

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 28th day of September, 2021, at 7:00 PM, there were:

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

Also present in person: **Don Giroux**- Highway and Parks Superintendent, **Dan Delproire** – Code Enforcement, **Robin MacDonald** – Water & Sewer Superintendent, and **Ed Hemminger** – Planning Board Chairman, **Bill Davis** – MRB Group, and **Adrian Bellis**-Planning Board Member, and **Ron Brand** – Director of Planning and Development.

Also present by telephone/video conferencing were: **Michelle Nicodemus**-Assessor, **John Piper**-HR Consultant, and **Mr. Putnam**-resident

PUBLIC HEARINGS: Local Law to amend portions of Chapter 74 of the Farmington Town Code entitled “Construction Codes, Uniform”

Supervisor Ingalsbe opened the public hearing at 7:00 p.m. The Town Clerk read the legal notice. Mr. Delproire, Code Enforcement Officer, stated that this came about after working with the Fire Department and the Fire Marshall with more commercial buildings coming in and what they are seeing is that a lot of buildings are just squeaking by with the International Code and they think by making the code a little more stricture this will make them follow the fire code a little bit closer and it also gives them some access and language that was put in in the NFPA guidelines but the NFPA is not recognized by New York State but it is a standard that is out there throughout the country so they are looking to add that to the local code so they can enforce it.

Mr. Brand stated regulations were put out by the State years ago and the biggest change they see are regulations addresses structures and not necessarily buildings so with the need for fire protection fire code regulations to address buildings.

Supervisor asked if anyone wanted to speak for or against this local law, hearing none, the public hearing was closed at 7:04 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Casale** and seconded by **Councilman Holtz**, that the minutes of the September 14, 2021, and Public Hearing held in September 22, 2021, Town Board Meetings, and given to members for review, be approved. All Voting “Aye” (Holtz, Casale, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

PRIVILEGE OF THE FLOOR: Megan Webster of Ontario County Soil and Water Conservation District-report regarding drainage issues on Elmwood Drive

Ms. Webster stated that she along with Dan Delproire were able to walk the properties with some of the homeowners of Elmwood Circle and they looked at the overall drainage pattern for the area as well as the concerns over the flow of water. She added that is was brought to her attention by Mr. Delproire and others their concern about the stormwater pond that is adjacent to the properties so they were able to walk along the stormwater pond and also up to the main road to look at the piping. Ms. Webster stated that when they first walked through the properties, some of the drainage that is located behind the farthest parcel, there was a lot of woody debris and gardening debris placed in the drainage area, so it is not necessarily flowing as it needs to and it is her understanding that farther down the Highway Superintendent cleaned out that area quite close to the property lines.

She stated they then walked the stream from there and it seems to be service flow that is from brushy wooded swale that is adjacent to the stormwater pond and there is a gradual swale on the owner’s property as well and that it is general service water flow. She stated that when they looked at the pond itself and the emergency overflow of the pond and based on the amount of rain that was received recently, it didn’t look like that water was reaching the emergency access there and was able to flow through that outlet so therefore the stormwater pond is functioning accurately, and it doesn’t seem to be overwhelmed by the amount of rain we have had recently. Ms. Webster stated that the building of the pond itself may have slightly constricted flow in a small linear portion about 30-50 feet where the berm of the pond may have concentrated flow there a little bit but is is not redirecting water there, water is getting where it was going anyways. As they walked towards the road and looking at the 36 inch pipe that is under the road, there were also pipes coming into the 36 inch culvert as well and that is a limiting factor right there for the amount of water that is coming along the road and directly across from the road. She felt the area back there was swampy and it is holding water not concentrating water and as far as creating any type of retention there she felt it wouldn’t be helpful there because there is not a huge amount of water coming through there.

In walking back around over the property owners land, Mr. Delproire would have to fill her in if there are drainage easements there. Mr. Delproire replied that they are still looking into that because surveys do show easements, but they are checking with the County to verify if those were ever filed and then they move on from there on how to proceed. Ms. Webster stated that in talking with the property owner, there was concern in the amount of water in their backyards, and the amount of overflow during stormwater events. She added that they did look at the area where a property owner had basically put in what they call a drop inlet that leads to the pipe to the drainage area, and it is holding up very well. She added one thing they could have done along that area was to put in a drainage tile to remove the standing water. There was a property owner who was concerned about the water damaging a tree in his backyard, and Ms. Webster stated that she saw no concern with water damaging the tree.

Ms. Webster stated that there are a few fixes right now as far as maintaining the drainage through the area, it certainly can be cleaned up on the lower parcel and improving the tile drain to take water off the swale to help move the water through that area. There was a rain event last week and Dan Delproire and Don Giroux went out to the area and took pictures, all water was

flowing as described down the channel way but they did notice that there was debris and grass clippings towards the last property which was blocking some water flow (this area was previously cleaned out by the town) and everywhere else was flowing. They also looked at Townline Road and the culverts and stated that the flow of water was not even close to capacity. Mr. Giroux also looked at the stormwater ponds to the south in Canandaigua and they were functioning the way they're supposed to.

Mr. Putman stated that he met with Ms. Webster and he appreciates everyone looking into this thoroughly and seriously and stated that they will go from there.

Councilman Bowerman stated that he looked at the pictures from the walk through and it looked like there are sections with mini dams built with large rocks in the drainage area and that there is an area where there are ten to twelve 2x4's laying in the drainage pipe for what looks like an entire year with grass clippings dumped in the drainage and he felt that is the reason for water pooling in that area and that is the area they need to look at first. He added that if the town has easements, then they will go clean it out.

Ms. Webster stated that if the town has drainage easements they could go in there and establish a more consistent grass swale that would make it easier to maintain by the property owners, she felt there wasn't a concise channel just south of that parcel because it really flattens out so it could be controlled a little bit better if that was something the town was responsible for. Mr. Giroux stated that the town did that years ago and cleaned out and sloped, they put mesh out there as well and the homeowner took it out and through grass clippings in there again. He added that if there are easements, he will put in a temporary pipe in there so they can cross the ditch and clean it out and address the swale and put in a 4-inch tile to assist any water that doesn't have underneath direct flow.

PUBLIC CONCERNS:

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

1. Discussed Wangum Road force main.
2. Will be removing flow meters in the Grove Subdivisions.
3. Discussed Belt Press VFD.
4. Discussed UV Disinfection.
5. Working on getting quotes for Digester 1 clean out.
6. Watermain Breaks – None.
7. MRB is working on design to replace some of the old main on Rt. 332.
8. Discussed sewer main along a section of Collett Road.
9. Discussed resolutions for meeting.

Highway & Parks:

1. Highway- Equipment Maintenance, driveways paved on CFTL Road, Mailboxes on CFTL Road reinstalled, and mowing.
2. Parks- mowing at all town buildings and parks, mowing and trimming of all parks, striping of crosswalks are completed, and striping of athletic fields is completed.
3. Discussed resolution on agenda.

Town Operations Committee: Councilman Casale reported:

1. Discussed various projects: Comprehensive Plan, TAP Grant, and the Auburn Trail.
2. Discussed resolutions on agenda.
3. Report filed with Town Clerk and posted on website.

Town Personnel Committee: None.

Town Finance Committee: Supervisor Ingalsbe reported:

1. Discussed 2022 Budget – added more funds to the Attorney line, decreased the ambulance line, and added an additional park employee due to Beaver Creek Park for 6 months. They put back \$80,000 in the Highway budget for additional projects and added \$54,000 for Carmen's Way Extension. Fire Departments will get a 4% increase across the board. In the Water budget they added money for the Mertensia Road/Collett Road Project.

Town Public Safety Committee: Councilman Holtz reported: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Peter Ingalsbe reported:

1. Discussed meeting with County Weighs and Means-review of tentative 2022 Budget.
2. Discussed – Special Investigation against Sheriff.

Highway& Parks Superintendent Don Giroux reported:

1. Discussed Townline Road driveway repairs.
2. Discussed Clean-up at Beaver Creek Park.

Town Clerk Michelle Finley reported:

1. Preliminary Budget was filed yesterday and given to Town Board Members tonight.
2. Attended Ontario County Municipal Clerks Meeting on September 30th.
3. Officiated a wedding last week.

Water & Sewer Superintendent Robin MacDonald reported:

1. Update on maintenance of pump station.

Code Enforcement Officer Dan Delproire reported:

1. Working on grants – thanked the Town Clerk’s Office for their assistance.
2. Discussed Charging Car Station grant.
3. Looking into applying for another scanning grant.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.
2. Discussed TAP Grant Application – received acknowledgement that it was received. Thanked staff for their assistance. Supervisor Ingalsbe thanked Mr. Brand and his secretary, Mrs. Daniels, for getting letters together.

Assessor Michelle Nicodemus reported:

1. Working from home due to Covid exposure from siblings.
2. Working on land evaluations for the 2022 Reval project.

Town Engineer Bill Davis reported:

1. Will be starting the sewer work plan along with Victor for the NYS DEC Manhole Rehab that is currently ongoing.
2. Update on Collett Road Sewer – will try to get installation costs by the next board meeting.
3. Update on Brickyard Road Water Tank project – should see DOH approval soon.

Fire Chief reported: None.**Planning Board Chairman Ed Hemminger reported:**

1. Next Meeting will be October 6th – will discuss the Credit Union project, Country Max building on Hook/Collett project and the Autowash project.

Zoning Board of Appeals 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 reported: None.****Agricultural Advisory Committee Chairman Hal Adams: None.****COMMUNICATIONS:**

1. Letter to the Town Supervisor from Tom Claybaugh of LOCALiQ. Re: Advertising solutions.
2. Letter to NYS Governor Hochul and NYS DOH Commissioner Zucker from the Ontario County Administrator. Re: Vaccine mandate for healthcare workers.
3. Letter to Pathstone Corporation from the Town Supervisor. Re: Request for waiving late fee denied.
4. Letter to Mark Stevens, President of Hathaway Corner, LLC. Re: Lots 152 and 153 of the Hathaway’s Corners Subdivision, Incentive Zoning Project.
5. Quote from Kistner Concrete Products, Inc. Re: Collett Road Sanitary Sewer Project.
6. Email to the Town Supervisor from Chris Fogarty of Baldwin Real Estate. Re: Double payments on sewer accounts.
7. Ontario County Snow Contract for 2021-2022 season.
8. Letter to the Town Supervisor from David Weilert of Teamsters Local Union No. 118. Re: Union Steward.
9. Letters to various residents. Re: Deferred Payment Agreement/Self-Certification Form.
10. Certificates of Liability Insurance from: Christa Construction, LLC.
11. Certificate of Workers’ Compensation Insurance from: Christa Construction, LLC.

REPORTS & MINUTES:

1. Planning Board Meeting Minutes – September 1, 2021.
2. Manchester Fire Department Incident Run Log – August, 2021.

ORDER OF BUSINESS:**RESOLUTION 335-2021:**

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

RESOLUTION SETTING A PUBLIC HEARING FOR THE 2022 TOWN BUDGET

WHEREAS, the Farmington Town Board has completed the budget workshops and has filed the 2022 Preliminary Budget with the Town Clerk, therefore be it

RESOLVED, the Farmington Town Board sets the Public Hearing for the 2022 Town Budget for October 12, 2021, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425, and further be it

RESOLVED, that the Town Clerk submit legal notice to the Daily Messenger.

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

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

RESOLUTION #336-2021:

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

ESTABLISHMENT AND DIRECTING THE FILING A LETTER OF CREDIT – THE VILLAS AT HATHAWAY'S CORNERS, PHASE 1C-A, IN THE TOTAL AMOUNT OF \$637,807.37

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has been informed by the Planning Board Chairperson, that the Town Planning Board (hereinafter referred to as Planning Board) has taken Action to recommend approval of accepting a Letter of Credit for the above referenced project in the total amount of \$ 637,807.37; and

WHEREAS, the Town Board has also been provided a copy of the Town Engineer's letter dated September 15, 2021, which includes the Town Construction Inspector's recommendation for establishing said letter of credit in the amount specified above herein and the Applicant's Engineer's (BME Associates) Estimate of Value for site improvements to be dedicated to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the above specified Planning Board's recommendation for establishing a letter of credit for said project and further directs the Applicant to file a letter of credit, in the total amount specified above herein, with the Town Clerk's Office prior to the Town Code Enforcement Officer scheduling a pre-construction meeting and issuing an order to proceed with the project.

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

FINALLY BE IT RESOLVED, that a copy of this resolution is to be issued to the Applicant, The Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224; the Applicant's Engineer, Ryan Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450; and Tom Danks, Project Manager, BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450.

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

RESOLUTION #337-2021:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF AN EASEMENT- CHIERICHELLA

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with Cynthia Chierichella ("Owner") regarding the Town's obtaining a Sidewalk Easement and two (2) Drainage and Utility Easements over portions of her property located on County Road 41, as shown and described in said easements; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the three (3) Easements attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

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

RESOLUTION #338-2021:

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

RESOLUTION AUTHORIZING THE TOWN JUSTICES TO APPLY FOR A JUSTICE COURT ACTION PLAN GRANT

WHEREAS, the Town of Farmington Court has asked for the Town Board's support in obtaining a Justice Court Action Plan grant to help maintain its level of efficiency and

WHEREAS, the Justices as looking to add and or update office equipment as follows:

PPE-6 boxes of disposable masks	\$149.94
Outdoor document repository	\$578.88

The total we are seeking from the state grant is \$728.82

WHEREAS, the total being sought is \$728.82

Now therefore be it RESOLVED, that the Town Board hereby supports the Town Justices in their application for a grant for \$728.82 and authorizes Town Supervisor Peter Ingalsbe to sign the attached application, and be it

Further RESOLVED, that the Town Clerk provide a copy of this resolution to the Town Court and the Principal Account Clerk.

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

RESOLUTION #339-2021:

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

RESOLUTION AUTHORIZING EQUIPMENT TO BE DECLARED AS SURPLUS AND DISPOSED OF APPROPRIATELY

WHEREAS, the Town Highway/Parks Superintendent is asking that the Town Board declare the following item as surplus so that he can have them disposed of appropriately.

1999	CATERPILLAR	BULLDOZER	7PS01010	H-33
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WHEREAS, The Highway Superintendent has solicited an appraisal for the Cat Bulldozer, and therefore be it

RESOLVED, that the Town Board authorizes the above listed equipment be declared surplus and to be disposed of at Municipal Auction, and be it further

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

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

RESOLUTION #340-2021:

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

RESOLUTION AUTHORIZING THE LAST DAY OF PAYMENT FOR ALL 2021 THIRD QUARTER WATER AND SEWER SERVICES LOCATED WITHIN THE CANANDAIGUA-FARMINGTON (CFWD) WATER AND SEWER DISTRICT AND VICTOR SEWER DISTRICT ACCOUNTS

WHEREAS, The Farmington Code, Chapter 159 entitled Water Rules and Regulations, Section 159-25, Shutting Off Water Services states that in event a water bill remains unpaid for more than 60 days, the Town Board may, by Resolution, cause the supply of public water to be shut off given at least 10 days written notice to the owner and occupant of the premises

WHEREAS, A written notice will be given by first-class mail that will be addressed to both the owner and occupant at least 10 days prior to the proposed shut off, and

WHEREAS, such notice shall advise the owner and occupants that the water supply to such property shall be shut off on the specified dated for nonpayment of the water bill unless the unpaid water bill and penalty are paid in full to the Town Clerk prior to the specified dated, and

WHEREAS, the water supply to such property shall not be restored after the shutoff date until the unpaid water bill and late fee penalties, including administrative fees, are paid in full, and

WHEREAS, payment for the 3rd Quarter 2021 CFWD water and sewer bills and Victor Sewer District sewer bills are due on the close of business day at the Farmington Town Clerks Office located at the Farmington Town Hall, 1000 County Road 8 by midnight on Sunday, October 31, 2021, and

LET IT BE RESOLVED, that the Town Board of Farmington acting on behalf of the Canandaigua-Farmington Water District and Victor Sewer District, hereby authorizes the Water Superintendent to establish the last day for payment of the CFWD 3rd

Quarter 2021 and Victor Sewer District without the 20% penalty applied as being by 8am on Monday November 1, 2021, and any payments with US mail postmarks as of 12:00 AM on Sunday, October 31, 2021 being accepted without penalty, and

LET IT BE RESOVED, that the On-Line payment option are also available for water and sewer payments which will be accepted up until 8am on Monday, November 1, 2021 without the 20% penalty being applied and

LET IT BE FURTHER RESOLVED, that any payment received after 8 am November 1, 2021 for all unpaid water and sewer accounts will be assessed with a 20% late fee being applied to the bill, and

NOW, THEREFORE BE IT RESOLVED, that any payment received after November 3, 2021 for unpaid water and sewer accounts will be Passed to the Ontario County Property on Friday, November 5, 2021 with penalties and

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

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

RESOLUTION #341-2021:

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

CONFIRMING RESOLUTION AUTHORIZING BURROWS BROTHERS INC. TO DIRECTIONAL DRILL IN ROCK TO INSTALL A NEW WATER SERVICE AT 4628 RT 96

WHEREAS, the Water and Sewer Superintendent has established that the Water Department is unable to install this water service by conventional means do to rock under Rt.96, and

WHEREAS, the Water and Sewer Superintendent is working with the customer to pay a portion of this installation due to the cost of the directional drilling, and

Be it RESOLVED, the Farmington Town Board authorizes the Water and Sewer Superintendent to pay Burrows Brothers \$7,810.00 with the customer paying an additional \$2,000.00, along with the \$1900 connection fee, and

Be it further RESOLVED, the funds are appropriated in the 2021 budget line SW1-8340.4, and

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

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

RESOLUTION #342-2021:

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

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE TOWN HALL UPGRADES CAPITAL PROJECT

WHEREAS, \$111,000 was budgeted in the 2021 fiscal year for upgrades to the Town Hall lower-level bathrooms and reconstruction of the lower parking lot,

WHEREAS, additional funding has been allocated for this project in the 2022 budget,

NOW, THEREFOR BE IT RESOLVED, that the Town Board of Farmington District hereby authorizes the establishment of a capital project named "Town Hall Upgrades," with the following budgeted accounts:

HT 5031 Interfund Transfer	\$111,000	
HT 1620.2 Building Upgrades		\$111,000

FURTHER RESOLVED, the Town Board approves the following budget amendment in the general fund for this project:

		Debit	Credit
A1620.2VLT	Building Capital Outlay	\$111,000	
A9950.9VLT	VLT Transfer to Capital Project		\$111,000

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

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

RESOLUTION #343-2021:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE SEWER FUND

WHEREAS, additional funding is needed in Plant Overtime to cover Payroll 20 and future payrolls where overtime is worked in the plant,

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

From: SS8130.1	Sewage Treatment - PS	\$8,000.00	
To: SS8130.12	Sewage Treatment – PS - OT		\$8,000.00

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

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

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

RESOLUTION #344-2021:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE LIGHTING FUND

WHEREAS, several fixtures have been re-lamped in the Farmbrook lighting district,

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

From: SL1-5182.43	Farmbrook Lighting	\$4,000	
To: SL1-5182.431	Farmbrook Lighting Bulb Replacement		\$2,000
To: SL1-5182.432	Farmbrook Lighting Pole Replacement		\$2,000

BE IT **RESOLVED**, that the Principal Account Clerk performs the budget transfer,

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

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

RESOLUTION #345-2021:

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

RESOLUTION ADOPTING THE ACTION “LOCAL LAW NO. 16 OF 2021, A LOCAL LAW TO AMEND A PORTION OF PART II, GENERAL LEGISLATION, CHAPTER 74, CONSTRUCTION CODES, UNIFORM OF THE FARMINGTON TOWN CODE OF THE FARMINGTON TOWN CODES; AND DESIGNATING CHAPTER 74, BUILDING AND FIRE CODES.”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 326 of 2021, dated September 14, 2021 accepted the final draft of the above referenced Local Law (Local Law No. 16 of 2021); and directed the scheduling of tonight’s public hearing upon the above referenced adoption; and

WHEREAS, the Town Clerk has published and posted the legal notice for tonight’s public hearing in accordance with the Town’s adopted Open Meetings Law provisions of New York State Town Law; and

WHEREAS, the Town Board has conducted a public hearing on the proposed amendments to Part II, General Legislation, Chapter 74, Construction Codes, Uniform of the Farmington Town Code; and

WHEREAS, the Town Board reviewed the list of Type II Action classifications in Sections 617.5 (c) (25), (26) and (33) of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board has given consideration to the public hearing record held upon the proposed amendments contained within the Final Draft of Local Law No. 16 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby determine the Action to adopt Local Law No. 16 of 2021 to be a Type II Action as defined within Section 617.5 (25), (26) and (33) thereby satisfying the procedural requirements of the SEQR Regulations.

BE IT FURTHER RESOLVED, that the Town Board does hereby adopt in its entirety the above referenced Final Draft Local Law (Local Law No. 16 of 2021) dated September 28, 2021.

BE IT FINALLY RESOLVED, that the Town Clerk is to provide a Certified Copies of this resolution and the adopted Local Law to the New York State Secretary of State for filing in that Office.

BE IT FURTHER RESOLVED, that the Town Clerk upon receipt from the State Secretary of State Office is to submit a copy of the filed local law to General Code Publishers requesting Chapter 74 be amended and that copies thereof be provided to the Town for inserting in the Town Code Book.

BE IT FINALLY RESOLVED, that copies of this resolution be provided to: the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, Lance Brabant, CPESC; and the Town Director of Planning and Development.

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

Local Law No.16 of the year 2021

“Amendments to Part II, General Legislation, Chapter 74, Construction Codes, Uniform of the Farmington Town Code.”

Be it enacted by the Town Board of the Town of Farmington as follows:

Section 1.Title. Part II, General Legislation, Chapter 74, Construction Codes, Uniform of the Town of Farmington Code, is hereby amended to read as follows:

Chapter 74, Building and Fire Codes, Uniform of the Town of Farmington Code.

Section 2.§74-1. Code Enforcement Officer.

Section 74-1 of Chapter 74 is hereby deleted in its entirety and is hereby adopted in its' entirety to read as follows:

§ 74-1. Code Enforcement Officer.

A. The position of Town Code Enforcement Officer (CEO) is hereby created. The CEO shall administer and enforce all provisions of the International Uniform Code, the New York State Uniform Code, the New York State Energy Code, the New York State Code Supplement, Part 1203 of Title 19 of the NYCRR, the Town of Farmington Town Code, and the Town of Farmington Site Design and Development Criteria, and the regulations contained in this chapter. The CEO shall have the following powers and duties:

- (1) To receive, review and approve or disapprove applications for building permits, certificates of compliance, certificates of occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications; and
- (2) Upon approval of such applications, to issue building permits, certificates of compliance, certificates of occupancy, temporary certificates and operating permits, and to include such terms and conditions as the CEO may determine to be appropriate; and
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy or certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter:
 - a. To issue stop-work orders;
 - b. To review and investigate complaints;
 - c. To issue orders pursuant to § 74-13A of this chapter; (Violations; penalties for offenses);
 - d. To maintain property records;
 - e. To calculate permit fees as set by the Town Board and that are collected by the Town Clerk's Office;
 - f. To pursue administrative enforcement actions and proceedings;
 - g. To pursue such legal actions and proceedings, in consultation with the Town Attorney, as may be necessary to enforce the Uniform Code, the Energy Code and the Code of the Town of Farmington, or to abate or correct conditions not in compliance with these codes;
 - h. To exercise all other powers and fulfill all other duties conferred upon the CEO by this chapter and 19 NYCRR Part 1208; and
 - i. To issue appearance tickets.

B. The CEO shall be appointed by the Town Board. The CEO shall possess background experience related to building construction and/or fire prevention and shall, within the time prescribed by 19 NYCRR, Part 1208, obtain such basic training, in-service training, advanced training and continued education and training to maintain certification as the State of New York shall require for code enforcement personnel, and the CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. The CEO may fulfill the description of the duties and responsibilities of the Town Fire Marshal, Building Inspector, and Zoning Officer as may be further defined in any chapter of the Town Code.

C. In the event that the CEO is unable to exercise all powers and fulfill all duties conferred upon him/her for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The

Acting CEO shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the CEO by this chapter.

- D. One or more Assistant Code Enforcement Officers may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. Each Assistant CEO shall, within the time prescribed by 19 NYCRR, Part 1208, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Assistant CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. A Fire Marshall may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. The Fire Marshall shall, within the time prescribed by 19 NYCRR Part 1208, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require, and shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- F. A Zoning Officer may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. The Zoning Officer, within the time prescribed by 19 NYCRR Part 1208, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require, and shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- G. The compensation for the CEO, Acting CEO, Assistant CEOs, Fire Marshall, and Zoning Officer shall be fixed from time to time by the Town Board.

Section 3.§ 74-2. Building Permits.

Section 74-2 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-2. Building Permits.

- A. Building permits required. Except as otherwise exempted within Section 74-2 B. of this Chapter, a building permit shall be required for any work which must conform to the International Uniform Code, the New York State Building Code and/or the New York State Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the CEO.
- B. Exemptions. No building permit shall be required for work in any of the following categories:
 - (1) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (e.g. townhouses);
 - (2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above existing grade;
 - (3) Construction of landscaping retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (4) Construction of temporary motion picture, television and theater stage sets and scenery;
 - (5) Installation of window awnings supported by an exterior wall of a one- or two- family dwelling or multiple single-family dwellings (townhouses);
 - (6) Installation of partitions or movable cases less than five feet nine inches in height;
 - (7) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (8) Installation of replacement listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (9) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(10.) Repairs, provided that such repairs do not involve:

- a. The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
- b. The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
- c. The enlargement, alteration, replacement or relocation of any building system; or
- d. The removal from service of all or part of a fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Section 74-2. B. above shall not be deemed an authorization for work to be performed in violation of the International Uniform Code, the New York State Building Code or the New York State Energy Code.

Section 4. §74-2 D. Applications for building permits. Is hereby amended in its entirety and shall become §74-2 F. of this Chapter. A new §74-2 D. Fire prevention requirements. is hereby created to read in its entirety as follows:

§74-2 D. Fire prevention requirements. The following fire prevention requirements shall be adhered to:

- (1) Sprinkler system. All new buildings, except those buildings set forth below herein, shall be required to have a National Fire Prevention Association (NFPA) compliant fire suppression sprinkler system installed and operational which would include a 5-inch stortz type Fire Department Connection (FDC);
- (2) Alterations. Whenever a proposed alteration, addition or repair to an existing building exceeds twenty-five percent (25%) of the square footage of that building, the existing building, along with the proposed alteration, addition or repair shall be required to have an approved fire suppression sprinkler system installed and operational;
- (3) Fire Department Connections (FDC). Location and signage. Location of FDCs shall be at the nearest point of access from the main entrance driveway used by fire department apparatus or in a location approved by the CEO, or Fire Marshal. Signs shall be of an approved size, minimum letter height of six inches (6") and sign material with the retro-reflective red background and retro-reflective white lettering FDC or FIRE DEPARTMENT CONNECTION. The FDC sign background and lettering shall be of a contrasting color to the exterior color of the building;
- (4) Emergency access, Key Box. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access to the property or building as required by the CEO or the Fire Marshal;
- (5) Emergency access, Security Gates. All site security gates shall be equipped with a means of opening by fire department personnel for emergency purposes approved by the CEO or Fire Marshal. Any such device once opened and no longer usable shall be replaced within thirty (30) business days of the event.

Section 5. §74-2 E. Fire Prevention Exemptions. A new sub-section E. is hereby created and shall read in its entirety as follows:

§ 74-2 E. Fire prevention exemptions. The following exemptions from the fire prevention requirements set forth above in § 74-2 D. include:

- (1) Single-family dwellings, duplexes and townhouses, as well as related accessory buildings (i.e. storage buildings, detached garages, etc.);
- (2) Any farm related structure used as part of active agricultural operations.
Determinations made under this sub-section shall be by the CEO or Fire Marshal;
- (3) Accessory buildings having less than 6,000 square feet of total buildable area, provided further that such building(s):
 - (i) are not higher than one (1) story; and
 - (ii) are located at least one hundred (100) feet from any other structure;

and

- (iii) contain no fuel gas, or heat sources.
- (4) Such accessory buildings shall be identified by a building mounted sign that reads “non-sprinklered building,” having contrasting lettering to the color of the building’s exterior siding and at least four inches (4”) in height and located near the main entrance to said building.
- (5) In spaces where the discharge of water would be hazardous or damaging to equipment or occupants, a fire suppression sprinkler system shall not be required to be installed. Such a determination shall be made in writing by the CEO, or Fire Marshal.

Section 6.§74.2 D. Applications for building permits is hereby deleted and replaced in its entirety to read §74-2 F. Applications for building permits.

§74-2 F. Applications for building permits. Applications for a building permit shall be made in writing or online, on a form provided by, or otherwise acceptable to, the CEO. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the CEO deems sufficient to permit a determination by the CEO that the intended work complies with all applicable requirements of the International Uniform Code, the New York State Building Code and the New York State Energy Code. The application shall include, or be accompanied by, the following information and documentation:

- (1) Applicant Name, phone number, email address, and home or business address;
- (2) A description of the proposed work;
- (3) Proof of ownership of the premises where the work is to be performed;
- (4) The Tax Map number and the street address of the premises where the work is to be performed;
- (5) The occupancy classification of any affected building or structure;
- (6) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (7) One set of construction documents (drawings and/or specifications) Hard copy or PDF which:
 - a. Define the scope of the proposed work;
 - b. Are prepared by a New York State registered architect or licensed professional engineer where so required by the New York State Education Law;
 - c. Indicate, with sufficient clarity and detail, the nature and extent of the work proposed;
 - d. Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - e. Where applicable, include a site plan that shows any existing and proposed buildings and buildings on the site, the location of any existing or proposed well or on-site wastewater treatment system, the location of the intended work and the distances between the buildings and buildings and the lot lines.
- (8) Provide proof of compliance with New York State Workers Compensation Law.

Section 7.§74-2 E. Construction documents. Is hereby deleted in its entirety and replaced with §74-2 G. Construction documents to read as follows:

§74-2 G. Construction documents. Construction documents will not be accepted by the CEO as part of an application for a building permit unless they satisfy the requirements set for in Sub-section F above. Construction documents that are accepted, as part of the application for a building permit, shall be marked as accepted by the CEO in writing or by stamp which is initialed. A set of the accepted construction documents shall not be construed as authorization to commence work, or as an indication that a building permit will be issued. Work shall not begin until, and unless, a building permit is issued.

Section 8.§74-2 F. Issuance of building permits. Is hereby deleted in its entirety and replaced with §74-2 H. Issuance of building permits to read as follows.

§74-2 H. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the International Uniform Code, the New York

State Building Code, the New York State Energy Code and the Town Code. The CEO shall issue a building permit only if the proposed work is determined to be in compliance with the applicable requirements of these Codes.

Section 9. §74-2 G. Building permits to be displayed. Is hereby deleted in its entirety and replaced with §74-2 I. Building permits to be displayed to read as follows.

§74-2 I. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

Section 10. §74-2 H. Work to be in accordance with construction documents. Is hereby deleted in its entirety and replaced with §74-2 J. Work to be in accordance with construction documents to read as follows.

§74-2 J. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents that were submitted with, and accepted as part of the application for the building permit. The building permit shall contain such a directive to this effect. In the event of a proposed change, the permit holder shall immediately notify the CEO of any such change proposed during the course of construction. If the CEO determines that such proposed change warrants a new or amended building permit, such change shall not be made until a new or amended building permit reflecting such proposed change is issued.

Section 11. §74-2 I. Time limits. Is hereby deleted in its entirety and replaced with §74-2 K. Work hours to read as follows.

§74-2 K. Time limits. Time limits. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit that has become invalid or has expired pursuant to this subsection may be replaced upon application by the permit holder, payment of the applicable fee, and approval of the new application by the CEO.

Section 12. §74-2 J. Work hours. Is hereby deleted in its entirety and replaced with §74-2 L. Work hours to read as follows.

§74-2 L. Work hours. Daily Hours of work on all projects located within the Town of Farmington are limited to the following days and times:

- a. Weekdays from 7:00 am to 7:00 pm.
- b. Saturdays from 7:00 am to 6:00 pm
- c. Sundays – No work is permitted.
- d. No work is permitted on those Federal Holidays listed in the adopted Town of Farmington Site Design and Development Criteria.

Section 13. §74-2 K. Revocation or suspension of building permits. Is hereby deleted in its entirety and replaced with §74-2 M. Revocation or suspension of building permits to read as follows.

§74-2 M. Revocation or suspension of building permits. If the CEO determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violated the International Uniform Code, the New York State Building Code, the New York State Energy Code, or the Town Code, the CEO shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:

- (1) All work then completed is in compliance with all applicable provisions of the International Uniform Code, the New York State Building Code, the New York State Energy Code and the Town Code; and
- (2) All work then proposed to be performed shall be in compliance with all applicable provisions of these Codes.

Section 14. §74-2 L. Fee. Is hereby deleted in its entirety and replaced with §74-2 N. Fee to read as follows.

§74-2 N. Fee. The fee specified in or determined in accordance with the provisions set forth in § 74-14 (Fees) of this chapter must be paid at the time of pickup of an building permit, for an amended building permit, or for renewal of a building permit.

Section 15. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 16. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION #346-2021:

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

RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO PURCHASE 2021 D3 CATERPILLAR BULLDOZER WITH EXTENDED COVERAGE

WHEREAS, the Highway/Parks Superintendent budgeted for a D3 Caterpillar Bulldozer for the Highway Department for 2022, and

WHEREAS, a 2021 D3 Caterpillar Bulldozer with Ripper and 5 year parts and hydraulics price is \$150,000, and

WHEREAS, 2021 D3 Caterpillar Bulldozer with Ripper prices are per the NYS OGS NJPA Heavy Equipment Contract #PC69406, and

WHEREAS, in compliance with the current purchasing policy for the Town at a cost not to exceed \$150,000 per equipment allocated from (DA-5130.2) to be paid at the first Town Board Meeting in 2022, *now therefore be it*

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the attached order accepted by for the 2021 D3 Caterpillar Bulldozer and return original document to the Highway Department, and therefore be it

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

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

RESOLUTION #347-2021:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO APPLY LAWN MOWING CHARGES FOR PROPERTIES WITHIN THE TOWN TO THE TAX ROLL

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

WHEREAS, Johnson Equipment has submitted the lowest quotes for the lawn care compliance actions at the following properties:

1416 Creek Pointe	\$52.00 per hour
6077 Holly Lane	\$52.00 per hour

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

BE IT FURTHER RESOLVED, that the Town Clerk provides a copy of this resolution to the Building Department, the Confidential Secretary, and the Principal Account Clerk.

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

RESOLUTION #348-2021:

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

Abstract 18-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

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

ABSTRACT NUMBER	<u>18</u>
DATE OF BOARD MEETING	<u>9/28/2021</u>

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	66,977.51	1701-1728,1730-1739,1741,1743-1747,1762-1763
HG	MERTENSIA WATERLINE	0	
DA	HIGHWAY FUND	138,482.32	1702,1712,1731,1736,1746,1749-1759
HA	AUBURN TRAIL PROJECT	0	
HB	BEAVER CREEK PARK	98,451.39	1707,1729,1740,1742
SF	FIRE PROTECTION DISTRICT	0	
HW	WATER TANK REPAIR	0	
HZ	TOWNLIN CAP PROJ	11,065.40	1752,1760
SD	STORM DRAINAGE	1,891.84	1712,1736
SL1	LIGHTING DISTRICT	3,439.79	1738,1761
SS	SEWER DISTRICT	84,483.86	1661-1692,1712,1719,1731,1734,1736,1746,1763
SW1	WATER DISTRICT	30,562.61	1661,1662,1664,1667,1671-1673,1677-1679,1682,1683,1689-1691,1693-1700,1712,1719,1731,1734,1736,1746,1748,1763
TA93	LETTER OF CREDIT (CASH)	0	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	6,634.75	1689,1690,1712,1713,1731,1736,1745
	TOTAL ABSTRACT	\$ 443,989.47	

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

WAIVER OF THE RULE: No Objections

RESOLUTION #349-2021:

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

RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT FOR THE TOWN OF FARMINGTON WATER AND SEWER DEPARTMENT

WHEREAS, the Acting Water and Sewer Superintendent has prepared a Five Year Capital Equipment Replacement Program and newer equipment replacement items were budgeted in the 2021 Budget for replacement, and

WHEREAS, the Acting Water & Sewer Superintendent has recommended that the following pieces of equipment utilized by the Water and Sewer Department are currently obsolete and/or surplus:

1. 2007 Kenworth Model T80 Diesel powered 10 wheel Tractor with 440,356 miles, VIN 1XKDD40X57J170597 purchased used 07/25/2012 from Hunter Keystone Peterbilt ,LP, (W-15)

WHEREAS, the Monroe County Municipal Equipment Auction is scheduled for October 09, 2021, at the Monroe County Fleet Center, 145 Paul Road, Rochester New York, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Farmington acting on behalf of the Water and Sewer Districts, hereby declares the listed equipment/Iron as surplus and authorizes the Acting Water and Sewer Superintendent to have this equipment sold at auction or by internet bidding with proceeds being revenue split between both SS-2665 (Sale of Equipment) and SW1-2665 (Sale of Equipment), and

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

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

RESOLUTION #350-2021:

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

RESOLUTION ACCEPTING A TWO (2) YEAR MAINTENANCE BOND FROM SONBYRNE SALES, INC., (BYRNE DAIRY) FOR NEWLY CONSTRUCTED SIDEWALKS - 6215 STATE ROUTE 96, IN THE TOTAL AMOUNT OF \$4,345.00

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, a letter dated September 28, 2021 recommending the Town Board's acceptance of a two (2) year Maintenance Bond for newly constructed sidewalks along the frontage of New York State Route 96, in the total amount of \$4,345.00; and

WHEREAS, the Town Board understands that said Maintenance Bond is for making repairs or replacement of any defects that may be found during the specified two year period in material and/or workmanship relating to the installation of sidewalks for the Byrne Dairy Project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept and directs the Town Clerk filing a two (2) year Maintenance Bond, in the total amount specified above herein, for the above referenced project which has been completed as part of approved site improvements for the Byrne Dairy Project, located at 6215 New York State Route 96.

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

FINALLY BE IT RESOLVED, that a certified copy of this resolution is to be issued to: Mr. Christian Brunelle, Byrne Dairy, c/o Sonbyrne Sales, Inc., 171 New York Route 5, Weedsport, New York 13166.

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

DISCUSSION: None.

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Casale** offered a motion to adjourn the meeting at 7:47 p.m., seconded by **Councilman Bowerman**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk