

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 10th day of August, at 7:00 PM, there were:

PRESENT: Theodore Fafinski – Supervisor – Necessarily Absent
Peter Ingalsbe – Deputy Supervisor
Timothy P. Mickelsen – Councilman
Michael Casale – Councilman
Steven Holtz – Councilman
Michelle Finley – Town Clerk

Also present were: **James Crane** – Water & Sewer Superintendent, **Dotti Mickelsen, Edward McLaughlin**- Highway/Parks Superintendent, **Mrs. Austin**- Resident, **Wesley Pettee**-Resident, **Donna LaPlant**-Assessor, **Brandon LaPlant**-Resident, **Mary Neale**-Planning Board Member, and Students.

PUBLIC HEARINGS: NONE.

A motion was made by Councilman Mickelsen, seconded by Councilman Casale that the minutes of the July 27, 2010, meeting, given to members for review, be approved. **Carried.**

PRIVILEGE OF THE FLOOR: Wes Pettee- Auburn Meadows resident

Mr. Pettee stated that he just wanted to follow-up regarding Auburn Meadows Subdivision and he submitted a photograph that shows a community managing accessory structures instead of prohibiting them. The photo was taken in Michigan.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Mickelsen reported:

Water & Sewer:

1. Resolution on for tonight for the purchase of a truck body and crane.
2. Billing software issue update.
3. Highway Complex update – soil study is done and reports are filed, Sanitary Sewer is underway.
4. Update of Purdy Road Water Project – Dept. of Health has requested a hydraulic test-MRB is working on that.
5. US Homes court action update.

Highway & Parks:

1. Work at Whitetail and Suede Circle.
2. Working with the Town of Victor on some shared services.
3. Farmbrook Park Update- work is slow and will continue.
4. Update on the sealing of roads.
5. Recreation program clean-up issues.

Town Operations Committee: Councilman Holtz reported:

1. Update on defining patio lots versus conventional lots in Auburn Meadows, Town Attorney approved the definitions. Kofahl and Brand to forward on the definitions for the Boards review, Brand will draft a resolution for next town board meeting if acceptable. The changes are more of a clarification no change is local law.
2. Met with Town Clerk and Code Enforcement Officer – looking to use room where voting machines were stored for storage of maps, apply for grant.
3. Update on Senior Housing on Route 332 – the developer will be going for a left turn as your going north onto Rt. 332

Town Finance Committee: None

Town Public Safety Committee: None.

REPORTS OF TOWN OFFICIALS:

Deputy Supervisor Ingalsbe:

1. Reported on the progress of the Highway Campus.
2. Update sales tax revenue.
3. Update of new polling place.

Highway & Parks Superintendent Ed McLaughlin:

1. Found watermain on Suede Circle intersection.
2. Working on two catch basins.
3. Councilman Casale asked for a list of issues w Mertensia Park Lodge and the Recreation Program.

Town Clerk Michelle Finley:

1. Attended Dog License Task Force Committee Meeting – August 6, 2010.

Water & Sewer Superintendent Jim Crane: NONE.**Code Enforcement Officer Floyd Kofahl: NONE.****Director of Planning and Development: NONE.****Assessor Donna LaPlant:**

1. Continuing Residential Revals.
2. 16 Article 7s.

Fire Chief Paul Conrad: None.**Planning Board Member Mary Neale:**

1. Investigating Dog Kennels.

COMMUNICATIONS:

1. Notice of tax certiorari cases filed by Farmington Storage LLC; the Finger Lakes Racing Association.
2. Letter to Joy Underhill from the Supervisor. Re: Recent article about Farmington in "Life in the Finger Lakes" magazine.
3. Memo to the town Planning Board from the Director of Development. Re: Planning Board agenda items for the Aug. 4, 2010 meeting.
4. Letter from Time Warner Cable to the Supervisor. Re: Potential changes to programming.
5. Letter from the Supervisor to the Ontario County Youth Bureau. Re: Youth Bureau state aid.
6. Certification of state equalization rate for Farmington from the state Office of Real Property Tax Services.
7. Letter to Renee Best of Verizon from the Supervisor. Re: Request for extension of pay phone removal date.
8. Letter from Lance Brabant of the MRB Group to the Director of Development. Re: Estates at Beaver Creek, Section 1, letter of credit.
9. Memos from Judge Lew and the Town Clerk to the Supervisor. Re: Recent audit by Gina Dermody.
10. Letter to the Town Board from the state Department of Health. Re: Estates at Beaver Creek/water supply.
11. Letter to the Supervisor from the state Department of Environmental Conservation. Re: Purdy Road water main replacement.
12. Safety Watch newsletter.
13. Copy of letter to the Ontario County Administrator from the Office of the State Comptroller. Re: Workers compensation management.
14. Letter to the Supervisor from the state Department of Ag & Markets. Re: Hook Road campus.
15. Letter to the Town Clerk from the Office of the State Comptroller. Re: Frasco Extension of the Canandaigua-Farmington Water District.
16. Letters to the Town Board from St. John & Curtin, attorneys at law. Re: Serial bonds.
17. Public Improvement Serial Bond from Canandaigua National Bank.
18. Letter to the Town Board from the NYS Department of Health. Re: Auburn Meadows water supply.
19. Letter to the Supervisor from the Director of Development. Re: NYS Environmental Facilities Corp. Clean Water State Revolving Fund.
20. Invoices to the Victor Central School District and Ontario County for legal fees from the racino assessment case.
21. Certificates of liability insurance for: New York State Fence Inc.; Povero Construction Inc.; Penfield Plumbing & Heating; Cutri Construction Inc/Solar Flare LLC; Van Parys Associates.
22. Certificates of workers comp insurance for: Triou's Custom Homes.
23. Notice of cancellation of workers comp insurance for Paynes Construction Inc.

REPORTS & MINUTES:

1. Monthly report for Town Justice Gligora for July 2010.
2. Monthly report for the Supervisor for July 2010.
3. Monthly report for Town Justice Lew for July 2010.

ORDER OF BUSINESS:

RESOLUTION #220-2010: (Laidover @ 7/27/2010 Meeting)

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

Letter of Credit – Auburn Meadows Subdivision, Phase 3 - Release #9
in the total amount of \$ 31, 691.56.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, July 21, 2010 recommending that the above referenced Letter of Credit Release #9 be approved in the total amount of \$ 31, 691.56 for work completed in the Phase 3 portion of the Auburn Meadows Subdivision; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the release of the Letter of Credit, including the Town Letter of Credit Release Form No. 9 for the Auburn Meadows Project signed by all department heads; and

WHEREAS, there is currently a total of \$ 158,414.85 remaining in this letter of credit; and

WHEREAS, there will be a total of \$ 126,723.29 remaining in the Letter of Credit; and

WHEREAS, the Planning Board has, in a resolution adopted on July 21, 2010 recommended the release of the requested amount, \$ 31,691.56.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor, to execute the release of the requested amount, from the above referenced Letter of Credit, in the amount specified above herein.

FINALLY BE IT RESOLVED that the release is to be issued to the Letter of Credit holder, Ernie Ackerman of A & D Development Company.

All Voting “Aye”, the Resolution was **CARRIED**.

RESOLUTION #221-2010: (Laidover @ 7/27/2010 Meeting)

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

Letter of Credit - Auburn Meadows Subdivision, Phase 2 - Release #16 in the total amount of \$93,188.75.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, July 21, 2010 recommending that the above referenced Letter of Credit Release #16 be approved in the total amount of \$ 93,188.75 for work completed in the Phase 2 portion of the Auburn Meadows Subdivision; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the release of the Letter of Credit, including the Town Letter of Credit Release Form No.16 for the Auburn Meadows Project signed by all department heads; and

WHEREAS, there is currently a total of \$ 149,266.45 remaining in this letter of credit; and

WHEREAS, there will be a total of \$ 56,077.80 remaining in the Letter of Credit; and

WHEREAS, the Planning Board has, in a resolution adopted on July 21, 2010 recommended the release of the requested amount, \$93,188.75.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor, to execute the release of the requested amount, from the above referenced Letter of Credit, in the amount specified above herein.

FINALLY BE IT RESOLVED that the release is to be issued to the Letter of Credit holder, Ernie Ackerman of A & D Development Company.

All voting “Aye”, the Resolution was **CARRIED**.

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

AUGUST 10, 2010

RESOLUTION #236-2010:

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

Resolution authorizing the purchase of a New Service Utility Body, Crane & Hoist for the Water & Sewer Department

WHEREAS, the Water and Sewer Department has as part of its Asset Management Program instituted an Equipment Capital Replacement Plan, and

WHEREAS, this Replacement Plan timetable calls for an existing 1997 Chevrolet Service/Utility to be replaced, and

WHEREAS, W & S Dept opened bids on August 5th for the purchase of one new 2010 or latest model Service Utility Body with Crane & Hoist.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Water & Sewer Districts hereby authorizes the Water and Sewer Superintendent to purchase one (1) new 2010 Service Utility Body with Crane & Hoist from Unicell Body Company located in Rochester, New York at Bid price of \$20,569.00

BE IT FURTHER RESOLVED, that this purchase will be from budget lines SS 8120.2 and SW1-8340.2 with funding from the Equipment Capital Reserves.

All voting "Aye", the Resolution was **CARRIED**.

RESOLUTION #237-2010:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FROM THE GENERAL FUND FOR THE PAYMENT OF COUNTRY CARE LANDSCAPE

WHEREAS, the town has received a bill for \$550 for the payment of Country Care Landscape for mowing two properties in the Town that had violated code and

WHEREAS, the Town Board has authorized the Supervisor's Office to ask the county to add the charges to the property owners' tax bills to recoup the costs,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the following budget amendment:

FROM: A1990.4	Contingency	\$550.00
TO: A3620.4	Code Enforcement CE	\$550.00

FURTHER BE IT RESOLVED that the Town Clerk provide a copy of this resolution to the Finance and Accounting Specialist.

All voting "Aye", the Resolution was **CARRIED**.

RESOLUTION #238-2010:

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

RESOLUTION SETTING A PUBLIC HEARING – ESTATES AT BEAVER CREEK - WATER

WHEREAS, a written petition dated January 28, 2010, has been submitted in due form by Petitioners ("Petitioner"), containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Farmington, for the creation of The Estates at Beaver Creek Subdivision Water District Extension to the Canandaigua/Farmington Water District ("District"), the boundaries of which are described in Exhibit 1, attached hereto and made a part hereof, and

WHEREAS, D.S.B. Engineers & Architects, P.C. has prepared a map, plan and report which the Town Board of the Town of Farmington, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the District; and

WHEREAS, such map, plan and report has been duly filed in the office of the Town Clerk of the Town of Farmington, New York, and is available for public inspection thereat; and

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

AUGUST 10, 2010

WHEREAS, the boundaries of the proposed District are set forth in Exhibit 1, attached hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of the construction and maintenance of distribution mains with associated appurtenances to serve said District, in accordance with the aforementioned map, plan and report now on file in the office of the Town Clerk of said Town; and

WHEREAS, the Petitioners are not requesting the Town to construct any improvements for the District.

WHEREAS, the Town will not bear any of the expenses of constructing the improvements within this District as the developer is paying 100% of these expenses; and

WHEREAS, the estimated costs of the district to the typical property or one-family or two-family home is \$0 for debt service and \$250.00 for water usage. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges.

Additionally, the initial estimated hook-up fee is \$850-1200 per lot which will be paid by the property owner. Any hook up fees to be charged shall be determined on an annual basis by the Town Board. Additionally, the owner will be required to pay for installation of the water service from the right-of-way to the structure using the water. These items are to be purchased by the affected property owner from a private contractor. The homeowner is responsible for all inside plumbing.

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Farmington will be held on August 24, 2010, at 7:00 p.m. at the Town Hall, 1000 County Road 8, Farmington, New York, to consider the petition to establish the District, including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that this Order Calling for a Public Hearing shall be published and posted as required by law.

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on August 10, 2010, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Theodore M. Fafinski		Necessarily Absent
Timothy Mickelsen	X	
Michael Casale	X	
Peter Ingalsbe	X	
Steven Holtz	X	

All voting "Aye", the Resolution was **CARRIED**.

RESOLUTION #239-2010:

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

RESOLUTION SETTING A PUBLIC HEARING –ESTATES AT BEAVER CREEK-SIDEWALK

WHEREAS, a written petition dated February 4, 2010, has been submitted in due form by Petitioners ("Petitioner"), containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, for the creation of The Estates at Beaver Creek Subdivision Sidewalk District ("District"), the boundaries of which are described in Exhibit 1, attached hereto and made a part hereof, and

WHEREAS, D.S.B. Engineers & Architects, P.C. has prepared a map, plan and report which the Town Board of the Town of Farmington, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the District; and

WHEREAS, such map, plan and report has been duly filed in the office of the Town Clerk of the Town of Farmington, New York, and is available for public inspection thereat; and

WHEREAS, the boundaries of the proposed District are set forth in Exhibit 1, attached hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of the construction and maintenance of sidewalks with associated appurtenances to serve said District, in accordance with the aforementioned map, plan and report now on file in the office of the Town Clerk of said Town; and

WHEREAS, the Petitioners are not requesting the Town to construct any improvements for the District.

ORDER OF BUSINESS: (Continued)

WHEREAS, the Town will not bear any of the expenses of constructing the improvements within this District as the developer is paying 100% of these expenses; and

WHEREAS, the estimated costs of the district to the typical property or one-family or two-family home is \$0 for debt service and \$5,000.00 for operation and maintenance charges. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges.

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Farmington will be held on August 24, 2010, 2010, at 7:01 p.m. at the Town Hall, 1000 County Road 8, Farmington, New York, to consider the petition to establish the District, including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that this Order Calling for a Public Hearing shall be published and posted as required by law.

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on August 10, 2010, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Theodore M. Fafinski	Necessarily Absent	
Timothy Mickelsen	X	
Michael Casale	X	
Peter Ingalsbe	X	
Steven Holtz	X	

All voting "Aye", the Resolution was **CARRIED**.

RESOLUTION #240-2010:

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

RESOLUTION SETTING A PUBLIC HEARING-ESTATES AT BEAVER CREEK- SEWER

WHEREAS, a written petition dated January 28, 2010, has been submitted in due form by Petitioners ("Petitioner"), containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, for the creation of The Estates at Beaver Creek Subdivision Sanitary Sewer District ("District"), the boundaries of which are described in Exhibit 1, attached hereto and made a part hereof, and

WHEREAS, D.S.B. Engineers & Architects, P.C. has prepared a map, plan and report which the Town Board of the Town of Farmington, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the District; and

WHEREAS, such map, plan and report has been duly filed in the office of the Town Clerk of the Town of Farmington, New York, and is available for public inspection thereat; and

WHEREAS, the boundaries of the proposed District are set forth in Exhibit 1, attached hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of the construction and maintenance of sanitary sewer mains with associated appurtenances to serve said District, in accordance with the aforementioned map, plan and report now on file in the office of the Town Clerk of said Town; and

WHEREAS, the Petitioners are not requesting the Town to construct any improvements for the District.

WHEREAS, the Town will not bear any of the expenses of constructing the improvements within this District as the developer is paying 100% of these expenses; and

WHEREAS, the estimated costs of the district to the typical property or one-family or two-family home is \$0 for debt service and \$280.00 for sewer rents. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within said District in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom.

Additionally, the initial estimated hook-up fee is \$1,900.00 per lot which will be paid by the property owner. Any hook up fees to be charged shall be determined on an annual basis by the Town Board. Additionally, the owner will be required to pay for installation of the sewer service from the right-of-way to the structure using the sewer service. These items are to be purchased by the affected property owner from a private contractor. The homeowner is responsible for all inside plumbing.

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

AUGUST 10, 2010

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Farmington will be held on August 24, 2010, at 7:02 p.m. at the Town Hall, 1000 County Road 8, Farmington, New York, to consider the petition to establish the District, including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that this Order Calling for a Public Hearing shall be published and posted as required by law.

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on August 10, 2010, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Theodore M. Fafinski		Necessarily Absent
Timothy Mickelsen	X	
Michael Casale	X	
Peter Ingalsbe	X	
Steven Holtz	X	

All voting "Aye", the Resolution was **CARRIED**.

RESOLUTION #241-2010:

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

RESOLUTION SETTING A PUBLIC HEARING-ESTATES AT BEAVER CREEK - LIGHTING

WHEREAS, a written petition dated February 4, 2010, has been submitted in due form by Petitioners ("Petitioner"), containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, for the creation of The Estates at Beaver Creek Subdivision Lighting District ("District"), the boundaries of which are described in Exhibit 1, attached hereto and made a part hereof, and

WHEREAS, D.S.B. Engineers & Architects, P.C. has prepared a map, plan and report which the Town Board of the Town of Farmington, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the District; and

WHEREAS, such map, plan and report has been duly filed in the office of the Town Clerk of the Town of Farmington, New York, and is available for public inspection thereat; and

WHEREAS, the boundaries of the proposed District are set forth in Exhibit 1, attached hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of the construction and maintenance of street lights with associated appurtenances to serve said District, in accordance with the aforementioned map, plan and report now on file in the office of the Town Clerk of said Town; and

WHEREAS, the Petitioners are not requesting the Town to construct any improvements for the District.

WHEREAS, the Town will not bear any of the expenses of constructing the improvements within this District as the developer is paying 100% of these expenses; and

WHEREAS, the estimated costs of the district to the typical property or one-family or two-family home is \$0 for debt service and \$225.00 for operation and maintenance charges. Additionally, the initial estimated set-up fee of \$1,981.00 will be paid by the property owner. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges.

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Farmington will be held on August 24, 2010, at 7:03 p.m. at the Town Hall, 1000 County Road 8, Farmington, New York, to consider the petition to establish the District, including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that this Order Calling for a Public Hearing shall be published and posted as required by law.

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

AUGUST 10, 2010

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on August 10, 2010, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Theodore M. Fafinski		Necessarily Absent
Timothy Mickelsen	X	
Michael Casale	X	
Peter Ingalsbe	X	
Steven Holtz	X	

All voting "Aye", the Resolution was **CARRIED**.

RESOLUTION #242-2010:

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

RESOLUTION TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT #14-2010

General	\$ 67,145.61
Highway Fund	\$129,273.62
Storm Drainage	\$ 1,143.01
Payroll	\$ 147.72
Highway Campus	\$ 25.00
Fire Protection	\$ 18,500.00
Sewer District	\$224,304.57
Water District	\$ 8,108.74
TOTAL	\$448,648.27

All voting "Aye", the Resolution was **CARRIED**.

WAIVER OF THE RULE: NONE.

TRAINING UNDER \$100.00: NONE.

DISCUSSION:

1. Ontario County Board of Supervisors resolution increasing the formal sealed bid level for purchase contracts – will be discussed at next meeting.
2. Responses received so far from audits. Judge Lew and Town Clerk Finley responses on file in Town Clerk's Office.

EXECUTIVE SESSION: NONE.

A motion was made by **Councilman Mickelsen** and seconded by **Councilman Casale** to adjourn the meeting at 7:30 p.m. All voted "Aye" **CARRIED**.

Meeting was recorded and transcribed by
Michelle A. Finley, Town Clerk: _____