

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 24<sup>th</sup> day of August, 2022, at 7:00 PM, there were:

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

Also present in person: **Tim Ford** – Highway and Parks Superintendent, **Dan Delpriore** – Code Enforcement Officer, **Dave Conti** – Water & Sewer Superintendent, **Ron Brand** – Director of Planning and Development, **Bill Davis** – MRB Group, **Ed Hemminger** – Planning Board Chairman, **Adrian Bellis** – Planning Board Member, and **Tim Hannan** – Conservation Board Member, **Larry Potter** – resident, **Tonia Ettinger** – resident, and **Cathy Post** – resident.

Also present by telephone/video conferencing were: **John Piper** – HR Consultant, **Mike Montalto** – Engineer for Farmington Market Center project, and **Ryan Destro** – Engineer for BME Associates

### **PUBLIC HEARINGS: FARMINGTON MARKET CENTER REZONING**

This public hearing is a continuation from the August 9, 2022, meeting. Mr. Brand stated that the continuation was to allow the town to solicit an independent engineering firm to do an analysis of the three traffic studies that have been done by Farmington Market Center, Farmington GLN and G&A. He added that there is a resolution on for tonight to retain an engineer firm to evaluate the three transportation studies and give the town a report and recommendation on the compatibility of all three and where to go from here. He added that at the last meeting the public comment period was extended, and no additional comments were received at the Town Clerk's Office.

Supervisor Ingalsbe asked if anyone was online or in person that wanted to make a comment, hearing none, the Public Hearing was continued to the September 13, 2022, Town Board Meeting.

### **PROPOSED IMPROVEMENTS TO THE TOWN OF FARMINGTON SEWER DISTRICT**

Supervisor Ingalsbe opened the Public Hearing at 7:04 p.m. The Town Clerk read the legal notice. Mr. Davis, Engineer for MRB Group, stated that a Sewer Capacity Study was conducted years ago and has been updated a couple of times now, and they have been pursuing a grant opportunity for this project to include the relocation of Pumpstation #1, which is over near the Racetrack, and that force main currently dumps into a sewer along Rt. 96 which is at its capacity and in rock so it very difficult to replace it. He added that to alleviate capacity in that sewer they will reroute the force main to what they call an interceptor sewer, a much larger sewer, that will lead to Beaver Creek Road then right to the treatment plant. Mr. Davis added that other improvements include increasing the sewer capacity along Mertensia Road.

Supervisor Ingalsbe asked if anyone in person or online wanted to speak for or against these improvements, hearing none, the public hearing was closed at 7:09 p.m.

### **APPROVAL OF MINUTES:**

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale**, that the minutes of the August 9, 2022 Town Board Meetings, and given to members for review, be approved. All Voting "Aye". (Holtz, Casale, Bowerman, Herendeen, and Ingalsbe). Motion Carried.

### **PRIVILEGE OF THE FLOOR:**

### **PUBLIC CONCERNS:**

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

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

1. Digester #1 wall repair has been completed.
2. Discussed Low Left Pump VFD cooling fans need to be replaced.
3. Discussed replacement of Check Valves PS-19, PS-3 Hook Rd, and PS-22 Fishers Run.
4. Discussed watermain replacement at the intersection of Rt. 332 and Rt. 96.
5. Discussed replacement parts for the UV Disinfection system.
6. Discussed quotes requested for new fall arrest equipment.
7. Farmington and Canandaigua have started water main replacement on Townline Rd.
8. Discussed Racetrack PS-1 check valve – has been rebuilt.
9. Watermain breaks – 0.
10. Discussed Flow Testing.
11. Discussed Wangum Road – waiting for parts.
12. Discussed Dakksco – waiting for parts for Wangum Rd PS-25.
13. Discussed resolutions for meeting.

**Highway & Parks:**

1. Highway- equipment maintenance, roadside mowing (332), paving Shortsville Road, working on shoulders on Loomis Road and Shortsville Road.
2. Parks- Building and Park Maintenance, mowing parks and trails, making progress at Beaver Creek Park, and swing set construction.
3. Discussed resolutions for meeting.

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

1. Discussed various projects-TAP (sidewalks) Grant, Beaver Creek Park, Farmington Market Center, No Standing Signs on Rt. 332 and working on proposed Local Law for AirBNBs.
2. Report filed with Town Clerk and posted on website.

**Town Finance Committee: Supervisor Ingalsbe reported: None.****Town Public Safety Committee: Councilman Holtz reported: None.****REPORTS OF TOWN OFFICIALS:****Supervisor Peter Ingalsbe reported:**

1. Working on 2023 Budget with the Accountant 1.
2. Genesee Transportation meeting.
3. Once a month meeting with fire departments and ambulance corp. He went over data received for the month of July.

**Highway& Parks Superintendent Tim Ford reported:**

1. Completed shoulder work on Shortsville Road.
2. Update of Beaver Creek Park playground.

**Town Clerk Michelle Finley reported: None.****Water & Sewer Superintendent Dave Conti reported:**

1. Discussed participating in the pilot program- ran our product to them Monday/Tuesday.
2. Discussed flow testing.

**Code Enforcement Officer Dan Delproire reported:**

1. Welcomed Dave Orians back from medical leave, have two employees out with covid.
2. Update on Welcome to Farmington signs- working with the Highway Department.

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

1. Report available on website and filed with the Town Clerk.
2. Anxiously looking forward to September 2<sup>nd</sup> for the expression of interest on the part of the engineering firms, start the selection process there for the capital improvement project, sidewalks.
3. Doing a lot of research on short term rentals.

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

1. Update on Rt. 96 and Rt. 332 watermain project-drilling is going well.

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

1. Workshop next week to discuss electric vehicle maintenance, to help them understand the industry.
2. Meeting on the 7<sup>th</sup> – will discuss Loomis Road Industrial Park, Hathaways Corners Phase 2, and the Bowerman 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 Adams: None.**

### COMMUNICATIONS:

1. Letter to Mr. David Capps from the Code Enforcement Officer. Re: Code Interpretation.
2. Letter to Peter Vars of BME Associates from the Town Supervisor. Re: Powers Property Incentive Rezoning.
3. Letter to Mark Stevens from the Town Supervisor. Re: Dedication of Site Improvements – Hathaway Corners Incentive Zoning Project.
4. Letter to Anthony DiPrima of A& D Real Estate Development Corporation, Inc. from the Town Supervisor. Re: Dedication of Site Improvements Monarch Manor, Section 2 and Auburn Meadows, Section 8S.
5. Letter to Eric Honeck of Marrano Homes from the Town Supervisor. Re: Dedication of Site Improvements – Hathaway Corners Incentive Zoning Project.
6. Letter to Angie Weaver, Operations Manager of NJUNS from the Town Supervisor. Re: Access Authorization to NYPA.
7. Intermunicipal Agreement between the Town of Farmington and Ontario County. Re: 2023 Revaluation Project.
8. Letter to Kimberly Kinsella of the Town of Victor Planning and Building Department from the Clerk of the Board. Re: Farmington response to Stone Brook Subdivision Project Review Notification Letter.
9. Letter to Michael Cerone of MIII Enterprises, LLC from the Clerk of the Board. Re: Cerone Incentive Zoning Project (MIII Enterprises, LLC): Overall Site Plan Amendment, Phase 3A – Approved.
10. Letter to Loomis Road Industrial Park, LLC from the Clerk of the Board. Re: Loomis Road Industrial Park Preliminary Site Plan and Special Use Permit.
11. Letter to Louis Sirianni from the Clerk of the Board. Re: Louis Sirianni Preliminary Site Plan – Approved with Conditions.
12. Certificates of Liability Insurance from: Antonelli Construction, LLC; Personal Energy Co., LLC; Creative Contracting.
13. Cancellation of Insurance from: Rabetoy Construction.

### REPORTS & MINUTES:

1. Judge Gligora – Monthly Report – July 2022.
2. Farmington Senior Citizens Meeting Minutes – August 1, 2022.
3. NYMIR Annual Report – 2021.
4. Planning Board Meeting Minutes – August 3, 2022.
5. Victor-Farmington Volunteer Ambulance Incident Log – July 2022.

### ORDER OF BUSINESS:

#### RESOLUTION 322-2022:

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

**DESIGNATING THE TOWN BOARD AS THE LEAD AGENCY FOR MAKING A DETERMINATION OF SIGNIFICANCE UPON THE 2022 WIIA GRANT APPLICATION ACTION IDENTIFIED AS “TOWN OF FARMINGTON SANITARY SEWER IMPROVEMENT PROJECT 2022,” UTILITIES – SANITARY SEWER IMPROVEMENT PROJECT 2022**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board), did on July 19, 2022 (Resolution 282 of 2022), classify the above referenced proposed Action as a Type I Action, provided notices thereof to a list of involved and interested agencies, started a coordinated review period, provided a 30 day public review and comment period upon the above referenced Action, and declared its intent to be designated lead agency at its meeting on August 24, 2022; and

**WHEREAS**, both the coordinated review and 30 day public review periods commenced on July 20, 2022 and ended at noon on Friday, August 19, 2022; and

**WHEREAS**, the Town Board has received no objection from any involved agency to its being designated the lead agency and has not received any public comments upon the above referenced Action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby designate itself as the lead agency for making a determination of significance upon the above referenced Action under provisions of 6NYCRR Part 617, article 8 of the New York State Environmental Law (ECL).

**BE IT FURTHER RESOLVED**, that the Town Board as the designated lead agency has received and has completed its’ review of the Parts 2 & 3 of the Full Environmental Assessment Form (FEAF) along with supporting information provided by the MRB Group, the Town Engineers, entitled “Sanitary Sewer Improvements Project,” dated August 2022.

**BE IT FURTHER RESOLVED**, that based upon the information and analysis listed above within Parts 2 and 3 of the FEAF, and the identified supporting documentation, the Town Board intends to make a Determination of Non-Significance upon the above referenced Action.

**BE IT FINALLY RESOLVED**, that the Board directs the Town Clerk to provide certified copies of this resolution with the identified involved and interested agencies as provided for under the SEQR Regulations.

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

**RESOLUTION #323-2022:**

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

**ACKNOWLEDGING RECEIPT, REVIEW AND ACCEPTANCE OF PARTS 2 AND 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORMS AND SUPPORTING INFORMATION; AND MAKING A DETERMINATION OF NON-SIGNIFICANCE UPON THE 2022 WIA GRANT APPLICATION ACTION IDENTIFIED AS “TOWN OF FARMINGTON SANITARY SEWER IMPROVEMENT PROJECT 2022, UTILITIES – SANITARY SEWER IMPROVEMENT PROJECT 2022.”**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board), based upon its’ review of the Criteria contained in §617.2 (a) of Part 617 of NYCRR, Article 8, New York State Environmental Conservation Law, has found the above referenced Action to be a Type 1 Action; and

**WHEREAS**, the Town Board has reviewed and accepted the completed Part 1 of the Full Environmental Assessment Form (FEAF); and

**WHEREAS**, the Town Board has received and has completed its’ review of Part 2 of the FEAF and the attachment thereto entitled “Sanitary Sewer Improvements Project, State Environmental Quality Review (SEQR) Supporting Information, dated August 2022, prepared by MRB Group, the Town Engineers; and

**WHEREAS**, the Town Board has received and has completed its’ review of Part 3 of the FEAF.

**WHEREAS**, the Town Board is the designated lead agency, for the above referenced Action, for making the required determination of significance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept the findings contained in Parts 2 and 3 of the Full EAF and directs the Town Supervisor to sign and date Part 3 of the FEAF.

**BE IT FURTHER RESOLVED**, that the Town Board reasonably concludes the following impacts are expected to result from the proposed Actions, when compared against the criteria in Section 617.7 (c):

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

**BE IT FURTHER RESOLVED**, that based upon the information and analysis above and the supporting documentation, the Board determines that the proposed Action WILL NOT result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED**, that the Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

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

**RESOLUTION #324-2022:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON APPROVING THE PROPOSED IMPROVEMENTS OF FACILITIES TO THE TOWN OF FARMINGTON SEWER DISTRICT**

**WHEREAS**, the Town of Farmington, on behalf of the Farmington Sewer District, owns and operates sewer facilities and has become aware that improvements, consisting of (i) increasing the capacity of a portion of the sanitary sewer along Mertensia Road south of Route 96 and (ii) the realignment of the Race Track Pump Station force main from the Route 96 sewers running along the east side of Beaver Creek Road to the Interceptor Sewer Line crossing located on Beaver Creek that will relieve the capacity strain experienced by the existing line along State Route, which are improvements beyond the original scope of the project, are now necessary, and that the estimated cost for these additional improvements is \$999,999.00, such estimated costs to be the responsibility of the Farmington Sewer District; and

**WHEREAS**, the Engineer to the Town, MRB Group, has prepared a Preliminary Engineering Report for the Town of Farmington Sanitary Sewer Capacity Improvements dated November 2021 and updated July 2022, which describes these improvements; and

**WHEREAS**, the Town Board of the Town of Farmington duly adopted a resolution on August 9, 2022, calling a public hearing to consider said proposed improvements and the costs associated therewith, to be held at Farmington Town Hall, 1000 County Road 8, Farmington, New York, on the 24<sup>th</sup> day of August, 2022, at 7:00 p.m.; and

**WHEREAS**, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

**WHEREAS**, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

**WHEREAS**, said Town Board has duly considered all of the evidence given at such public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Farmington, Ontario County, New York, that, based upon the evidence given at the aforesaid public hearing, it is hereby found and determined to be in the public interest to provide for the aforesaid improvements of the facilities of the Town of Farmington Sewer District in the Town of Farmington, Ontario County, New York, as described in the aforesaid Preliminary Engineering Report for the Town of Farmington Sanitary Sewer Capacity Improvements dated November 2021 and updated July 2022 and as described herein, at an estimated cost of \$999,999.00, and the same is hereby authorized.

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

**RESOLUTION #325-2022:**

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

**RESOLUTION AUTHORIZING THE TOWN BOARD TO REFUND PAYMENT OF BUILDING PERMIT FEES FOR A HOT TUB AT 95 BOWERMAN ROAD**

**WHEREAS**, the Town received a \$50.00 fee for Building Permit B-0801-2021 for a hot tub from John Torlish at 95 Bowerman Road, and

**WHEREAS**, the Town Supervisor received an email from Mr. Torlish stating the hot tub was never installed and therefore requesting his payment be refunded, and

**NOW THEREFORE, BE IT RESOLVED**, the Farmington Town Board authorizes the refund of the fees for Building Permit B-0801-2021 for a total of \$50.00 to John Torlish at 95 Bowerman Road, and be it

**FURTHER RESOLVED**, that the Town Clerk provide a copy of this resolution to John Torlish at 95 Bowerman Road, Dan Delpriore, Code Enforcement Officer, and the Accountant I.

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

**RESOLUTION #326-2022:**

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

**APPROVAL OF A REQUEST FOR THE PARTIAL RELEASE OF FUNDS (RELEASE #1) FROM THE LETTER OF CREDIT, SECTION 2, MONARCH MANOR INCENTIVE ZONING PROJECT, IN THE TOTAL AMOUNT OF \$461,383.87**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a resolution from the Town Planning Board (hereinafter referred to as Planning Board), dated August 17, 2022, recommending the Town Board take action to approve the request for the first partial release of funds in the above referenced Letter of Credit; and

**WHEREAS**, the Planning Board's recommendation is based upon their review and acceptance of the recommendations received from the Town Construction Inspector, Town Department Heads and the Town's Engineers, and the signed Town Surety Release Forms (G-1.1) and (G-2.0); and

**WHEREAS**, the total amount of this letter of credit is \$ 755,813.50; and

**WHEREAS**, this partial release of funds in the total amount of \$ 461,383.87 there will be a balance remaining in the Letter of Credit of \$ 294,429.63; and

**WHEREAS**, the Town Clerk has reviewed this requested partial release of funds finding the amounts contained herein to be accurate.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts the Planning Board's recommendation and approves the partial release of funds (Release #1) from the Letter of Credit for the above referenced project, in the total amount of \$ 461,383.87.

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor to sign and date Form G-2.0, Town Letter of Credit Partial Release Form.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to notify tomorrow, by U.S. Mailing, certified copies of this resolution to: Anthony DiPrima, 7 Beauclaire Drive, Fairport, New York 14450; and Walter Baker, D.S.B. Engineers & Architects, P.C., 2349 Ridgeway Avenue, Rochester, New York 14626.

**BE IT FINALLY RESOLVED**, that certified copies of this resolution are also to be provided to the Town Highway & Parks Superintendent, the Town Water & Sewer Superintendent, the Town Code Enforcement Officer, the Town Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

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

**RESOLUTION #327-2022:**

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

**RESOLUTION AUTHORIZING ADOPTION OF WRITTEN PROCEDURES GOVERNING THE USE OF VIDEOCONFERENCING FOR THE TOWN OF FARMINGTON**

**WHEREAS**, a public hearing was held at the June 29<sup>th</sup>, 2022 Town Board meeting regarding the Local Law authorizing the Town Board and the other public bodies of the Town of Farmington to use videoconferencing technology to participate in public meetings; and

**WHEREAS**, the Town Board passed Resolution #250-2022 authorizing the adoption of Local Law No. 5 of 2022 entitled "A Local Law authorizing the Town Board and the Other Public Bodies of the Town to use Videoconferencing Technology to Participate in Public Meetings"; and

**WHEREAS**, the Town Board has reviewed the written procedures governing the use of videoconferencing for the Town of Farmington; now therefore

**BE IT RESOLVED**, that the Town Board hereby adopts the Written Procedures Governing the use of Videoconferencing for the Town of Farmington (hereby attached); and

**BE IT FURTHER RESOLVED**, that the Town Clerk provide copies of this resolutions to all Board and Committee Chairpersons, the Building/Code Office, the Director of Development, and the Town Board.

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

**RESOLUTION #328-2022:**

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

**RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL FOR ENGINEERING SERVICES FROM FISHER ASSOCIATES TO SUBSTANTIATE TRAFFIC REPORTS RECEIVED FROM THREE (3) FIRMS REPRESENTING FARMINGTON MARKET CENTER, GLN AND G&A DEVELOPERS**

**WHEREAS**, Fisher Associates has submitted a Proposal for Engineering Services related to the review of trip generation and trip distribution information related to the Farmington Market Center and GLN Development; now therefore

**BE IT RESOLVED**, that the Town Board hereby authorizes the acceptance of the Proposal for Engineering Services related to the review of trip generation and trip distribution information related to the Farmington Market Center and GLN Development from Fisher Associates at a cost not to exceed \$6,000.00; and

**BE IT FURTHER RESOLVED**, that the Town Clerk provide copies of this resolutions to the Accountant, Ed Hemminger, Planning Board Chairman, the Code Enforcement Officer and the Director of Development.

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

**RESOLUTION #329-2022:**

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

**RESOLUTION TO RECALL AND AMEND RESOLUTION #305-2022 APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH 5829 COUNTY ROAD, LLC AND BUCKINGHAM PROPERTIES, LLC**

**WHEREAS**, there is currently tax assessment litigation pending between 5829 County Road, LLC and Buckingham Properties, LLC (collectively, "Petitioner") and the Town of Farmington Board of Assessment Review, Assessor of the Town of Farmington, and the Town of Farmington (collectively, "Respondents") claiming that property owned by Petitioner and located at 5829 County Road 41 (SBL 29.00-2-23.144) ("Property") in the Town of Farmington in the County of Ontario is not properly assessed in actions filed in 2020, 2021 and 2022 (Index Numbers 127483-2020, 129953-2021 and 133320-2022)("pending actions"); and

**WHEREAS**, the assessor and the attorney handling assessment litigation for the Town have obtained discovery, worked with an appraiser from Ontario County to analyze Petitioner's claims, reviewed sales of comparable properties and Petitioner's income and expense information, evaluated the cost of obtaining a formal appraisal, considered Petitioner's willingness to discontinue prior actions, evaluated the impact of the equalization rate on the value, assessed the cost and risks of litigation and, based on this information, the Town Board has determined that a settlement of these actions is in the best interest of the Town; and



Councilman	Steven Holtz		43361609	6	1/1/2022-12/31/2025	N	3.58/5.36	3.87
<b>APPOINTED OFFICIALS</b>								

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

**RESOLUTION #331-2022:**

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

**TINA MURPHY SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD**

**WHEREAS**, Tina Murphy will complete her probationary period effective September 3<sup>rd</sup>, 2022, and

**WHEREAS**, the Town Clerk has deemed that Tina has successfully completed the required six month probationary period, therefore be it

**RESOLVED**, that the Town Board hereby grants a \$1.00 per hour wage increase to \$17.50 for Tina Murphy effective starting with payroll #19, and be it further ‘

**RESOLVED**, that the Town Clerk provide copies of this resolution to the Supervisor’s Confidential Secretary and the Accountant 1.

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

**RESOLUTION #332-2022:**

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

**RESOLUTION ACCEPTING THE PLANNING BOARD’S REVIEW AND REPORT ON THE PROPOSED REZONING OF LAND LOCATED AT THE SOUTHWEST CORNER OF PLASTERMILL AND LOOMIS ROADS AND ALONG THE EAST SIDE OF NEW YORK STATE ROUTE 332, FROM GB GENERAL BUSINESS TO GI GENERAL INDUSTRIAL (ACTION); SCHEDULING A PUBLIC HEARING THEREON FOR TUESDAY, SEPTEMBER 27, 2022; CLASSIFYING THE ACTION AS BEING A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA); DIRECTING THE DRAFTING OF A LOCAL LAW TO AMEND THE TOWN’S OFFICIAL ZONING MAP; AND DIRECTING SUBMISSION OF SAID LOCAL LAW AND RELATED SITE DOCUMENTATION TO THE ONTARIO COUNTY PLANNING BOARD FOR THEIR SEPTEMBER 14, 2022 MEETING**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has receive a Report and Recommendation from the Town Planning Board (hereinafter referred to as Planning Board), dated August 3, 2022, regarding the rezoning of land located at the southwest corner of Plastermill and Loomis Roads and also located along the east side of New York State Route 332, from GB General Business to GI General Industrial; and

**WHEREAS**, the Town Board seeks input from the Planning Board on any rezoning request; and

**WHEREAS**, the Planning Board’s Report and Recommendation included an attachment of a portion of the May 6, 2022 Town Project Review Committee (PRC) meeting minutes on the proposed Action; and

**WHEREAS**, the Planning Board’s Report and Recommendation finds:

- a. that rezoning this parcel of land is, for the most part, consistent with the majority of adjacent land use in the area; and
- b. the concept plan under consideration does not introduce any additional curb cuts to adjacent highways and, therefore, is consistent with the driveway spacing standards within Chapter 165 of the Farmington Town Code; and
- c. the proposed flex warehouse/office building use would likely generate less traffic turning movements that many of the otherwise permitted and special permitted uses in the GB General Business District; and
- d. the applicant is sensitive to the Town Staff’s expressed desires for developing this site as an asset to and not a liability to the existing gateway entrance in the Town of Farmington and Ontario County.

**WHEREAS**, the Planning Board recommends the Town Board consider the formal rezoning process for this proposed rezoning of land.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby classify the proposed Action as being an Unlisted Action based upon its’ review of the classification of Actions listed within 6NYCRR, Parts 617.4 and .5 of article 8 of the New York State Environmental Conservation Law.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby instruct the Town Director of Planning and Development to prepare a draft local law for amending the Town’s Official Zoning Map by changing the GB General Business District designation for Tax Map Account # 029.00-01-86.2 to GI General Industrial District designation.



**BE IT FURTHER RESOLVED**, that the Town Board does hereby schedule a public hearing to be held upon the proposed Action, on Tuesday, September 27, 2022 commencing at 7:00 p.m. Eastern Daylight Savings Time, in the main meeting room at the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to provide a legal notice for this Action which is to be published in the Town's Official Newspaper, posted on the Town Hall Bulletin Board and posted on the Town's Website, in accordance with the Town's Open Meeting Law Policies.

**BE IT FINALLY RESOLVED**, that copies of this resolution are to be provided to the Town Planning Board, the Clerk of the Planning Board, the Town Director of Planning and Development, the Town Code Enforcement Officer, the Town Zoning Enforcement Officer, the Applicant and the Applicant's Engineer.

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

**RESOLUTION #333-2022:**

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

**RESOLUTION AUTHORIZING WAIVING THE BEAVER CREEK PARK FEES FOR THE KIWANIS CLUB OF FARMINGTON-VICTOR**

**WHEREAS**, the Kiwanis Club of Farmington Victor has requested the use of Beaver Creek Park on October 22, 2022 for a family pumpkin walk, and

**WHEREAS**, they have requested the fees be waived, therefore be it

**RESOLVED**, the Farmington Town Board authorizes the waiving of the fees for the use of the Beaver Creek Park on Saturday, October 22, 2022, for the Kiwanis family pumpkin walk, and be it

**FURTHER RESOLVED**, that the Town Clerk provide a copy of this resolution to Barbara Years at [byears117@windstream.net](mailto:byears117@windstream.net), and the Accountant I.

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

**RESOLUTION #334-2022:**

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

**RESOLUTION AUTHORIZING WAIVING THE TOWN PARK FEES FOR THE FARMINGTON CUB SCOUTS PACK 50**

**WHEREAS**, the Farmington Cub Scouts Pack 50 has requested the use of Town Park on September 16, 2022 for their recruitment event and pack meeting, and

**WHEREAS**, they have requested the fees be waived, therefore be it

**RESOLVED**, the Farmington Town Board authorizes the waiving of the fees for the use of the Town Park on Friday, September 16, 2022, for their recruitment even and pack meeting, and be it

**FURTHER RESOLVED**, that the Town Clerk provide a copy of this resolution to Krista Englert at [FarmingtonNYPack50@gmail.com](mailto:FarmingtonNYPack50@gmail.com), and the Accountant I.

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

**RESOLUTION #335-2022:**

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

**APPROVAL TO AWARD A QUOTE TO SECORE CONTRACTING SERVICES LLC 2131 DAANSEN ROAD PALMYRA NY 14522 TO REROOF BUILDING # 2 SEWER OFFICE BUILDING 1216 MCMAHON RD.**

**WHEREAS**, The Town of Farmington Water & Sewer Superintendent recommends the award of the quote from Secore Contracting Services LLC on July 22, 2022, for the installation of a new roof for building #2 (main office building) located at 1216 McMahan Rd Victor NY.

**WHEREAS**, the Water and Sewer Superintendent has received three quotes for this project. Quote #1 from Seneca Pole Barns LLC \$24,500.00, Quote #2 from Kanga Roof \$14,309.00 and quote #3 from Secore Contracting Services LLC \$14,100.00 and

**WHEREAS**, The Water and Sewer Superintendent seeks to award the quote to Secore Contracting LLC at a cost not to exceed \$14,100.00 split 50%-50% between SS 8130.4 and SW1 8340.4

**LASTLY BE IT RESOLVED**, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Superintendent, the Supervisor's Secretary, and the Accountant I.

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

**RESOLUTION #336-2022:**

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

**RESOLUTION TO ACCEPT THE PARTS 2 & 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORMS (FEAF) DATED AUGUST 18, 2022, AS AMENDMENTS TO THE ORIGINAL FORMS DATED JULY 22, 2022, WHICH BECOME ATTACHMENTS TO THIS RESOLUTION UPON THE FARMINGTON MARKET CENTER (FMC)**

**INCENTIVE REZONING ACTION; ACKNOWLEDGING THAT THE ADDITIONAL PUBLIC COMMENT PERIOD PROVIDED FOR IN TOWN BOARD RESOLUTION NUMBER 321 OF 2022 ENDED ON AUGUST 17, 2022 WITHOUT ANY ADDITIONAL COMMENT BEING RECEIVED; ACCEPTING A PROPOSAL FROM FISHER ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES TO REVIEW AND PREPARE A REPORT UPON THE THREE (3) SUBMITTED TRIP GENERATION AND TRIP DISTRIBUTION REPORTS RELATED TO THE FMC INCENTIVE REZONING ACTION; AND CONTINUING THE PUBLIC HEARING UPON THIS REZONING ACTION TO TUESDAY EVENING, SEPTEMBER 13, 2022, COMMENCING AT 7:00 P.M. EASTERN DAYLIGHT SAVINGS TIME**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has by adopting Town Board Resolution Number 321 of 2022 (hereinafter referred to as Resolution) dated August 9, 2022, which directed the Town Director of Planning & Development to amend Parts 2 & 3 of the FEAF and to submit said amendments to the Town for posting on the Town’s website as attachments to this resolution; and

**WHEREAS**, said Resolution provided for an additional period of time for public comment upon the environmental record which ended at noon on Wednesday, August 17, 2022; and

**WHEREAS**, said Resolution continued the public hearing upon the above referenced Action to Wednesday, August 24, 2022; and

**WHEREAS**, the Town Board has received three (3) trip generation and trip distribution reports upon the FMC Rezoning Project, the GLN Farmington Realty Project, and the G&A Farmington Commons Project, which the Town Board as the designated lead agency for the above referenced Action under SEQR needs to include in its’ evaluation of criteria for making a determination of significance.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board based upon its review of the amended Parts 2 & 3 of the FEAF dated August 18, 2022, for the Farmington Market Center Incentive Rezoning Action, does hereby accept both documents, including the attachment to Part 3 FEAF, dated August 18, 2022.

**BE IT FURTHER RESOLVED**, that the Town Board acknowledges that the additional public comment period provided for in Town Board Resolution Number 321 of 2022, expired at noon on Wednesday, August 17, 2022, and that the Town Clerk reports there were no additional comments submitted upon the environmental record.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby declare it to be in the best interests of the Town to retain a qualified independent Transportation Engineer to review the three (3) traffic reports submitted showing trip generation and trip distribution information compared to the FMC trip generation and trip distribution report.

**BE IT FURTHER RESOLVED**, that the Town Board having solicited, received and reviewed a Proposal for Engineering Services, dated August 11, 2022, from Fisher Associates, to prepare a report related to their review of trip generation and trip distribution information which is further related to the FMC Action, does hereby accept said proposal and authorizes Fisher Associates to prepare said report for a fee not to exceed \$6,000.00 which fee is in-turn to be charged back to the Applicant as part of the fee for preparing the environmental record upon said Action under the provisions contained within the State Environmental Quality Review Act (SEQRA).

**BE IT FURTHER RESOLVED**, that upon receipt of the above referenced Report from Fisher Associates, the Town Board requests the Town Director of Planning & Development to review said report, compare its findings to the amended Parts 2 & 3 of the FEAF dated August 24, 2022, and to make further amendments as may be deemed necessary.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to provide a certified copy of this resolution and the attachments thereto to the involved agencies thereby keeping them informed of the ongoing deliberations upon the proposed Action and the status of a pending determination of significance.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby move to table further discussion upon the proposed Action and to continue its deliberations at the next Town Board meeting scheduled for Tuesday evening, September 13, 2022, commencing at 7:00 p.m. Eastern Day Light Savings Time, in the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.

**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby directed to provide certified copies of this resolution and the attachments thereto to the Applicant, the Applicant’s Engineer and the Applicant’s Attorney.

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

**RESOLUTION #337-2022:**

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

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS IN THE WATER AND SEWER FUNDS**

**WHEREAS**, budget amendments are needed in the water and sewer funds for contractual expenses

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

From: SS599	Appropriated Fund Balance	\$18,000	
To: SS8130.44	Sewage Fuel		\$8,000
To: SS8120.4V	Victor Contractual		\$10,000
From: SW1-599	Appropriated Fund Balance	\$10,000	
To: SW1-8340.44	Water Fuel		\$10,000

**BE IT RESOLVED**, that the Accountant I completes the budget amendment,

**FURTHER RESOLVED**, that the Town Clerk submits a copy of the resolution to the Accountant I and the Water and Sewer Department.

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

**RESOLUTION #338-2022:**

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

**CONFIRMING RESOLUTION AUTHORIZING THE HIRING OF A WATER/WASTEWATER MAINTENANCE ASSISTANT**

**WHEREAS**, the Water and Sewer Department has a vacancy for a Water/Wastewater Maintenance Assistant, and

**WHEREAS**, Jacob Spence has applied for the position and been approved through Ontario County, now therefore

**BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Water and Sewer Districts, hereby authorizes the Water and Sewer Superintendent to hire Jacob Spence as a Water/Wastewater Maintenance Assistant effective August 22, 2022 at a rate of \$22.00 per hour, and

**BE IT FURTHER RESOLVED**, that the Town Clerk provide copies of this resolution to the Water and Sewer Superintendent, the Accountant I and the Confidential Secretary.

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

**RESOLUTION #339-2022:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO HIRE LIAM LANGER FOR THE MECHANIC POSITION IN THE HIGHWAY DEPARTMENT**

**WHEREAS**, the Highway/Parks Superintendent has asked that he be allowed to fill the Mechanic Position in the Highway Department at a rate of \$25.00 per hour, and

**WHEREAS**, it has been verified that Liam Langer's application has been approved by Ontario County Human Resource Department, and

**RESOLVED**, that the Town Board authorizes the Highway/Parks Superintendent to fill the open position for the Highway Mechanic with Liam Langer effective Monday, August 29th, 2022 at a rate of \$25.00 per hour, and be it further

**RESOLVED**, that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent, the Accountant I, and the Supervisor's Office.

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

**RESOLUTION #340-2022:**

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

**RESOLUTION AUTHORIZING TIM FORD TO ATTEND THE 2022 NEW YORK STATE ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAY CONFERENCE SEPTEMBER 20 THROUGH SEPTEMBER 23, 2022 IN ELLICOTTVILLE, NEW YORK AT THE HOLIDAY VALLEY RESORT**

**WHEREAS**, the Highway/Parks Superintendent, Tim Ford, will be attending the 2022 NYSAOTSOH Conference, Education Symposium & EXPO in Ellicottville, New York at the Holiday Valley Resort, and

**WHEREAS**, the charges will be expended from code A-5010.4 (Highway Admin - Contractual) **at a cost not to exceed \$1,000**, and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes Tim Ford to attend Highway School, and be it further

**RESOLVED**, that the Town Clerk provide a copy of this Resolution to the Accountant I, the Confidential Secretary, and the Highway/Parks Department.

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

**RESOLUTION #341-2022:**

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

**RESOLUTION APPOINTING TOM LAY TO THE ZONING BOARD OF APPEALS**

**WHEREAS**, Jeremy Marshall turned in his resignation leaving a vacancy on the Zoning Board of Appeals, and

**WHEREAS**, Tom Lay has been recommended to fill said vacancy, now therefore be it

**RESOLVED**, that the Town Board appoints Tom Lay to complete the rest of Jeremy's term effective August 24<sup>th</sup>, 2022 to expire on December 31, 2024, and be it further

**RESOLVED**, that the Town Clerk forward a copy of this resolution to Mr. Lay at 483 Hook Road, Farmington, NY 14425, the Supervisor's Secretary and prepare an Oath of Office to be taken in the days ahead.

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

**RESOLUTION #342-2022:**

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

**RESOLUTION AUTHORIZING HIGHWAY/PARKS SUPERINTENDENT TO PROCEED WITH HIRING PHELPS GUIDE RAIL, INC. TO REPLACE GUIDE RAILS ON AMBER DRIVE AT BEAVER CREEK AND LOOMIS ROAD**

**WHEREAS**, Phelps Guide Rail, Inc. is the only vendor listed in the Ontario County Bid Book for 2022 (Ontario County Tabulation Sheets attached), and

**WHEREAS**, the attached quotes have received a verbal ok from Public Works to move forward with a Board Resolution, and

**WHEREAS**, Project #1 (Amber Drive replace guide rail at Beaver Creek), (\$15,898.28), and Project #2 (Loomis at Hook Road repair damaged guide rail), (\$4,343.76), and

**THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Highway Superintendent to have the guide rails to be replaced and repaired and to be funded from **Highway – Contractual (DA-5110.4) and the price will not exceed \$21,000.00**, and be it further

**RESOLVED**, that the Town Clerk forward the originals with signatures copies of this Resolution to the Highway/Parks Department, and Accountant I.

**RESOLUTION #343-2022:**

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

Abstract 16 – 2022

**TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS**

<i>ABSTRACT NUMBER</i>		<u>16</u>	
<i>DATE OF BOARD MEETING</i>		<u>8/24/2022</u>	
<i>FUND CODE</i>	<i>FUND NAME</i>	<i>TOTAL FOR EACH FUND</i>	<i>VOUCHER NUMBERS</i>
A	GENERAL FUND	112,779.53	1510,1522,1525-1562,1613-1616
DA	HIGHWAY FUND	27,441.48	1533,1541,1543,1551,1558,1563-1571, 1613-1614,1616
HD	TOWN SIGNS CAP PROJECT	299.00	1543
HB	BEAVER CREEK PARK	132.57	1547,1553
HH	ROUTE 332/96 WATERLINE	0	
SF	FIRE PROTECTION DISTRICTS	190,041.00	1524
HZ	TOWNLINE CAPITAL PROJECT	4,429.00	1611
HW	WATER TANK REPAIR	0	
SL1	LIGHTING DISTRICT	1,263.13	1615
SD	STORM DRAINAGE	2,833.46	1518,1613,1614
SS	SEWER DISTRICT	94,457.00	1517,1518,1533,1541,1544,1558,1561, 1572-1603,1613-1614,1616
SW1	WATER DISTRICT	62,883.71	1517,1518,1533,1541,1544,1558,1561, 1572,1574,1575,1584,1585,1587-1591, 1595,1596,1600-1610,1613,1614,1616
TA200	PAYROLL DEDUCTIONS	7,040.33	1523,1557,1601,1612-1614,1616
	<b>TOTAL ABSTRACT</b>	<b>\$ 503,600.21</b>	

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

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

**DISCUSSION:** Request to waive water and sewer late fees (5988 Ivory Drive and Home Leasing/Farmington on the Creek). After a brief discussion the board declined to waive the fees as they have done in the past with other requests.

**WAIVER OF THE RULE: No Objections**

**EXECUTIVE SESSION: None.**

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 7:48 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk