4” bare meters less encoder at a cost of \$59.5833 each for a total cost of \$2,860.00

80 each Badger 55, 1” bare meters less encoder with CI bottom plate at a cost of \$146.2083 each for a total cost of \$11,696.66

48 each Badger RCDL25 HR-E Encoder, 6 dial, gallons, Itron in-line connector, W/ 5 FT wire at a cost of \$89,8333 each for a total cost of \$4,312.00

96 each Badger RCDL55 HR-E Encoder 6 dial, gallons, Itron in-line connector, W/ 5 FT wire at a cost of \$89.8333 each for a total cost of \$8,624.00

**NOW, THEREFORE BE IT RESOLVED**, that the Farmington Town Board acting on behalf of the Canandaigua–Farmington Water District (CFWD) hereby authorizes the Water and Sewer Superintendent to purchase various Badger/Itron water meters from Schmidt’s Wholesale, Inc. Post Office Box 5100, Monticello, New York for at a total cost not to exceed \$28,000.67, and

**BE IT FURTHER RESOLVED**, that funding for the purchase of water meters is appropriated in the approved 2020 Budget under expense line SW1-8340.41 (Contractual Meters), and

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

**RESOLUTION #381-2020:**

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

**RECALL AND AMEND RESOLUTION #361 OF 2020 RESOLUTION AUTHORIZING HIGHWAY SUPERINTENDENT TO HIRE EMPIRE TREE SURGEONS TO REMOVE TWO TREES ON MERTENSIA ROAD**

**WHEREAS**, the Highway/Parks Superintendent received a lower quote for the removal of two (2) dead trees located on Mertensia Road by the park, and

**WHEREAS**, we reached out to 4 vendors for quotes Holtz Forest and Shade Tree, LLC (**\$1,500**), R&M Tree Service (**unable to quote more business at this time**), and localtreeservicespros.com (**hasn’t responded to emails or voicemails**) and Empire Tree Surgeons (**\$975**) , and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Highway Superintendent to hire Empire Tree Surgeons to remove two trees on Mertensia Road at a cost **not to exceed \$1,000**, to be funded from DA-5140.4 (**Highway Misc. Brush and Weeds**), and

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

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

**RESOLUTION #382-2020:**

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

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN A TEMPORARY SANITARY SEWER DISCHARGE ACCEPTANCE AGREEMENT WITH 7-ELEVEN, INC.**

**WHEREAS**, Bill Davis of MRB Group drafted an agreement for temporary sanitary sewer discharge acceptance; and

**WHEREAS**, the agreement has been reviewed by both the Town Attorney and the Town Insurance; now therefore

**BE IT RESOLVED**, that the Town Board of Farmington hereby authorizes the Town Supervisor to sign the Temporary Sanitary Sewer Discharge Acceptance Agreement; and be it

**FURTHER RESOLVED**, that the Town Clerk provide the original agreements to the Confidential Secretary; and be it

**FINALLY RESOLVED**, that the Town Clerk provide copies of this resolution to the Principal Account Clerk, the Acting W&S Superintendent, Bill Davis of MRB Group and Mark Bailey of MRB Group.

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

**RESOLUTION #383-2020:**

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

**RESOLUTION AWARDDING LANDRY THE HVAC MAINTENANCE AGREEMENT FOR VARIOUS TOWN BUILDINGS AND THE AUTHORIZATION FOR THE TOWN SUPERVISOR TO SIGN THE AGREEMENT**

**WHEREAS**, quotes were requested from local vendors for a one (1) year service contract for HVAC Maintenance/Service of Town Hall, Court House, Highway Building, Parks Building, Mertensia Lodge and Farmbrook Park Building, and

**WHEREAS**, after review, a quote from Landry for \$4,444 is lower than a quote Crosby-Brownlie, Inc. for \$6,400 and

**WHEREAS**, the Highway/Parks Superintendent is asking that the Town Supervisor sign a contract with **Landry Mechanical Services**, and

**RESOLVED**, that the Town Board authorizes the Supervisor to sign the contract with Landry Mechanical Services at a cost **not to exceed \$4,444.00** for one (1) year contract **with the option to extend coverage to 36 months**, and

**BE IT FURTHER RESOLVED**, that the Town Clerk is to provide the Principal Account Clerk and the Highway/Parks Superintendent with a copy of this Resolution and the **ORIGINAL SIGNED AGREEMENT** to be returned to Landry Mechanical Services by the Highway Department.

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

**RESOLUTION #384-2020:**

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

**RESOLUTION TO AWARD A CONTRACT FOR THE MERTENSIA ROAD/NYS ROUTE 96 WATERMAIN REPLACEMENT**

**WHEREAS**, four bids were received on October 1<sup>st</sup>, 2020 for 8" and 10" PVC DR-14 watermain, four (4) directional drills, as well as valves, hydrants, services and appurtenances; and

**WHEREAS**, MRB Group, Robin MacDonald (Acting W&S Superintendent), and the Public Works Committee have reviewed the bids and qualifications; and

**WHEREAS**, MRB Group and staff have provided a recommendation to the Farmington Town Board; and

**WHEREAS**, the recommendation is to award the project to the lowest qualified bidder; now therefore

**BE IT RESOLVED**, that the award will be to Rochester Pipeline, Inc., 294 Elmgrove Road, Rochester, NY 14626, in the amount of \$421,210.00 and authorizes the Town Supervisor to sign three (3) copies of the Notice of Award and return to MRB Group for processing; and

**BE IT FURTHER RESOLVED**, that the Town Clerk provide copies of this resolution to the Principal Account Clerk, the Acting W&S Superintendent, Bill Davis of MRB Group and Mark Bailey of MRB Group.

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

**RESOLUTION #385-2020:**

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

**ACCEPTANCE OF A CHECK AS PARTIAL LETTER OF CREDIT PAYMENT, AUBURN MEADOWS SUBDIVISION, SECTION 8S, IN THE TOTAL AMOUNT OF \$64,635.00 FOR SECTION E. OF THE APPROVED LETTER OF CREDIT, EROSION/SEDIMENT/GRADING SITE WORK**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has approved a Letter of Credit for Section 8S in the Auburn Meadows Subdivision, at the Town Board Meeting held on October 22, 2019 in the total amount of \$807,670.04; and

**WHEREAS**, the developer, Anthony DiPrima, President, A&D Real Estate Development Corporation, LLC is in the process of establishing the above referenced Letter of Credit, and has, in the interim, provided a check to the Town of Farmington (Check #1942, M&T Bank) dated October 27, 2020 in the total amount of \$64,635.00 for the site work listed in Section E. of the approved Letter of Credit; and

**WHEREAS**, the check is to enable site earth work to commence within Section 8S of the Auburn Meadows Project, including the digging of the approved site drainage pond over the winter months so as to minimize disruption to a portion of the Auburn Trail; and

**WHEREAS**, Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town's Engineering Firm, in a letter dated October 27, 2020 and attached hereto verified the amount specified in Section E of the Approved Letter of Credit is \$64,635.00 for the site work listed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby move to accept the above referenced check which is to remain on deposit with the Town of Farmington.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby direct that once the above referenced Letter of Credit has been filed with the Town Clerk's Office, in the Total amount specified above herein, the Town's Principal Account Clerk is to determine whether this Section E Item has been provided for within the amount submitted; and if it is so determined that the funds in the total amount of \$64,635.00 which has now been received by the Town as a partial payment in the above referenced Letter of Credit then the Principal Account Clerk is to prepare one invoice for reimbursement in the full amount specified above as the Partial Payment to the above referenced developer and, upon Town Board action, the funds may be released.

**BE IT FINALLY RESOLVED**, that certified copies of this resolution are to be provided to: the Principal Account Clerk; the Director of Development; the Town Code Enforcement Officer; the Acting Water and Sewer Superintendent; the Town Construction Inspector; the Town Highway and Parks Superintendent; the Town Engineer; and Mr. Anthony DiPrima, President, A&D Real Estate Development Corporation, 22 Whitestone Lane, Rochester, New York 14618.

Discussion: Supervisor Ingalsbe stated that the Bookkeeper does not like taking partial payments on a letter of credit because then when the town does get the LOC, she has to go through the transactions to give the money back. He added that it is hard for staff to keep on eye on the building projects and the houses going up and how much site work is being done versus how much is supposed to be done. Mr. Brand stated that when the applicant received the final subdivision plat approval for 7S and it including section 8S, it was shown on one overall map and they proceeded to move forward with filing the letter of credit for 7S so that they could make the connection for Jade Court to Marion Way. They are now trying to do 7N and 8N which is a different style of housing from what they are putting in 7S and what they will be putting in in section 8S. He added that there is also drainage in 8S that involves crossing the Auburn Trail. He stated that it is better to put the detention pond in during the winter months, and the Highway/Parks Superintendent agrees with that, so that we don't disrupt the trail during the more heavily used times of the year. Mr. Brand stated that the applicant is working on three different letters of credits. The applicant know that he knows he has a market demand that Ryan Homes is pushing him to meet and he is trying his best to do it and the applicant is hoping to have this approved tonight so he can start the necessary work. Mr. Delpriore stated that he agrees with Mr. Brand regarding the trail and that this is the ideal time to put the earth work for that. He added that the concern is that they have given this developer in other sections the ability to do this where we don't allow any other developer to make partials, and that it makes a lot work for staff. He added that there is a lot more that goes into this and it is not as clean as it could be regarding the tracking of the partial letter of credits. Mr. Delpriore stated that he understands their concerns due to Covid but other developers are getting theirs in. He added that he sees both sides of this, but he feels that this developer has precedence for only putting in what he needs at the time to appease the town. Mr. Giroux agreed with Mr. Delpriore. He added that this developer/contractor has time and time again go beyond what the letter of credit has allowed them to do. He stated that they need to stipulate to this contractor that it is only for the erosion and sediment control. Councilman Holtz stated that they had that on the last two and he went above that anyways. He added that there are other letters of credits still not received for other sections. Mr. MacDonald stated that the developer uses Covid as an excuse but some of the sections started before Covid.

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

**RESOLUTION #386-2020:**

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

**RESOLUTION AUTHORIZING IVERSEN TO COMPLETE FLOOR PATCHING AT THE PUMPKIN HOOK RESTROOMS**

**WHEREAS**, the Town of has received a formal quotation from Iversen in the amount of \$3541.00 for the addition of epoxy mortar to the restroom floors at Pumpkin Hook Park to pitch water away from CMU walls.

**WHEREAS**, \$2513 of this expense will utilize the remaining allowance authorization in the project and \$1028 will be a change order to the original contract amount,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington hereby authorizes Iversen to begin the work, and the Supervisor to sign the change order once it is received from MRB,

**FULLY RESOLVED**, that the Town Clerk provides a copy of the resolution to the Principal Account Clerk and the Highway Superintendent.

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

**DISCUSSION:**

1. American Tower – Lease rate reduction request- Supervisor Ingalsbe stated that a few months ago he was approached by Chris Fowler, Power Alliance LLC on behalf of American Tower, regarding reduction in rent to the town. Board is not interested at this time.
2. Villas at Hathaway – Condominium status – Supervisor Ingalsbe stated that he has been going back and forth with Dave Depolo from Marrano Homes and that he told him that they would reach out to the county and Sheila Chalifoux. He referenced an article that was sent to him regrading the condominium homes tax status is handled differently by the Assessor than a regular \$350,000 home. The builder did say that it is about a 20% difference but when they looked at the examples that got it was more like 30-35%. Ms. Nicodemus stated that the difference would be that the property would be assessed as a whole and opened as an apartment complex and based on income and then that amount would be divided up among the condominiums based on the size, the amenities, and some would be a certain percent of the assessment and in the end when those condominiums would sell, they sell at the market value and the assessment would most likely be 20-35% less than what the market value so the rest of the residents of Farmington would left to make up the difference. Supervisor Ingalsbe stated that he did tell the builder that there is some concern and that it is not fair to the other residents of Farmington. The builder suggested having a workshop. He added that there would be 56 lots, road would be private, water and sewer would be private, sidewalks and lighting would be private and not part of the towns lighting district. Supervisor Ingalsbe will setup a workshop.

**EXECUTIVE SESSION: None.**

With no further business before the Board, **Councilman Casale** offered a motion to adjourn the meeting at 8:53 p.m., seconded by **Councilman Bowerman**. Motion **CARRIED**.

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