

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 8<sup>th</sup> day of April, 2025, at 6:00 PM, there were:

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

Also present in person: **Dan Delproire** - Code Enforcement Officer, **August Gordner** – Code Enforcement Officer, **Ron Brand** – Director of Planning and Development, **Adrian Bellis** – Planning Board Member, **Bill Davis** – MRB Group, and **Dave Herman** – MRB Group, **Dimitri Stefanou**

Also present by telephone/video conferencing was: John Piper- Consultant

**PUBLIC HEARINGS: Appeal from Dimper LLC and Big Pan LLC – Code Violations in relation to some fire hydrants on those properties**

Mr. Stefanou stated that he is here representing Dimper LLC and Big Pan LLC, who own the apartments. He stated that he wanted to go back on how they got to the fire hydrants. Big Pan Company acquired Terrace Apartments in mid-2014 and at that time the property was put under contract and they did their due diligence and have never built anything in Farmington before. He added that had a good experience working with the officials and even a good experience through this process now. He stated that when they acquired the property, he reached out to Dave Degear who was in charge of the Water & Sewer. He stated that he sent Mr. Degear a letter and asked him a variety of questions as it related to the water and the hydrants. He added that Mr. Degear responded that he could not talk with him because he did not own the property, and they got a letter from the previous owner stating it was okay to talk to him. Mr. Stefanou stated that on April 1, 2014, he asked Superintendent Degear regarding the ownership and the maintenance involved and asked about the water meter, which water meters are right for the water supplies, he explained the water meters for buildings 03, 59, 305, 406, 2123, 1113 and 14, when were they last changed, if he had remote reading and if so how did it work, the ownership of the hydrant and to provide detail when they were flushed out and serviced, provide detail on service pressure of the hydrants and address the steps that need to be taken with the service at the front entire buildings. Once they got Mr. Degear to cooperate and respond, he did not really address anything, he just wrote a balsa letter back, Mr. Degear did not address anything regarding fire hydrants, no meters, no sewer drawings, just how it was handled. Mr. Stephano stated that they really weren't happy with that, but they closed on the property and when the bills started to come in they return them to the water authority stating that they were not their bills and did not understand what was going on. They kept on asking questions and their counsel advised to not pay the bill and then it was re-levied on to the tax bill.

Councilman Holtz commented that they were only there to address the violations with the fire hydrants and if this was in relation to that. Mr. Stefanou replied that it was all together. He added that there were questions along the way trying to address this and it was not getting resolved and here we are 11 years later. He stated that as it relates to fire hydrants, they were cited for violations that the board has in front of them. Mr. Stefanou commented that they got everybody together and had an informal meeting. He stated that the municipality is stating that he owns the hydrants and he stated that they don't own them. He added that the town does not have any information on the property, no drawings or maps or approvals from the 1960's, which he finds hard to believe. Mr. Stefanou did a little research and as he sees they do not own the fire hydrants; they do not own the water service and how he came to the conclusion is that they looked at maps that show there was an easement for water and sewer and that the previous owner would not have given an easement if they were in charge of them. On February 27, 1967, there was a recorded easement, where the easement was for a right of way including a perpetual right to enter onto the real estate herein and after described to seek construction, maintain, repair sanitary sewer, manhole, underground pipes, lines and/or mains for the purpose of continuing sewage through and under the lands described. He added if you look at the map it shows Terrace Lane and where the easements go, and then we start to look at the Town Code, as it relates to fire hydrants, Section 159-26 states that all street and road fire hydrants for private fire protection from unrestricted service lines are under the control of the water district. He added that describes all three fire hydrants, and that there are no exemptions, no carve outs, it is all. He stated that if you look at that and say alright, it is obvious, that if it's under the care, custody, and control it is the towns and couple that with the easement that they have, and the town has no documents proving otherwise. Mr. Stefanou stated that what really hit the nail on the head for him was that the water and sewer department sends a bill to Big Pan LLC for water, there are three legal entities on that street for at least four decades and NYS requires water authorities to bill for consumption but the water and sewer department is knowingly billing Big Pan LLC with the wrong amount and they know that and that the reason they know it is because they are billing one entity which is 50 units of apartments on Terrace Lane, they are not billing Dimper which is 72 units of apartments. They are different corporations all together, and there is another corporation that owns some land in the back. He added that the water and sewer department is knowingly billing for something that is incorrect, so as the property owner how is he supposed to pay the bill. He stated that the town can say that they share it, but that really isn't the case in NYS, you have to provide actual consumption in order to bill it.

He referred to Town Code Section 159-31, Sale of Water by Consumer, which states no consumer within the water district shall sell water to anyone for any purpose whatsoever. He added that the Town Code seems to be very thorough in is using the words all and any so, even if Big Pan figured a way to do, they cannot, pursuant to Town Code. For reasons he already stated, he believes the fire hydrants are not his and he has a water bill issue that he can't resolve because he does not own the waterlines. He added that each building is metered so it would be fairly simple to resolve the problem, but he cannot get anyone to take any action here. He stated that at the meeting they had, they looked at solutions, and one of the solutions was to get new meters in the buildings, get them updated, so they can bill for exact consumption, which he was okay with it so much that he even offered to split the cost to do it because he wants this fixed, he wants a resolution. He does not want to sit here and bicker over citations, and get the State involved, and go to court, but he will if he has to, they are not afraid of that, they feel they have enough information it would be overwhelming; however, they are looking for an amicable resolution and he comes to the board with petitioning that pursuant to the information that he has. Mr. Stefanou added that a few years back, a Town of Farmington vehicle pulls in and out came two ladies who scraped, cleaned and painted the fire hydrants so if the town is maintaining them and they are in the custody and control of them then they are the towns hydrants. He added that someone also comes, and places reflect sticks on them. He stated that the hydrants are not theirs, they have never touched them.

Councilman Bowerman asked if the easement he described was for the sewer easement, Mr. Stefanou stated it was for water and sewer, Mr. Bowerman stated that he only heard it was the transmission of the sewer lines when Mr. Stefanou was describing it. Mr. Stefanou replied that it states for repairing sanitary sewer, underground lines, and pipes, manholes, and or for transmitting through and under the land. Mr. Stefanou stated that the utilities line goes down the side, there are no easements for electrical.

Mr. Delpriore gave a little background information. He stated that the Fire Marshall has been out several times following up on these inspections (2/14/2024, 3/4/2024, 4/26/2024, 5/20/2024, 10/14/2024 and 1/17/2025) of the fire hydrants stating that they have not been maintained or inspected, which is a violation of the State Fire Code. He added that the reason they have treated it this way is because there is a master meter out at the road. Mr. Delpriore stated that all other properties within the town get fire inspections, that have master meters, are required to inspect their fire hydrants past that master meter, and it has been that standard since he has been working at the town. He added that they have cited other properties for the same problem, and they have been tested and had to replace their fire hydrants at their cost because the hydrants were after their master meter. He stated that he has worked with the water department looking at some maps and it looks like it was master meter was installed between 1978-1980 which would have been before sections two and three were installed and with the research that they have done it indicates like these would have been a privately maintained main and hydrant. He added that they have pursued this for the last year and as the applicant has stated tried to work out a solution and at that time a solution has not come about and the town has engaged the attorney and went to court on March 17<sup>th</sup>, where the Judge asked us to have a presentation to the Town Board to see if an agreement could be worked out before any further legal action can be taken.

Supervisor Ingalsbe stated that they did ask the engineers to go back and look for maps and the oldest one they found was from 1978/1980. Mr. Delpriore stated that in 1978 it went before the Planning Board for review, and they do have the approvals for Section 2. Councilman Holtz asked if the easement that the applicant is referring to, filed with the county? Is it strictly a sanitary sewer easement? It was commented that the one Mr. Stefanou read sounds like a sanitary easement, usually the easements are split out and not on the same one plus they are on opposite sides of the road from each other. Councilman Holtz asked if there were copies of this easement as he has not seen it. Mr. Stefanou stated that he has a copy of it (which has a county stamp on it), he just researched it, but he did not check to see if there were any more. Councilman Bowerman asked when the master meter was put in was there two separate corporations there, it is confusing because it looks like one big apartment complex but technically is owned by two different properties. Mr. Stefanou stated that Terrace Apartments was built in the 1960s, Saddlebrook II (36 units) was a separate corporation built in 1981, and Saddlebrook III (36 units) was built in 1983 and were completely separate entities and different people owned them. Councilman Bowerman questioned the Planning Board resolution identifying phase 1, 2, and 3 but somehow, they were three separate corporations. Mr. Delpriore replied that the Planning Board minutes are short, and it does indicate phase 1, 2, and 3. It does show that on the second phase is on the second parcel. Councilman Holtz asked if all the hydrants on one parcel or are the split between the three different ones. Mr. Delpriore replied that they're on three different and that it why there are three violations. Councilman Casale asked if there was anything stating since they were put it that these should have been maintained and who maintains them, nothing had to be done to them from 1978 to now. Mr. Delpriore replied that they should have been inspected and maintained all along, but they cannot find any records of it. Councilman Casale commented that generally in the town when they have private property like that, who generally does the inspection. Mr. Delpriore replied that usually a third party that the owner hires. Councilman Casale replied is that the standard procedure, Mr. Delpriore replied yes, it is. Councilman Casale stated that the town has not had any reports for all those years, Mr. Delpriore replied nothing that they can locate. Councilman Casale asked if the hydrants work. Mr. Delpriore replied that they do not know if they do or not, that is the major problem they have right now. Mr. Stefanou stated that they have not touched them, so he does not know either if they work or not. Councilman Bowerman commented that the Fire Department might have been the ones who painted them as they do go around and check them in the winter.

Supervisor Ingalsbe asked what is the date of the Planning Board minutes. Mr. Delpriore replied October 18, 1978, and they read as follows: Ambrose presented plans and requested final approval for Terrace Apartments Route 332, three buildings, brick facing, 16 apartments per building, water meters presently in each building, Chaplin made a motion with a second to grant final approval for the approved with a stipulation that a master meter be installed. It went to a Roll Call vote and all agreed. Supervisor Ingalsbe commented that it does not mention anything about the phases. Mr. Delpriore commented that it (the resolution) does go with a map that has phase two written on it, which shows the master meter location, which is signed by the Planning Board. Councilman Bowerman asked if it is possible that a singular corporation/person applied for the application then split off later. Mr. Delpriore commented that those records are not available, it is not real clear on that information. He added that he does not find the traditional application like that have now a days.

Councilman Holtz stated that the Board does not have to make any decision tonight, this is information that they can consider before the court date. Mr. Davis stated that there is a sewer easement that gives evidence that sewer may have been dedicated to the town but the water they have not found any easements for and they found that a master meter was installed which would give an indication that water was not dedicated. Councilman Bowerman stated that it seems like when this happened, there was a singular entity that was developing this property and then the master meter was put in and the parcels were then divided amongst other entities. He understands the issue, not that they were discussing that this billing problem with different entities beyond the master meter but that seems like something he inherited, an initiative that was created by the original applicant when they signed it. Mr. Stefanou thought that there were definitely different owners, and there were a lot of people involved and the government was involved that as well is before his time. Mr. Stefanou stated that it was not one person/corporation owning it and then split it, it was three separate corporations from the ground up. Councilman Bowerman commented that the original easement was for a singular corporation, Raceway West Corp. as far as the sewer easement goes, no one else is listed on the sewer easement, sewer line runs across multiple properties. Mr. Stefanou stated that if there were minutes, it would probably show that there were three parcels at that point. It is just speculations because there are no minutes from the meetings. They see nothing regarding water just sewer on the easement. Supervisor Ingalsbe commented that Big Pan was purchased it in 2014, and asked what Dimper purchased their parcel. Mr. Stefanou replied probably in 2017.

Supervisor Ingalsbe stated that his contention is that the meter pit went in in the early 1980s, and a drawing from the late 70s and that they have other locations within the town commercial that had meter pits, and everything passed the meter pit is private. Mr. Stefanou commented that the State has been very slow in providing information and Rt. 332 has been widened several times from the 1960s to today and the drawing that was shown in their meeting showed a pit that was not there so the question is who changed the pit, and no one knows. He added that the people at DOT have been researching it but no answer yet and would be happy to share it once he gets the information. He added that there has been an additional party out there that has had access to the front of that property, and they have done stuff because the road has been widened significantly since 1968 so, he doesn't know if there was a pit that was changed, and the previous owner has no knowledge of it either. So, he is trying to find that other piece out, he thinks DOT probably can shed some light on it because they do a bunch of drawings before they even remotely go shovel the ground, so he is sure they have photographed it, what was there and what was changed.

Supervisor Ingalsbe commented that our solutions back in March was to put all the meters in the buildings for phase two and three and you would take the water going through the meter pit minus the meter usage in the new meters and the difference would be the new bill for the property out front. Councilman Holtz stated that is a separate issue. Supervisor Ingalsbe commented that he doesn't see anyway around it other than another meter pit going into the other two pieces of property, it's still our contention that anything past the meter is private, and not ours. Mr. Davis made a comment for the board and the staff to take under consideration as well you're talking about taking ownership of a line that we don't have an easement or any paperwork on dedication something was found, it would be clear evidence that the town you know could own that and take ownership of it but if you set a precedence to take ownership of a line that doesn't have an easement then you're going to subject yourself to how many other potential owners that have private lines that could approach the board for the same circumstances. Councilman Bowerman asked if there were meters on the phase two and three buildings, Mr. Stefanou replied that there are meters in every building. Mr. Gordner stated that the one building they had issues with that they did have to condemning, each building does have massive water meter in them and at the time when that time occurred and it was removed water and sewer, it was Robin at the time, stated that those were not town meters. He added that we've never used those meters installed and that it was a brand we never used. Councilman Bowerman stated that it sounds like that was their solution to the master meter billing problem is they put their own meters in, so they could sort out the bills by themselves later on. And I did reach out to the meter manufacturer and they did acknowledge that municipalities buy those meters, and they were researching. Mr. Stefanou stated that the company had been bought three times over over the decades; and so, they were going through micro fishe trying to find out who bought those meters. He does not have an answer on that either, but they did say that that company sells a brand that most municipalities use. Councilman Bowerman commented that the town would have no reason to put in a master meter and then individual meters on the buildings after that.

Councilman Bowerman stated that there'd be no reason to have those meters, it seems like this was probably is most likely developed by one owner and then split off into different sections for whatever housing benefits they get because we've dealt with that with a recent project where they own and sold a section of the housing to a different LLC, so they were entitled to more government funding than they would have been allowed to if they had developed the property, so their solution from beyond the master meter sounds like they metered each building so they can sort out the water bills themselves. Councilman Bowerman stated that's an agreement that everything from this master pit and beyond is the is their responsibility to build that the town once the mastering is put in we're no longer responsible for any of the water lines beyond that.

Mr. Stefanou stated that if you operate off of that premise, then before the meter was put in and you were reading all those meters on those five buildings plus there was a fire hydrant there as well, so that would have been the responsibility of the municipality at that point because there was no master meter. And there is no way to monitor that, so by your following your logic then, the first five buildings were monitored by the municipality because remember that the connection to the water is across 332 it's not on the side so when they built it, they ran a line across 332 and then they would have gone to each of the buildings, which makes sense. They all had meters and also a fire hydrant. Then the fire hydrants were maintained by the municipality because they were reading the meters of buildings before the development in the back. Councilman Bowerman commented until they have switched to a master meter, at which point everything beyond the master meter is now privately maintained, which is how every other project in town has been managed. Mr. Stefanou replied right, but if that is by that logic then the town gave back the fire hydrants to the owner and gave back the master meter, that wouldn't make since, the owner would never, if that scenario existed, would never take back a fire hydrant and then the master meter, it doesn't make sense. He added that in the 60s when the meters were put in and there was no meter pit, they had to read the meters somehow, so he is guessing those meters were read and that is how they were billed for water. But then also the town was paying for the fire hydrant because there is no meter before the fire hydrant. It was put in, based upon what they're saying, in the late 70s, early 80s. Councilman Holtz stated that even at his house he is responsible for the line after the shutoff, even though it is before the meter. Mr. Delpriore referred back to the Planning Board in minutes, it was a condition of approval for a master meter to be installed; so they might have been told they had to put in a master meter, which would be why that they would have to take the hydrant back.

Councilman Holtz commented that it was never dedicated by the town, the line was never dedicated, it is not a matter of taking it back. Mr. Delpriore replied right. Councilman Bowerman commented that it is a matter of figuring out where you are putting the meter to bill them and then once they were expanding the project, a master meter would have been put in for the whole property. Mr. Stefanou asked then for 12 years, how did they read the water? Supervisor Ingalsbe replied that somebody read it. Councilman Holtz replied that there is no way to know that. Dave Herman stated that the plan that they had in their records has a handwritten review comments from their firm that reviewed it, and there is a note on it that says originally no pit because main was to be dedicated, so he thinks that might explain why there's a pit now in phase two because the original phase one was supposed to be dedicated but he can't tell you why it wasn't, seems like it was supposed to be and once they went in for phase two it never got dedicated and they said, okay, now you have to put a pit in. And maybe they were using the meters in the building at first, and let's just put a master meter in here instead, and that might help explain why there's confusion between the phase one and two.

Mr. Gordner stated that the violation that he issued for those three hydrants, that are existing over on Terrace Lane as of right now, the fire department will not hook any of those hydrants, meaning they are going to lay over 1,000 feet of five-inch LDH, if there is any type of fire event on that property. He added that from his side, solely his side, he just wants to know that the hydrants work, if they have adequate pressure and so forth, so the fire department has access to them. He added that the fire department has been advised not to hook to them because they do not know what the pressures are or even if they can be opened. He reminded the Board that the violations were issued after the February 14<sup>th</sup> fire inspection. Working with Dimitri and again confirming his take is that they are not his, and he confirmed with water and sewer who said they're not ours, not town owned in that aspect. Obviously, that is what drove the violations to be issued by him. His biggest concern is that we have three hydrants that no one has any idea if they work if there's adequate pressure and life safety is very important so that's a lot of hose for the fire department to lay down. Building Department went through their records and the software they currently are using goes back to about 2010 and there is no records of any previous fire inspections or having any inspection reports for fire items but just because there is none in the system doesn't mean they didn't happen. The most important thing is to get them inspected because they may need to be used so they should try to resolve this as soon as possible.

Councilman Holtz asked Mr. Stefanou if it is still his stance that they are not his fire hydrants, and he cannot maintain them? Mr. Stefanou replied correct. Mr. Delpriore stated that they are back in court on the 21<sup>st</sup> so obviously the board does not need to make a decision tonight, but we're looking to have a decision rendered fairly quickly so that we can get that information to the courthouse, so we all know how to proceed. Councilman Holtz asked Dave Herman if he had the map, and Dan stated he had the map too, Councilman Holtz asked to send them copies.

Councilman Holtz thanked everyone for coming, meeting was closed at 6:48p.m.