

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 22nd day of November, 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, **Dave Conti** – Water & Sewer Superintendent, **August Gordner** – Code Enforcement Officer, **Ron Brand** – Director of Planning and Development, **Adrian Bellis** – Planning Board Member, and **Tim Hannan**- Conservation Board Member, **Larry and Jenny Potter** – residents, **Dave Herman** – MRB Group, **Don Giroux**- Farmington Volunteer Fire Association, **Phil Robinson** – Farmington Volunteer Fire Association, **Robert Brenner**- Power project, **Brian Mahoney**- Power project, **Michael Montalto** – Farmington Market Center, and **Tonia Ettinger** – resident

Also present by telephone/video conferencing were: **John Piper** – HR Consultant, **Michael Phillips** - resident, **Dan Delpriore**– Code Enforcement Officer, **Angelo Ingrassia** – Farmington Market Center, **Corey Auerbach**, **Amy Dake**, **Jeffrey Ashline**

PUBLIC HEARINGS:

FARMINGTON MARKET CENTER REZONING- CONTINUED FROM THE OCTOBER 25TH, 2022 MEETING

Mr. Brand stated that there are two representatives from Fishers Associates in attendance and that only one response in regard to the traffic study was received. Mr. Falkner (Fishers Associates) summarized the report and gave an overview. He stated that they were asked by the board to review the traffic impact studies from each of the three proposed developments for completeness. They were asked to look at trip generations in terms of distributions for each of the developments and to look at what the impact of the existing driveway at Farmington Market Center to a right in and right-out reconfiguration and all the left turning traffic moving to the new proposed intersection at Route 96 and Mercier Blvd. Finally, they were asked to look at the potential for a new traffic signal at Mercier and Rt. 332 and potentially when that would be warranted in the future. He stated that they went through all of the analysis and provided the Board with a letter with their results and what each share of the developments would be adding to the Rt. 96 and Mercier Blvd. intersection and G&A had a small component in that, the majority of that traffic will be going through that intersection would be from the Farmington Market Center and GLN developments, almost a 50/50 split. He stated that they are in the process now of coming up with an independent analysis of the proposed mitigation at that intersection, how it would operate, what it would look like, independent of the previous analysis that were done by the engineers of the developers and come up with an independent cost estimate of how much they think it will cost so that the Town Board and Planning Director can come up with what the fair share would be for each of the developers.

Supervisor Ingalsbe asked if there were any questions from the public, there were none. Mr. Brand stated that he had talked with Zach Starky from the Regional Office of the NYSDOT, and they are still reviewing all of the information and he is trying to set up a meeting next week. He added that DOT stated that in one aspect said that they can build the first phase of GLN and Farmington Market Center and not require a warrant for a signal light to be installed on Rt. 96. Mr. Brand stated that other traffic studies have said that by the time they build out both phases you will need a traffic signal. He added that Fishers also supported that conclusion as well so the DOT is reconsidering their previous commitments that they made and hopefully they will have new information for them, that's all important to them from the standpoint of whether there is any large impact being created by the Farmington Market Center joining in using the Mercier Blvd. and Rt. 96 intersection so as far as the equity question that is something they are working on and hopefully they will have some amenity issue to discuss when they meet in December. Since Mr. Brand did not receive any other comments, he drafted a resolution to continue this to allow for the completion of Fishers work and to allow the DOT to way in and to provide the Town Board with the information to make the determination of significance.

Mr. Auerback, attorney for Farmington Market Center, stated that the Board is aware of the history of project and at one point in time the proposed SEQR documentation were on an agenda and subsequent to those items being on the agenda some communication was received on behalf of GLN and it raised some concerns regarding the sufficiency of the traffic impact study that had been prepared and submitted with the Farmington Market Center rezoning request. He added that the implication was that the traffic impact study was outdated and that the Town Board could not make a determination of significance based upon what was alleged to be outdated information. He stated that he submitted a letter to the Board requesting that no further action be taken until such time that they would be able to respond to the letters that were submitted to the Town Board and in the intervene period Passero Associates did update the traffic impact study with current data that took into account the background traffic from the GLN project that had been subsequently approved after the original Farmington Market Center traffic impact study was prepared and they did submit that document to the Town Board and at the concluded of that study there was no potentially significant environmental impact associated with that traffic study and during that same time period questions were raised regarding a fair share or equitable contribution related to costs associated with the extension of Mercier Blvd. from Rt. 96 to Rt. 332, that extension was approved separately by the Board as part of the GLN site plan approval

process where they proposed to make that connection to their approval by this Board that he would propose that cost sharing among the developers for this project and/or the Town and others is not a SEQR issue related to the potentially significant environmental impact for this project, and that may be needing to be addressed but certainly the cost sharing among the developers is not an environmental issue that the negative declaration or the determination of significance be continued upon. He added that there was extensive conversation that occurred between the Town and Farmington Market Center in establishing what appropriate incentives might be pursuant to the Town's incentive zoning law, which included a lot of back and forth between the developer and the Town until they were able to come to some conclusion regarding what incentives were appropriate to make the zoning proposal work for the developer and the Town. Mr. Auerbach stated that those recommendations went to the Planning Board back in March, the Planning Board issued their recommendations to the Town Board essentially concluding that the proposal meets the policies in the Town's Comprehensive Plan and they certainly think it furthers the incentive zoning requirements and criteria for incentive zoning and they will continue to participate in the conversation as it relates to the improvements that are brought into question for the Board. He believes the criteria for incentive zoning have been accomplished, that the proposed development furthers the Town's Comprehensive Plan, the recommendation for approval from the Planning Board regarding the incentive zoning project, they have provided sufficient documentation to the town demonstrating that there will be no significant impact to the environment to the town, and they look forward to the continued dialog with the town and participating in the process.

Mr. Brand stated that the only issue that remains is trying to identify the amenity value for this project as it has been affected by relocating the intersection off their property, which was not part of the original traffic study that was done for Farmington Market Center. He added that as far as SEQR goes, they have not heard of any more negative concerns about traffic and what they have heard is equity issues which is something SEQR does not address, but it is something that they as a Town Board with the incentive zoning need to ensure that the project they are looking at isn't going to have a negative impact on adjacent lands and that is where the study that Fisher Associates is finishing up will help the Board with that. Mr. Brand stated that the Board can close the public hearing and wait until they receive the report from DOT and Fisher Associates and then once they make a determination of significance to see where they will go with the amenity values for the project. Councilman Bowerman stated that the public hearing was just for the traffic impact study not cost sharing and what Fisher's discussed is a separate matter they are working on.

Supervisor Ingalsbe stated that there is a resolution closing the public hearing. Public Hearing closed at 7:17 p.m.

A LOCAL LAW REPEALING THE EXISTING CHAPTER 74 OF THE CODE OF THE TOWN OF FARMINGTON AND ADOPTING A NEW CHAPTER 74 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NYW UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE

Supervisor Ingalsbe opened the public hearing at 7:18 p.m. The Town Clerk read the legal notice.

Mr. Gordner stated that part of the adoption of the new Chapter 74 Fire Prevention and Building Code is more local enforcement of the stricture sprinkler ordinance for all commercial buildings and that it essentially takes the ordinance of the NYS Fire Prevention Code and cuts the requirements is half. He added that he reached out to the fire departments and they are in support of this local ordinance. He stated that he also submitted a letter to the Town Board in support of this and this ordinance will give the men and women fighting these fires and responding to these emergencies more time to get there and respond to the emergencies and eventually preserve life and property. Mr. Gordner stated that even State will tell them it is the bare minimum and if you build something to code that's great, but it's the bare minimum required and that is what everyone builds to because of the cost for more expensive system. He stated that if the Dollar General had a sprinkler system, he is confident in saying it probably wouldn't have burned down, and the fire department was on scene within in six minutes.

Mr. Delproire stated that Chapter 74, as the Town Clerk read off, has a lot of information as it is a very large chapter and some of the requirements came from the State and them updating their requirements of what each municipality must enforce. He added that he worked with Mr. Brand and Jeff Graff, the Town Attorney. He added that there wasn't much to change but there were some areas that the could and on the fire side it gave them the opportunity to add more restrictive code requirements. Mr. Delproire stated that the Dollar General and America's Best Value Inn are rebuilding with sprinklers in them. He added that Jeff Harloff, the Coordinator from the County, also made it clear that the Dollar General would still be standing if it had sprinklers. He appreciates the Board considering this and hopefully they can move this to the State level with a petition and get this approved. On another not, he added, that Victor, our neighboring town, has a more restrictive code in place and they have had very good luck with it in preserving buildings.

Mr. Robinson, Farmington Volunteer Fire Association Chief, stated that he is in favor of it. Mr. Giroux, Farmington Volunteer Fire Association Member, stated that he was in favor of it as well and he believes it to be a lifesaving consideration.

Supervisor Ingalsbe asked if there were any more comments both in person and online, hearing none, the public hearing was closed at 7:28 p.m.

APPROVAL OF MINUTES:

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

PRIVILEGE OF THE FLOOR: Larry Potter, resident

Mr. Potter commented on the Planning Board's recommendation to the Town Board on the Power's rezoning by stating that the Planning Board did not take into consideration the concerns that were brought up at their meeting as far as the drainage. He added that he not against the development but if anyone goes out and looks at the land, they will see that the land slopes in their backyards and no matter which way they put their ponds it is going to flood their land quicker. He added that they are in the drainage district and nothing has ever been done with this problem and he thinks there should be some consideration to those who live in the drainage district to correct this problem.

Supervisor Ingalsbe stated that there is a meeting next Tuesday night with the County Highway Department and their engineers are going to talk about the County Road 8 improvements and next year's plan on replacing the some of the pipe culverts along County Road 8 from Route 96 to the County Line and in 2024 they plan on rebuilding, repaving, are replace new guardrails where it is needed. He added that one of the problems the town struggles with that years ago the town tried to expand the drainage district to the east of County Road 8 the town received a lot of complaints/comments stating that they didn't want it and some of it came from the farmers so the Town Board years ago did not expand the County Road 8 district so legally the town can not work on the drainage east of County Road 8 except for in the road right of way areas and the same goes for the County. Supervisor Ingalsbe stated that along with Mr. Brand, have been working with Ontario County for four/five years to get a joint coalition together starting in Bristol and goes through Bloomfield and comes through Victor then Farmington then east through Manchester and eventually is goes through to Wayne County and they have not made much progress and the County put a plan in place, but they have had much time to work on it. He stated that they have worked with the Ontario County Planning Office and they plan on meeting sometime with the municipalities to discuss the overall issue and go for some grant money to have a study done and then possible having a County Drainage District.

Mr. Delproire commented that every development that they get in town has to per our code requirements no matter where they are in the town, can't discharged more water off of the property than the current situation, it has to be equal or less, and most of the time, after MRB reviews it, it is less water and that is from retention and treatment of the water on site with ponds and rain gardens. He added that there a whole lot of things an applicant has to go through with engineering firm. With all the projects they look at drainage. Supervisor Ingalsbe stated that they are going to talk about tonight a little, but they cannot promise anything until they look at the plans once they get through the preliminary and final then they will basically know where the water run off is going to go and how it is going to be retained. Mr. Potter asked who owned the railroad, Supervisor Ingalsbe replied that the Ontario County does. Mr. Potter asked if the County would be responsible for the ditch that runs along the railroad, Supervisor Ingalsbe replied that it would either be the County or Finger Lakes Railroad. Mr. Potter stated that the drainage goes underneath the railroad is plugged off so it turns and comes back to their properties but if it was cleared it might alleviate some of the problem. Councilman Holtz suggested to look on the GIS System to see who owns it and reach out to them, Supervisor Ingalsbe agreed.

Mr. Brand stated that Finger Lakes Railroad is the operator of the County owned railroad and the concerns Mr. Potter is identifying is coming from the County land and he encouraged Mr. Potter to come to the meeting on the 29th and address the issue with them so they can take that into consideration. He added that in the past he heard similar concerns about a development and drainage (Hathaway's Corners) and everybody at that time was concerned about drainage and flooding and he is not aware of any issues about drainage since those projects started. Mr. Brand stated that what they are dealing with is existing runoff conditions from lands that have been actively farmed and it is something that as they get more into the Powers Incentive Zoning Project, they might flush out some ideas and thoughts.

PUBLIC CONCERNS:**REPORTS OF STANDING COMMITTEES:****Public Works Committee: Councilman Herendeen reported:**

1. Discussed clay valve for influent building has been installed.
2. Discussed Bio Screw pilot has been transferred to the NW Facility in Monroe County. Sludge cake was delivered to NW Facility.
3. Discussed Low Lift Pump VFD cooling fans need to be replaced.
4. The Bell and Gossett pump has been delivered and ready to be installed.
5. Discussed replacement parts for the UV Disinfection system.
6. Discussed quotes from Cook Iron for new fall arrest equipment.
7. Discussed watermain replacement at the intersection of Rt. 332 and Rt. 96.
8. Discussed watermain replacement at Townline Road.
9. Discussed Flow Testing- Sewer Flow Meters were inspected on November 11, 2022.
10. Discussed PS-25.
11. Discussed DOH inspection report – several violations have been addressed. Meeting with City of Canandaigua on November 21, 2022.
12. Discussed Hook Road Watermain Repair.
13. Discussed software migration from BAS to Muni-Link.

Highway & Parks:

1. Highway- equipment maintenance, wedged various roads, repaired shoulders, repaired sidewalk on New Michigan, installed plow marker stakes, mixed salt, and repaired stone dust trails at Hickory Rise.

2. Parks- Building and Park Maintenance, mowing parks and trails, removed tables and trash cans from parks, getting plows and salter ready, winterizing restrooms, installed sidewalk markers, installed donated bench at Mertensia Park, and repaired stone dust trails at Beaver Creek Park.
3. Discussed resolutions for meeting.

Town Operations Committee: Councilman Bowerman reported:

1. Discussed various projects -TAP Grant project, Short-term rentals.
2. Report filed with Town Clerk and posted on website.

Town Finance Committee: Supervisor Ingalsbe reported:

Town Public Safety Committee: Councilman Holtz reported: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Peter Ingalsbe reported:

1. Volunteered at County for Covid inoculation event.
2. Attended a Public Safety Meeting at the Town of Victor with Victor-Farmington Ambulance Corp. and Fishers Fire Department, Victor Fire Department and the City of Canandaigua, the County Administrator, and the Deputy County Administrator, Supervisor Campbell from West Bloomfield.
3. Met with City of Canandaigua along with the Water & Sewer Superintendent Dave Conti, Town of Canandaigua, Town of Manchester, and engineers. Talked about the Intermunicipal Agreement to buy water from the City. Extend agreement for one year with little changes. They also discussed the water plant compacity capabilities the Department of Health issuing towns and Wayne County violation notices because their THM readings are up over the 80 parts per billion. City of Canandaigua realizes that they need to do more, and they already put in their budget for next year around \$300,000 to look at options.

Highway& Parks Superintendent Tim Ford reported:

1. Working on removing dead Ash Trees on Yellow Mills Road.

Town Clerk Michelle Finley reported: None.

Water & Sewer Superintendent Dave Conti reported:

1. Finalized meeting tomorrow with Badger for the purchase of new meters.

Code Enforcement Officer August Gordner reported:

1. Busy working on the Chapter 74 updates.
2. Sprinkler issue at Comfort Suites – issued is resolved.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.
2. Fishers Associates working on sidewalk legal descriptions for the TAP Grant.
3. Received a response from Simmons Rockwell on their four parcels of land on Rt. 96.
4. Working on draft local law for the Power's Incentive Rezoning project.
5. Will be meeting with developers regarding some land in the Town of Victor.

Assessor Paul Arndt reported: None.

Town Engineer Dave Herman reported: None.

1. Working on updating the plans for the next phase of North Road Water.
2. PS 25 has been upgraded and running, no other issues.
3. Update on the Rt. 332 and 96 Watermain project.

Fire Chief reported: None.

Planning Board Member Adrian Bellis reported:

1. Last meeting – was cancelled.
2. Next Meeting- Dental Clinic sign and Preliminary Site plan for parcel on Hook Road.

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 Member Tim Hannan reported:

1. Next Meeting – November 28, 2022.

Town Historian Donna Herendeen reported: None.**Swap Shop Update: Councilman Holtz reported: None.****Agricultural Advisory Committee Chairman Adams: None.****COMMUNICATIONS:**

1. Letter to Margaret VanEpps from the Director of Development. Re: Sidewalk Easements.
2. Letter to Susan Vermeire of Cook Properties, LLC from the Director of Development. Re: Sidewalk Easements.
3. Letter to the Town Board from Ryan Destro of BME Associates. Re: Power Property.
4. Letter to the Director of Development from Peter Vars of BME Associates. Re: GLN Farmington/Farmington Market Center Traffic Engineering Review.
5. Letter to Laurie Blaasch of Simmons Rockwell Development, LLC. Re: Sidewalk Easements.
6. Letter to the Town Supervisor from William Keane of the NYS Department of Education Grants Finance. Re: Indirect cost rates for the 2022-2023 program year.
7. Letter to Residents from Ontario County Public Works. Re: Public Information Meeting for County Road Improvement Project.
8. Certificates of Liability Insurance from: Meyers Environmental, Inc.; Tesla Energy Operations, Inc.
9. Certificates of Workers Compensation Insurance from: Meyers Environmental, Inc.

REPORTS & MINUTES:

1. Manchester Fire Department Incident Run Log – October 2022.
2. Historic Preservation Meeting Minutes – August 11, 2022.
3. Historic Preservation Meeting Minutes – October 13, 2022.

ORDER OF BUSINESS:**RESOLUTION 439-2022:**

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

RESOLUTION TO CLOSE THE PUBLIC HEARING UPON THE FARMINGTON MARKET CENTER INCENTIVE REZONING ACTION

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has by adopting Town Board Resolution Number 407 of 2022 (hereinafter referred to as Resolution) dated October 25, 2022, continued the public hearing on the above referenced Action to tonight's Town Board Meeting for the Farmington Market Center (FMC) Incentive Rezoning Project; and

WHEREAS, notice of said public hearing was duly posted on the Town's website and posted on the Town Hall Bulletin Board, on Friday, November 18, 2022, as required to be given; and

WHEREAS, said public hearing was duly held tonight and all parties either in attendance or attending remotely on ZOOM were permitted an opportunity to speak on behalf or in opposition to said Action; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town of Farmington to close the public hearing upon the proposed Action.

NOW, THEREFORE BE IT RESOLVED, the Town Board does hereby declare it to be in the best interests of the Town to close the public hearing and does hereby close the public hearing upon the FMC Incentive Rezoning Project.

BE IT FURTHER RESOLVED, that the Town Board does hereby declare its' intent to make a determination of significance upon said Action at its' meeting on Tuesday, December 13, 2022.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide a certified copy of this resolution to the identified involved agencies under the State Environmental Quality Review (SEQR) regulations thereby keeping them informed of the ongoing deliberations upon the proposed Action and the status of a pending determination of significance to be made under SEQR.

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

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

RESOLUTION #440-2022:

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

CLASSIFICATION OF ACTION, UNDER THE PROVISIONS OF 6NYCRR, PART 617, ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW, ENTITLED "ADOPTION OF A LOCAL LAW REPEALING THE EXISTING CHAPTER 74 OF THE CODE OF THE TOWN OF FARMINGTON AND ADOPTING A NEW CHAPTER 74 ENTITLED THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE."

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Board) has received, reviewed and accepted the final draft of the above referenced amendment to Chapter 74 of the Code of the Town of Farmington (hereinafter referred to as Action); and

WHEREAS, 6NYCRR, Part 617.2 (b) (3), article 8 of the New York State Environmental Conservation Law (ECL) defines an “Action” includes adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and

WHEREAS, the Board has reviewed the lists for classifying Type I and Type II Actions contained within the ECL.

Now, therefore, be it RESOLVED, that the Town Board has reasonably concluded the above referenced Action is hereby classified as a Type II Action based upon the following determination:

The State Legislature’s action to authorize the amendments made to the State Uniform Building and Energy Codes is classified as a Type II Action within Part 617.5 (46) of the ECL. The State Office of Fire Prevention Control has made these amendments and in turn has directed local municipalities to amend their existing Uniform Code Chapters in accordance with these amendments which was classified as a Type II Action. Adoption of the amendments to the State Uniform Code involves procedures (actions) covered in Part 617.5 (25) of the ECL that are of a ministerial nature involving no exercise of discretion where the issuance of building permits is predicated solely on the applicant’s compliance or noncompliance with the relevant local building or preservation code (Chapter 74 of the Farmington Town Code). The engaging in review of any part of an application to determine compliance with technical requirements (Chapter 74) does not entitle or permit the project sponsor (applicant) to commence the action unless and until all requirements of 6NYCRR, Part 617, article 8 of the ECL have been fulfilled.

Be it further RESOLVED, that Type II Actions are not subject to review under this Part as they have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the ECL, article 8.

Be it finally RESOLVED, that the Town Board by making this classification upon the above referenced Action has satisfied the procedural requirements set forth within the State’s Environmental Quality Review Act and directs the Town Clerk to file a Certified Copy of this resolution with the Town’s file on this Action.

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

RESOLUTION #441-2022:

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

RESOLUTION AUTHORIZING ADOPTION OF A LOCAL LAW REPEALING THE EXISTING CHAPTER 74 OF THE CODE OF THE TOWN OF FARMINGTON AND ADOPTING A NEW CHAPTER 74 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NYS UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Farmington for a public hearing to be held by said Town Board on November 22, 2022, at 7:01 p.m. at the Farmington Town Hall, 1000 County Road #8, Farmington, New York, to hear all interested parties on a proposed Local Law entitled “A Local Law Repealing the Existing Chapter 74 of the Code of the Town of Farmington and Adopting a New Chapter 74 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Farmington, on November 15, 2022 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on November 22, 2022, at 7:01 p.m. at the Farmington Town Hall, 1000 County Road #8, Farmington, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interest of the Town of Farmington to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington hereby adopts said Local Law No. 7 of 2022, entitled, “A Local Law Repealing the Existing Chapter 74 of the Code of the Town of Farmington and Adopting a New Chapter 74 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code”, a copy of which is attached hereto and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Farmington and to give due notice of the adoption of this local law to the Secretary of State of New York.

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

LOCAL LAW NO. 7 OF 2022

A LOCAL LAW REPEALING THE EXISTING CHAPTER 74, IN ITS ENTIRETY, OF THE CODE OF THE TOWN OF FARMINGTON AND ADOPTING A NEW CHAPTER 74 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE

SECTION 1. Authority

The Department of State has filed a Notice of Adoption of a rule repealing and replacing Part 1203 (Uniform Code and the Energy Code: Minimum Standards for Administration and Enforcement) of Title 19 of the New York Codes, Rules and Regulations. Section 1203.3 of this Part contains the minimum features of a program for administration and enforcement of the Uniform Code and the Energy Code. Pursuant to Executive Law § 381 and Energy Law § 11-107, the Town is required to administer and enforce the Uniform Code and Energy Code in conformance with the minimum standards prescribed by Part 1203. The Town provides for the administration and enforcement of the Uniform Code and Energy Code in Chapter 74 of the Code of the Town of Farmington and, pursuant to the new Part 1203, must repeal the existing Chapter 74 and adopt a new Chapter 74 in keeping with Section 1203.3.

SECTION 2. Chapter 74 (Construction Codes, Uniform) of the Farmington Town Code, as previously amended by Local Law No. 16 of 2021, is hereby repealed in its entirety. A new Chapter 74 of the Farmington Town Code is hereby inserted in its place to read as follows:

Chapter 74 BUILDING CONSTRUCTION, FIRE PREVENTION AND ENERGY CONSERVATION**§ 74-1 PURPOSE AND INTENT**

This Chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. The local law adopting this Chapter is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, other state law, or other section of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter.

§ 74-2. DEFINITIONS

In this Chapter, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this Chapter.

“Certificate of Compliance” shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 74-3 of this Chapter.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code, Energy Code and Town Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 74-3 of this Chapter.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 74-10 of this Chapter. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this Chapter.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 74-17 of this Chapter.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 74-6 of this Chapter.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 74-7 of this Chapter.

“Town” shall mean the Town of Farmington.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

§ 74-3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this Chapter. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, 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;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 74-17 (Violations) of this Chapter;

(7) to maintain records;

(8) to calculate permit fees as set by the Town Board and that are collected by the Town Clerk's Office;

(9) to pursue administrative enforcement actions and proceedings.

(10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this Chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this Chapter; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter.

(b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, 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 the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder. The Code Enforcement Officer 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 Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter.

(d) One or more Assistant Code Enforcement Officer may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Chapter. Each Inspector

shall, within the time prescribed by law, 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 Code Enforcement Officer, shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) A Fire Marshal may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. The Fire Marshal 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 Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. The Zoning Officer 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.

(g) The compensation for the Code Enforcement Officer, Assistant Code Enforcement Officer, Fire Marshall, and Zoning Officer shall be fixed from time to time by the Town Board of this Town.

§ 74-4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the 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 Town.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of playhouses, swing sets or similar uses, provided the gross floor area does not exceed 100 square feet;

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5'-9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) 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

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(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 five-inch Stortz-type Fire Department connection (FDC);

(2) Fire Department connections (FDC). Location and signage. The 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, 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;

(3) Addressable Fire Alarm system. All new buildings, except those buildings set forth below herein, shall be required to have a National Fire Prevention Association (NFPA) compliant addressable fire alarm system installed and operational;

(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 30 business days of the event; and

(6) Alterations. Whenever a proposed alteration, addition or repair to an existing building exceeds 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.

(e) Fire prevention exemptions. The following exemptions from the fire prevention requirements set forth above in § 74-4D 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 as determined by Ag and Markets. These determinations made under this subsection shall be reviewed 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):

(a) are not higher than one story;

(b) are located at least 100 feet from any other structure; and

(c) 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 in height and located near the main entrance to said building; and

(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.

(f) Variance to requirements set forth above in § 74-4D shall follow the same procedures outline in Chapter § 165-98 Variance and appeals procedures. The variance can only be for the standards of construction as set forth in § 74-4D and at no time can the variance be granted pursuant to such process that would reduce any requirement below the level established by the State Uniform Code.

(g) Applications for Building Permit. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. 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 Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) The applicant's name, phone number, email address, and home or business address;

(2) a description of the location, nature, extent, and scope of the proposed work;

(3) the tax map number and the street address of any affected building or structure;

(4) the occupancy classification of any affected building or structure;

(5) Proof of ownership of the premises where the work is to be performed.

(6) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(7) at least One set of construction documents (drawings and/or specifications), hard copy or PDF which:

(i) describe the location, nature, extent, and scope of the proposed work;

(ii) show that the proposed work will conform to the applicable provisions of the Codes;

(iii) show the location, construction, size, and character of all portions of the means of egress;

(iv) show a representation of the building thermal envelope;

(v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;

(vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;

(vii) include a written statement indicating compliance with the Energy Code;

- (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and
 - (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.
- (h) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (i) 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 Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (j) 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.
- (k) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (l) Time limits. Building Permits shall become invalid unless the authorized work commences within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (m) Work hours. Daily hours of work on all projects located within the Town of Farmington are limited to the following days and times:
- (1) Weekdays from 7:00 a.m. to 7:00 p.m.
 - (2) Saturdays from 7:00 a.m. to 6:00 p.m.
 - (3) Sundays: No work is permitted.
 - (4) No work is permitted on those federal holidays listed in the adopted Town of Farmington site design and development criteria.
- (n) Revocation or suspension of Building Permits. If the Code Enforcement Officer 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 violates the Uniform Code or the Energy Code, the Code Enforcement Officer 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 Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (o) Fee. The fee specified in or determined in accordance with the provisions set forth in section 74-18 (Fees) of this Chapter must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 74-5. CONSTRUCTION INSPECTIONS.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (c) of this section is ready for inspection. Said notification shall be no less than 24 hours in advance of a scheduled inspection.

(b) Inspection and re-inspections. When the permit holder or its designee has notified the Code Enforcement Officer that any element of work described in Subsection C below is ready for inspection and the CEO finds that the element of work is not ready for inspection, another inspection must be rescheduled with the Code Enforcement Officer. Any time after the first failed inspection of any of the elements listed in Subsection C below occurs, then a reinspection fee may be charged for each subsequent failed inspection before either a certificate of occupancy or a certificate of compliance is issued by the Code Enforcement Officer. The fees for reinspection shall be established by the Town Board in the Town's Fee Schedule and may be amended from time to time.

(c) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation; including drainage requirements;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factor manufactured buildings and manufactured homes;
- (11) Town Code compliance; and
- (12) a final inspection after all work authorized by the Building Permit has been completed.

(d) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(e) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 74-18 (Fees) of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 74-6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work; or
- (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work; or
- (3) Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 74-17 (Violations) of this Chapter or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 74-7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections;
- (2) flood hazard certifications;
- (3) a written statement of the results of tests performed to show compliance with the Energy Code; and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines:

- (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely; and

- (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational; and
- (3) that all required means of egress from the structure have been provided.

The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed one (1) month, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 74-18 (Fees) of this Chapter must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

§ 74-8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer and/or Fire Marshal of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 74-9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Chapter 65 of the Town Code, as now in effect or as hereafter amended from time to time.

§ 74-10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

- (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS;
 - (4) buildings containing one or more assembly areas;
 - (5) outdoor events where the planned attendance exceeds 1,000 persons;
 - (6) facilities that store, handle or use hazardous production materials;
 - (7) parking garages as defined in subdivision (a) of section 74-13 of this Chapter;
 - (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town; and
 - (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) This subdivision is intentionally omitted.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) Thirty (30) days for tents, special event structures, and other membrane structures;
- (2) Sixty (60) days for alternative activities at a sugarhouse;
- (3) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section; and
- (4) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 74-18 (Fees) of this Chapter must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 74-11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every twelve (12) months for buildings which contain an assembly area;
- (2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every twenty-four (24) months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist.

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this Chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 74-17 (Violations) of this Chapter.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 74-18 (Fees) of this Chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 74-12. COMPLAINTS

The Code Enforcement Officer, or an inspector authorized by the Code Enforcement Officer, shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other local law, ordinance or regulation adopted for administration and enforcement

of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 74-17 (Violations) of this Chapter;
- (c) if appropriate, issuing a Stop Work Order; and
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 74-13. CONDITION ASSESSMENTS OF PARKING GARAGES.

- (a) Definitions. For the purposes of this section:
 - (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 - (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - a. buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - b. an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - c. a townhouse unit with attached parking exclusively for such unit;
 - (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
 - (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment;
 - (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
 - (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
 - (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

- a. if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - b. if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - c. if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
- (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to the passing of six (6) months from the effective date of such local law.
- (d) **Periodic Condition Assessments.** Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed two (2) years.
- (e) **Additional Condition Assessments.**
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision © of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.
- (f) **Condition Assessment Reports.** The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within two (2) months of the condition assessment. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) an evaluation and description of the unsafe conditions;
 - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) **Review Condition Assessment Reports.** The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation

of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the

previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the Town:

- (1) to perform such construction inspections as are required by section 74-5 (Construction Inspections) of this Chapter;
- (2) to perform such periodic fire safety and property maintenance inspections as are required by section 74-11 (Fire Safety and Property Maintenance Inspections) of this Chapter; and/or
- (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 74-14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - a. the accompanying Flood Insurance Rate Map (FIRM);
 - b. the accompanying Flood Boundary and Floodway Map (FBFM); and
 - c. related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 74-15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 74-4 through 74-14, inclusive, of this Chapter.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§ 74-16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 74-15 (Record Keeping) of this Chapter and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 74-17. VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer, is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this Chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this Chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or

their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code and Town Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this Chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be punishable by a fine of not more than \$250 per day of violation; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable to pay a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action

or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 74-6 (Stop Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 74-6 (Stop Work Orders) of this Chapter, in any other section of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

§ 74-18. FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter.

§ 74-19. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 3. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

RESOLUTION #442-2022:

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

RESOLUTION TO PURCHASE ONE NEW AND UNUSED WACKER NEUSON MOBILE LIGHT TOWER, MODEL # LTV4L

WHEREAS, The Water and Sewer Superintendent has identified the need to purchase said Mobile Light Tower to avoid a price increase; and

WHEREAS, The Water and Sewer Superintendent has received a quote from ADMAR Construction Equipment & Supplies 2390 Rochester Rd. Canandaigua NY for \$12,562.49 using SourceWell Contract #041719-WAC; now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase said Mobile Light Tower for a cost not to exceed \$12,562.49. from 2023 account codes SW1-8340.2 and SS8130.2 50/50 split; and

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 Accountant I.

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

RESOLUTION #443-2022:

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

RESOLUTION TO PURCHASE ONE NEW AND UNUSED CAT 310 EXCAVATOR WITH WORK TOOLS MODEL 310 07A CFG14B FROM MILTON CAT 4610 E SAILE DRIVE, BATAVIA NY 14020

WHEREAS, The Water and Sewer Superintendent has identified the need to purchase said 310 Excavator; and

WHEREAS, The Water and Sewer Superintendent has received a quote using NYS OGS/NJPA Contract #PC69406 from Milton Cat, 4610 E Saile Drive, Batavia, NY 14020; now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase said Excavator not to exceed \$144,460.00 split 50%-50% between, SS 8340.2 and SW 18130.2 of the 2023 Budget; and

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 Accountant I.

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

RESOLUTION #444-2022:

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

Pass to Tax - 2022

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

WHEREAS, an Annual Statement has been filed with the Town Clerk listing all unpaid charges, fees, and rents for the 2022 Tax Levy which are broken down in the following special districts:

Water/Sewer District

WA-241 Andrews & North Road Water	\$438.72
WA-246 Canandaigua-Emerson-Town Line Road (Canandaigua Only)	\$272.52
WD-241 Canandaigua-Farmington Water (Canandaigua Only)	\$30,757.56
WD-281 Canandaigua-Farmington Water (Farmington Only)	\$138,231.30
WD-285 Fox Road Water District	\$1,256.74
WD-286 North Farmington Water Extension #2 (Ellsworth Road)	\$451.56
WS-287 Sheldon Road Water District	\$333.36
Canandaigua Sanitary Sewer	\$1,728.00
Farmington Sanitary Sewer	\$127,598.09
Victor Sanitary Sewer	<u>\$85,385.76</u>
Total	\$386,453.61

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

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

RESOLUTION #445-2022:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE PROPOSALS FROM RAYMOND F. WAGER, A DIVISION OF MMB FOR ACCOUNTING SERVICES FOR YEARS ENDED 2022 AND 2023

WHEREAS, representatives from Raymond F. Wager, CPA, a division of Mengel Metzger Barr & Co. have supplied engagement letters for accounting services for years ended 2022 and 2023 for the Town of Farmington, the Justice Courts and Town Clerk,

WHEREAS, the 2022 year end audit to be performed in 2023 for a total of \$25,775 falls within the 2023 budget, and the 2023 year end audit to be performed in 2024 for a total of \$26,900 is an increase of 4%,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington authorizes the Supervisor to sign the proposals and that copies of the proposals be forwarded to the Accountant I.

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

RESOLUTION #446-2022:

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

TIM BAUER AND ASA HOFFMAN SUCCEFULL COMPLETION OF PROBATIONARY PERIOD

WHEREAS, Tim Bauer was hired by the Highway/Parks Superintendent in the spring of 2022, with a start date of May 16, 2022 and on November 16, 2022 has successfully completed the required six-month probationary period, and

WHEREAS, Asa Hoffman was hired by the Highway/Parks Superintendent in the spring of 2022, with a start date of May 31, 2022 and on November 30, 2022 will successfully complete the required six-month probationary period, and

WHEREAS, has Tim Bauer in the Parks and Asa Hoffman in the Highway Department have both shown the knowledge base and per employee policy, upon the successful completion of a probationary period, the hourly employee maybe granted a wage adjustment, and

WHEREAS, the current Highway Superintendent deems that Tim and Asa have displayed satisfactory job duties, now therefore be it

RESOLVED, that the Town Board hereby grants Tim Bauer a \$.50 per hour wage increase rate to be effective beginning with Payroll # 25, and

RESOLVED, that the Town Board hereby grants Asa Hoffman a \$.50 per hour wage increase rate to be effective beginning with Payroll # 26 and

BE IT FURTHER RESOLVED, that the Town Clerk provides copies of this resolution to the Highway/Parks Department, the Supervisor's Confidential Secretary and the Accountant I.

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

RESOLUTION #447-2022:

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

RESOLUTION ACCEPTING THE TOWN PLANNING BOARD'S REPORT AND RECOMMENDATION FOR: REZONING OF TWO PARCELS OF LAND (TAX MAP #29.00-2-13.100 AND #29.00-2-14.000) CONTAINING APPROXIMATELY 145.8 ACRES OF LAND FROM RS-25 RESIDENTIAL SUBURBAN AND LI LIMITED INDUSTRIAL TO IZ INCENTIVE ZONING (ACTION); AUTHORIZING THE DIRECTOR OF PLANNING & DEVELOPMENT TO DRAFT A LOCAL LAW TO AUTHORIZE THE TOWN CLERK TO AMEND THE TOWN'S OFFICIAL ZONING MAP; TO PREPARE A REFERRAL AND SUBMIT THE NECESSARY DOCUMENTATION TO THE ONTARIO COUNTY PLANNING BOARD FOR ITS REVIEW, REPORT AND RECOMMENDATION, AT ITS DECEMBER 14, 2022 MEETING, TO THE TOWN BOARD; AND SCHEDULING A PUBLIC HEARING UPON THIS ACTION KNOWN AS POWER PROPERTY INCENTIVE ZONING PROJECT

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a report and recommendation from the Farmington Town Planning Board (hereinafter referred to as Planning Board) dated November 8, 2022 on the above referenced Action; and

WHEREAS, the Town Board has reviewed said Planning Board report and recommendations, and has received favorable input from the members of both the Town Public Works and Town Operations Committees upon said Action at tonight's public meeting; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby agree to give its' consideration to the above referenced action and directs the Applicants to submit payment, for the formal rezoning process, to the Town Clerk's Office.

BE IT FURTHER RESOLVED, that the Director of Planning & Development is to submit a complete referral packet under the provisions of the New York State General Municipal Law, Sections 239-1 & -m, to the Ontario County Planning Board, including a draft local law to amend the Town's Official Zoning Map for the above referenced parcels of land, for its review, report and recommendation to be acted upon at their December 14, 2022, meeting.

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule, a public hearing to be advertised and held, upon said action on Tuesday, January 10, 2023, commencing at 7:00 p.m. Standard Time, to be held in the main meeting room of the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish a legal notice for said public hearing in the Town's Official Newspaper, to post notice thereof on the Town's Website and Town Hall Bulletin Board, and to provide notices of the proposed action to neighboring property owners as provided for in the Town Code.

BE IT FURTHER RESOLVED, that the Town Code Enforcement Officer is hereby directed to post two (2) public notification signs on the properties, one along the State Route 96 frontage and the other along the south side of Collett Road, at least ten days prior to the scheduled public hearing.

BE IT FINALLY RESOLVED, that certified copies of this resolution are to be provided to: the Town Planning Board; the Town Director of Planning & Development; the Town Code Enforcement Officers; the Town Department Heads; the Town Assessor; the Town Engineers, MRB Group, D.P.C.; the Applicants – Robert J. Brenner and Brian W. Mahoney, Canandaigua Development Company, LLC, 28 South Main Street, Canandaigua, New York 14424; and Ryan T. Destro, P.E., BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450.

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

Discussion: Supervisor Ingalsbe stated that they received a letter for the Power Property Incentive Zoning Proposal from BME Associates (Ryan Destro) and the Board has read the comments. He referred to the comment regarding the loop water main connection on Collett Road and stated that the timing of the third group overall part of the preliminary design approval process, he stated that the Board does not have a problem with it, they will make it a condition of the incentive zoning that they will have a third connection. He referenced the recommendations for the open space areas and that they have had discussions about it and stated town ownership by way of conservation district, option 1, option 2 is extending the single-family lot lines into the open space area for individual land ownerships under conservation easements, which the Highway Superintendent does not want any more conservation easements in a suburban subdivision. References were made regarding greenspace. Supervisor Ingalsbe stated that the wording needs to be worked on some areas. They will look at comments on future sidewalks as well. Mr. Destro stated that since the last meeting, they meet before the Planning Board and they appreciate their comments and look forward to working with both boards. Councilman Holtz stated that this a very wordy resolution, but it is in no way of an approval of the project, it is simply just sending it to County Planning and setting public hearings so the public is aware.

RESOLUTION #448-2022:

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

RESOLUTION TO RECALL RESOLUTION #328-2022 AND TO AMEND THE DOLLAR AMOUNT SPECIFIED FOR FISHER ASSOCIATES TO SUBSTANTIATE TRAFFIC REPORTS RECEIVED FROM THREE (3) FIRMS REPRESENTING FARMINGTON MARKET CENTER (FMC), GLN AND G&A DEVELOPERS

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has by adopting Town Board Resolution Number 328 of 2022 (hereinafter referred to as Resolution) dated August 24, 2022, authorized Fisher Associates to review trip generation and trip distribution information related to the Farmington Market Center (FMC) environmental record on the proposed Incentive Rezoning Project; and

WHEREAS, the Town Board has since August 24, 2022, learned that additional documentation on the three (3) trip generation and trip distribution information has been received from the above referenced Developers; and

WHEREAS, this additional information has now been reviewed by Fisher Associates and included as part of their original proposal; and

WHEREAS, the Town Board based upon their review of the Fisher Engineering Review report dated October 25, 2022, desires additional traffic engineering services be provided to the Town that includes an analysis related to confirmation of the mitigation that is being proposed by FMC is adequate based upon providing a conceptual cost estimate for the costs of installing a traffic signal at the intersection of State Route 96 and Mercier Boulevard; and

WHEREAS, the Town Board believes that this additional information is necessary to their making a reasoned elaboration of the trip generation and trip distribution impacts for all three (3) sites, to determine the adequacy of the mitigation being proposed by FMC, and to enable a determination of significance to be made under the provisions of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board as the designated lead agency for the Farmington Market Center Environmental Record, is entitled to seek guidance from their selected traffic engineering consultant, Fisher Associates.

NOW, THEREFORE BE IT RESOLVED, the Town Board does hereby recall Resolution #328-2022 and amends said resolution by removing the cost not to exceed \$6,000.00 and authorizing replacing the cost amount to be changed to not to exceed \$10,000.00.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide a certified copy of this resolution to the identified involved agencies under the State Environmental Quality Review (SEQR) regulations thereby keeping them informed of the ongoing deliberations upon the proposed Action and the status of a pending determination of significance to be made under SEQR.

BE IT FINALLY RESOLVED, that the Town Clerk is hereby directed to provide certified copies of this resolution and the attachments thereto to: Tim Faulkner, P.E., Sr. Transportation Manager, Fisher Associates; the Applicant, Angelo Ingrassia; the Applicant's Engineer, Michael Montalto, Costich Engineers; and the Applicant's Attorney, Corey Auerbach.

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

RESOLUTION #449-2022:

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

PUBLIC SPACE DESIGNATION OF TOWN OF FARMINGTON PROPERTY

WHEREAS, The Town of Farmington Town Board is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Town's employees and the general public who do business with or use the services of the Town; and

WHEREAS, The annexed policy ("Policy") is intended to delineate the portions of Town Property (as defined therein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis; and

WHEREAS, The Ontario County Governmental Operations and Insurance Committee recommends the adoption of this resolution by all municipalities in the County; now, therefore, be it

RESOLVED, Each department shall designate their town agency spaces using the terms, guidelines, and definitions within the Policy annexed hereto; and further

RESOLVED, That copies of this resolution shall be transmitted by the Town Clerk to all departments.

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

RESOLUTION #450-2022:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE BEAVER CREEK PARK ELECTRICAL CONTRACT WITH CONCORD ELECTRIC AND APPROVING THE FINAL PAYMENT APPLICATION

WHEREAS, MRB has provided the Town with the final payment application for this project as well as the certificate of substantial completion, the contractor acknowledgement of correction period, the bond letter, the release of liens, affidavit of payment of debts and claims, and consent of surety as well as change order GC-02 which credits the unused allowance in the amount of \$8861.45,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the final payment to Concord Electric and authorizes the Supervisor to sign the certificate of substantial completion and the change order GC-02,

FULLY RESOLVED, that the Town Clerk returns the certificate of substantial completion and change order GC-02 to MRB Group, and forwards a copy of this resolution, the certificate of substantial completion and the change order to Accountant 1 and the Highway Department.

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

RESOLUTION #451-2022:

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

RESOLUTION AUTHORIZING THE CODE ENFORCEMENT OFFICER TO ENTER INTO A CONTRACT WITH INSTREAM FOR DOCUMENT CONVERSION SERVICES AND CONTENT MANAGEMENT SYSTEM

WHEREAS, the Town has been awarded a grant from the New York State Archives local government records management improvement fund program in the total amount of \$74,959.00

WHEREAS, this competitive grant program provides funds to help local government chance records management programs, a priority of the Town of Farmington, which will assume primary responsibility for the ongoing implementation of the improved records management program on a long-term continuing basic, and

WHEREAS, the Town of Farmington previously utilized and formally adopted records retention and disposition schedule MU-1, and has since formally adopted records retention and disposition schedule LGS-1, and

WHEREAS, the Town will contract with InStream & NYS IND For the Disabled Inc to perform a scanning and indexing of paper records. This shall be done though NYS Preferred Source Program through a collaboration with NYSID. Records to be converted shall be mixed sizes of documents from 8 1/2 x 11 to C/D/E size maps. These records total an approximate volume of 123.00 cubic feet of paper records consisting of maps, permits, and other building- and property-related files. These records include: 123 cubic feet. Building Department, Sewer and Water and Maps and Plans which is on quote #:57-0322-06 for a total for Conversion Services in a Total amount of \$60,481.00.

WHEREAS, the Town shall as part of this grant enter into a contract for content management system with InStream LLC. The FileBound DM level shall be a convenient and secure store and access to records. This system shall prove unlimited users and up to 500,000 image volume at a cost of \$14,478.00 per quote #.57-0322-06

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington authorizes the Code Enforcement Officer to enter into a contract with InStream as shown on Quote # 57-0322-06 for a total project not to exceed \$74,959.00

MAY IT BE FURTHER RESOLVED, that copies of this resolution and quote shall be submitted by the Town Clerk to the Accountant I, and Code Officer Dan Delpriore.

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

RESOLUTION #452-2022:

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

RESOLUTION AUTHORIZING THE PURCHASE OF BADGER METERS, ENDPOINTS, ENCODERS AND BEACON SOFTWARE

WHEREAS, the water and sewer department has researched various meter manufacturers in an attempt to improve the meter reading capabilities within the Canandaigua Farmington Water District,

WHEREAS, the Badger meters, encoders and endpoints, when utilized with the Beacon software will provide improved access to metering data so that informed decisions can be made to resolve operational and service issues,

WHEREAS, quotes on the above hardware have been provided by Schmidt's Wholesale, Inc who is the area representative for Badger,

NOW, THEREFORE BE IT RESOLVED, the Water and Sewer Superintendent is authorized to purchase the hardware and software in an amount not to exceed \$51,000 which will be expensed from budget code SW1-8340.41,

FULLY RESOLVED, that the Town Clerk provides a copy of the resolution to the Accountant I and the Water and Sewer Department.

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

RESOLUTION #453-2022:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE SEWER FUND

WHEREAS, budget amendments are needed in the sewer fund 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	\$39,605	
To: SS8130.42	Chemicals		\$20,000
To: SS8120.41V	Utilities-Victor		\$10,000
To: SS9060.8	Retirement		\$9,605

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

RESOLUTION #454-2022:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR WITHIN THE WATER TANK REPAIR CAPITAL PROJECT

WHEREAS, the following budget amendment is needed in the capital project for the remaining waterline expenses,

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

Debit: HW8397.25	Land Acquisition	\$4669.50	
Debit: HW8197.4	Contractual	\$2646.76	
Credit: HW8397.26	Waterline		\$7316.26

FULLY RESOLVED, that the Town Clerk forward a copy of this resolution to the Accountant I.

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

RESOLUTION #455-2022:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS IN THE LIGHTING FUND

WHEREAS, a fiberglass HH with cover was installed in the Redfield Lighting District,

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

From: SL1-599	Appropriated Fund Bal	\$500
To: SL1-5182.601	Redfield Poles Contractual	\$500

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Accountant I.

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

RESOLUTION #456-2022:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR THE GENERAL AND HIGHWAY FUNDS

WHEREAS, additional funding is needed in the following expenditure lines,

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

Debit: A1355.1	Assessor Personnel	\$1050	
Credit: A1355.12	Assessor Personnel OT		\$1050
Debit: A1990.4	Contingent	\$8100	
Credit: A3310.4	Traffic Control		\$3000
Credit: A7110.41	Parks Utilities		\$2500
Credit: A7110.42	Parks Uniforms		\$500
Credit: A1680.2	Central Data Equipment		\$1100
Credit: A1680.4	Central Data Processing		\$1000
Debit: DA9060.8	Medical Ins	\$4050	
Credit: DA9010.8	State Retirement		\$4050

BE IT RESOLVED, that the Accountant I performs the budget amendments,

FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Accountant I.

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

RESOLUTION #457-2022:

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

RESOLUTION TO PURCHASE 40 FEET OF 20 INCH DIAMETER DR 18 PVC WATERMAIN

WHEREAS, The Water and Sewer Superintendent has identified the need to purchase 40 feet of 20-inch water main to replace what was used at the watermain break on Rt. 332; and

WHEREAS, The Water and Sewer Superintendent has received 3 quotes for said pipe with the lowest quote being received from Core & Main in the amount of \$ 5,880.00; now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase said pipe for a cost not to exceed \$5,880.00 from 2022 account code SW1-8340.4; and

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 Accountant I.

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

RESOLUTION #458-2022:

Councilmen Herendeen, Bowerman, Casale, and Holtz, and Supervisor Ingalsbe offered the following Resolution, seconded by **Councilmen Holtz, Casale, Herendeen, and Bowerman, and Supervisor Ingalsbe:**

RESOLUTION OF SYMPATHY FOR THE JETT/RUTHVEN FAMILY

WHEREAS, the Town Board was deeply saddened to learn of the untimely passing of Jack (Jamie) Jett, on November 11th, 2022; and

WHEREAS, Jack’s sister, Paula Ruthven, works with the Town of Farmington in the role of Assessor Aide;

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts this resolution extending its sincere sympathy to the Jett/Ruthven family and spreading his memory upon the minutes of this board meeting, and be it

FURTHER RESOLVED, that the Town Clerk forward a copy of this resolution to Jack’s sister, Paula Ruthven at 4005 North Avenue, Shortsville, NY 14548.

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

RESOLUTION #459-2022:

Councilmen Herendeen, Bowerman, Casale, and Holtz, and Supervisor Ingalsbe offered the following Resolution, seconded by **Councilmen Holtz, Casale, Herendeen, and Bowerman, and Supervisor Ingalsbe:**

RESOLUTION OF SYMPATHY FOR THE WASSON FAMILY

WHEREAS, the Town Board was deeply saddened to learn of the passing of Barbara Bye Wasson, on November 19th, 2022; and

WHEREAS, Barbara’s son, Daniel Wasson, works with the Town of Farmington in the role of Town Court Clerk;

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts this resolution extending its sincere sympathy to the Wasson family and spreading her memory upon the minutes of this board meeting, and be it

FURTHER RESOLVED, that the Town Clerk forward a copy of this resolution to Barbara’s son, Daniel Wasson, 148 West Ave, Canandaigua, NY 14424.

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

RESOLUTION #460-2022:

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

Abstract 22 – 2022

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

<i>ABSTRACT NUMBER</i>		<i>22</i>	
<i>DATE OF BOARD MEETING</i>		<i>11/22/2022</i>	
<i>FUND CODE</i>	<i>FUND NAME</i>	<i>TOTAL FOR EACH FUND</i>	<i>VOUCHER NUMBERS</i>
A	GENERAL FUND	217,802.31	2184-2188,2191-2193,2195-2225,2227-2230,2233,2237-2244,2259-2263
DA	HIGHWAY FUND	101,356.68	2184,2192,2210,2211,2221,2223,2235,2242,2245-2257,2261,2262
HD	TOWN SIGNS CAP PROJECT		
HB	BEAVER CREEK PARK	14,414.33	2190,2232,2236
HH	ROUTE 332/96 WATERLINE	129,808.95	2234
HK	SIDEWALK CAP PROJECT	660.00	2189
HZ	TOWNLINE CAPITAL PROJECT	552.00	2258
HQ	LED STREET LIGHTING		
HW	WATER TANK REPAIR	22,115.80	2183
SL1	LIGHTING DISTRICT	2,165.12	2231,2263
SD	STORM DRAINAGE	11,156.69	2167,2221,2223,2261,2262
SS	SEWER DISTRICT	155,107.62	2133-2150,2152-2171,2184,2187,2211,2214,2221,2223,2230,2235,2242-2244,2261-2262
SW1	WATER DISTRICT	89,613.52	2133,2134,2136,2143-2145,2147,2149,2151-2154,2158-2159,2166
TA200	PAYROLL DEDUCTIONS	6,885.64	2182,2184,2187,2211-2214,2223,2230,2235,2242-2244,2261,2262
	TOTAL ABSTRACT	\$ 751,638.66	2169,2184,2194,2226,2240,2261-2262

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

Mr. Phillips, County Road 8 resident, made the following comments/questions on Resolution #9-Power Incentive Rezoning Project to take into consideration before approval:

- Does the current farmer know that this plan is being proposed and this farmland will not produce food anymore? Supervisor Ingalsbe replied that the Developers were in the room and one of them is related to the property owners and they have purchased the property already.

2. Is the food production going to be moved to somewhere else? Supervisor Ingalsbe replied that he had no idea.
3. How much acreage in Farmington is farmland? Councilman Bowerman replied about 70% of the town. Supervisor Ingalsbe replied that it always tracked by the Conservation Board and Agricultural Advisory Board.
4. Does the Town Board know how much farmland acreage in Farmington produces food? Councilman Bowerman stated that farmland acreage changes between uses so that number would change every single year. Supervisor Ingalsbe replied that they have information on active farms as part of the open space plan, might be a year or two old though. Supervisor Ingalsbe stated that he will do some research.
5. Does the town have the acreage rate or percentage of change of the farmland that changes into development year after year? Supervisor Ingalsbe replied that he was not sure. Councilman Bowerman stated that this is the first incentive zoning project that includes any type of farmland that he can think of and that there is very little active farmland that's been developed. Councilman Holtz asked Mr. Brand if those numbers that are taken out of production are in the last Comprehensive plan, Mr. Brand stated that they are in there and the Assessor's Office has a yearly report as the Ag Exemption are turned in. He added that the Town Farmland Protection Plan is available on the town's website. Mr. Brand urged Mr. Phillips to bring those questions to the public hearing to get answers. Mr. Phillips stated that he wanted to know what the consequences of losing 145 acres of food production would be. Supervisor Ingalsbe stated that was a good question but to keep in mind that not all of that acreage is farmable, some of it has swamps, and hills, and a large creek through the area.

TRAINING UNDER \$100: None.

DISCUSSION: None.

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Bowerman** offered a motion to adjourn the meeting at 8:35 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk