

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 23rd day of February, at 7:00 PM, there were:

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

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ed McLaughlin** – Highway & Parks Superintendent, **Dotti Mickelsen, Daily Messenger Reporter**, **Dean Litcherman**- Victor Herald, and approximately twenty others from Phillips Landing Subdivision.

PUBLIC HEARINGS:

At 7:00 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning the Phillips Landing Lighting District. The Town Clerk read the Legal Notice, as published in the Town's designated newspaper.

Supervisor Fafinski opened the Hearing. Phillips Landing resident Sam Zebelman spoke on a positive level on behalf of the residents attending. They feel the lighting district should be approved. Another resident stated that he had heard that Farmington had other communities that were not paying for lighting. Supervisor Fafinski responded that every lighting district is a special district and taxed accordingly and that there is a Townwide Lighting District. A new resident to Phillips Landing asked why the lights were not turned on years ago. Supervisor Fafinski stated that Pooler Enterprises was hired to create documents before anyone bought the property and the Planning Board asked for light poles to be installed by the developer and the lots were selling too fast to keep track of who owned the land in the district and then there was an issue with signatures on the petition. Another concern from the homeowners was that cars were getting broken into at night. Supervisor Fafinski suggested using external lighting for now because the district won't be funded until January 2011 when the budget will begin, the taxes then would be used to fund the lighting.

The Hearing was declared closed at 7:25 PM.

HEARINGS: NEW MICHIGAN ROAD PROPERTY

At 7:25 PM, on this date, a Hearing was called to order concerning the New Michigan Road Property.

Floyd Kofahl, Code Enforcement Officer, updated the Town Board on safety issues concerning this property. He stated that over a year ago he started the process of bringing this property to a safe condition and it has become more of an eminent danger. He stated that the property owner was properly notified of this hearing on condemnation of property. Mr. Kofahl stated that the Town Board had two options to make the condemnation (1) the town employees could do it as long as it was under \$25,000, (2) place out to bid.

Supervisor Fafinski asked if there was any present for this hearing, hearing none, it was left up to the Town Board to rule on this action. Supervisor Fafinski asked the Town Board members if they were in agreement on approval to condemnation of the property by contracting with contractor for removal. Councilman Mickelsen asked if the cost could be placed on the property owners tax bill. Floyd Kofahl replied that it could be passed to tax. The Town Board directed the Code Enforcement Officer to solicit bids for removal and report back at next meeting.

The Hearing was declared closed at 7:28 PM.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Casale**, (**Councilman Ingalsbe** abstained due to being absent) that the minutes of the February 9, 2010, meeting, given to members for review, be approved as presented. **CARRIED.**

PRIVILEGE OF THE FLOOR: NONE.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: **Councilman Ingalsbe** reported:

Water & Sewer:

1. Discussed Phillips Landing Lighting District.
2. Discussed U.S. Home Legacy Law Suit.
3. Billing software update.
4. One watermain break in past two weeks.
5. Billing inquires for a couple of locations.

REPORTS OF TOWN OFFICIALS: (Continued)

6. Employee Training.
7. Water project on Purdy Road-sent request to Engineer for cost estimate to study project.

Highway & Parks:

1. Discussed Procurement Policy changes.
2. Discussed MS4 Webpage.
3. Discussed lodge heating issues-awaiting quotes.

Town Operations Committee: Councilman Holtz reported:

1. They discussed the Land Conservation District-Chapter 165 Section 32 of Town Code-recommendation to abolish the obsolete sections of the code due to being covered under Comprehensive Plan and is not needed as part of the code. The Director of Development and Planning will draft paperwork for Local Law and working on Zoning Map.
2. Discussed Section of Code on Special Use Permits regarding used car dealerships. It was suggested that the Board meet in workshops for direction on this. Floyd and Ron will email issues that need to be addressed to Board Members prior to workshop.
3. Discussed Windmills.
4. Discussed Conservation diversity subdivision regulations.
5. Discussed Auburn Meadows Section 3project.
6. Discussed update Comprehensive Plan. Councilman Ingalsbe stated that the maps are online and he will hopefully have the text on by March 1st.

REPORTS OF TOWN OFFICIALS:**Supervisor Fafinski:**

1. 2009 AUD was filed with the State Comptroller and a copy is available for review at the Town Clerks Office.
2. Interested candidates for Board of Assessment Review and Recreation Advisory Committee-need to set up interviews.

Highway& Parks Superintendent Ed McLaughlin: No report.

Town Clerk Michelle Finley:

1. Preparing to send out seconded notices for taxes.
2. Credit card usage is going good.
3. Officiated first wedding ceremony as Marriage Officer.

Water & Sewer Superintendent Jim Crane:

1. Shut Off notices were sent out- up 25-30% over last year.

Code Enforcement Officer Floyd Kofahl:

1. Discussed Parkplace Restaurant –C of O was issued, set to open soon.
2. Saratoga Crossing is moving along.
3. Received formal application for Crescent Moon Outhouses.

Councilman Ingalsbe asked if there was anything going on at the Soper Sports Property. Floyd responded that there was no interest at this time.

Director of Planning & Development Ronald Brand: No report.

Assessor Donna LaPlant: No Report.

Fire Chief Paul Conrad:

1. Thanked the Town for the use of equipment and their help for accident on Hook Road.

COMMUNICATIONS:

1. Letter from Mercy Flight Central to the Supervisor. Re: Contribution of \$550.
2. Invoices from the Supervisor's Office for engineering and legal services.
3. Business and Industry Loan Guarantee Program informational packet.
4. Letter from the Kiwanis Club of Farmington-Victor to the Supervisor. Re: Seeking nominees for the annual Spirit of Giving Dinner.
5. Notice of Tentative Special Franchise Full Value for the assessment roll.
6. Letter to the Supervisor from the New York State Laborers' Organizing Fund. Re: Unionization.
7. Letter to the Town Board from RG&E. Re: House numbers in The Estates at Beaver Creek.
8. Letter from the New York State Department of Environmental Conservation to the Supervisor. Re: The Estates at Beaver Creek, approval of sewer.
9. Letter from the Supervisor to Paychex. Re: FSA account.
10. Acknowledgement from the Supervisor to Jeremy Paddock of Boy Scout Troop 61 for his earning Eagle Scout rank.

COMMUNICATIONS: (Continued)

- 11. Copies of certificates of congratulations for local members of Pack 50 for receiving the Arrow of Light award.
- 12. Letter to the town from the State Department of Health. Re: Annual Water Quality Report.
- 13. Notice from Selective Insurance of a recent claim.
- 14. Notice from Town attorney Jeff Graff of the filing of the Local Law for the Cold War veterans exemption.
- 15. Copies of legislative resolutions for the 2010 Training School and Annual Meeting for the Association of Towns.
- 16. Notice of free environmental compliance training for government representatives.
- 17. Certificates of Workers Compensation Insurance for Pro Construction Inc. and Daniel R. Kummerow.
- 18. Certificates of Insurance for Kelly Atlantic Corp., Hanselman Four Season Services, Daniel R. Kummerow, and Robert E. Johnston Inc.
- 19. Notice of 2010 water rate from the City of Canandaigua.
- 20. Notice of cancellation of insurance for Povero Construction Corp.
- 21. Letter to DSB Engineers & Architects PC from the state Department of Health. Re: Estates at Beaver Creek.

REPORTS & MINUTES: NONE.

ORDER OF BUSINESS:

RESOLUTION #77-2010:

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON
 ONTARIO COUNTY, NEW YORK,
 DETERMINATION OF SIGNIFICANCE
 PHILLIPS LANDING LIGHTING DISTRICT**

WHEREAS, the Town of Farmington Town Board, hereinafter referred to as Town Board, has determined the above referenced action to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Joseph A. Pullen map, plan and report entitled "Proposed Phillips Landing Subdivision" dated January 28, 2005; the February 23, 2010, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

- 1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
- 2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
- 3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
- 4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 February 23, 2010 by the following vote:

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

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

RESOLUTION #78-2010:

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON,
ONTARIO COUNTY, NEW YORK
APPROVING CREATION OF THE PHILLIPS LANDING LIGHTING DISTRICT**

WHEREAS, a map, plan and report for the Phillips Landing Lighting District (“District”) dated January 28, 2005 has been prepared by Joseph A. Pullen, in a manner and in such detail as has been determined by the Town Board of the Town of Farmington to be acceptable and proper, and has been duly filed with the Town Clerk of said Town, in accordance with the requirements of Article 12A of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on February 9, 2010, reciting the filing of said Map, Plan and Report, the improvements proposed, the boundaries of the proposed District, the fact that the Map, Plan and Report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying February 23, 2010, at 7:00 p.m., at the Town of Farmington Town Hall, 1000 County Road 8, Farmington, New York, as the date, time and place where this Town Board would meet and consider said Map, Plan and Report and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law; and

WHEREAS, such Order was duly published and posted as required by law; and

WHEREAS, the hearing on said matter was duly held by said Town Board on February 23, 2010 at 7:00 pm, at the Town of Farmington Town Hall, 1000 County Road 8, Farmington, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the creation of said lighting district; 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 approval of this District would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, upon the evidence given at said public hearing, be it **RESOLVED** as follows:

1. The Order Calling Public Hearing was duly published in the Town’s official newspaper on February 12, 2010 and duly posted on the Town’s official sign board on February 12, 2010, all as required by law and is otherwise sufficient;
2. All of the property and property owners within the proposed District are benefited thereby;
3. All of the property and property owners benefited are included within the limits of the proposed District;
4. It is in the public interest to establish said District; ; and be it further

RESOLVED AND DETERMINED:

The proposed expenses for on-going maintenance and capital improvements, as set forth in the Map, Plan and Report referred to herein, be and are hereby approved; and be it further

RESOLVED AND DETERMINED:

The costs and expenses of the proposed on-going construction and on-going maintenance and improvements associated with said District be assessed, levied and collected from the several lots and parcels of land within said District for such purpose in the same manner and at the same time as other Town charges, except as otherwise provided by law, in accordance with the ad valorem charge basis; and be it further

RESOLVED AND DETERMINED:

That the establishment of the District, as set forth in said Map, Plan and Report, be and hereby is approved and that such District shall be bounded and described as set forth in Exhibit 1 attached hereto and made a part hereof, and that such District shall be designated and known as the Phillips Landing Lighting District in the Town of Farmington; and be it further resolved

ORDER OF BUSINESS: (Continued)

Resolution #78-2010 (Continued)

RESOLVED AND DETERMINED:

That the Town Board members execute the Order Establishing this District and that the Town Clerk be, and hereby is, authorized and directed to file a certified copy of the Order Establishing the District in the Office of the Clerk of the County of Ontario and in the office of the State Department of Audit and Control at Albany, New York; and be it further

RESOLVED AND DETERMINED:

That this Order is subject to a permissive referendum as provided in Section 209-e of the Town Law; and that the Order creating the Lighting District 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 February 23, 2010 by the following vote:

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

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

RESOLUTION #79-2010:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENT FOR THE GENERAL FUND

RESOLVED, the Farmington Town Board authorizes the following budget amendment from the general fund for 2010 for payroll expenses for the Assessor's Office:

| | | | |
|-------|---------|-------------|-----------|
| FROM: | A1990.4 | Contingency | \$1,000 |
| TO: | A1355.1 | Assessor | (\$1,000) |

And further be it, RESOLVED, the Town Clerk forward a copy of this resolution to the Finance and Accounting Specialist.

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

RESOLUTION #80-2010:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENT FOR THE HIGHWAY FUND FOR PAYROLL EXPENSES

RESOLVED, the Farmington Town Board authorizes the following budget amendment for the highway fund for 2010 for payroll expenses:

| | | | |
|-------|----------|---------------------------|---------|
| FROM: | DA599 | Appropriated fund balance | \$104 |
| TO: | DA5132.1 | Highway garage – PS | (\$104) |

And further be it, RESOLVED, the Town Clerk forward a copy of this resolution to the Finance and Accounting Specialist.

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

FEBRUARY 23, 2010

RESOLUTION #81-2010:

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

RESOLUTION WAIVING TOWN FEES ASSOCIATED WITH THE RELOCATION OF THE 1816 MEETINGHOUSE.

WHEREAS, a dedicated committee of citizens devoted to historic preservation has spent the last several years raising funds and rallying to preserve a barn on County Road 8 that is believed to be the earliest Quaker meetinghouse still standing west of the colonial settlement area in the country, and

WHEREAS, the 1816 meetinghouse is associated with the civil rights movement and has played host to such historically significant figures as abolitionist Frederick Douglass and suffragist Susan B. Anthony spoke, and

WHEREAS, the building was rapidly deteriorating before the committee stepped in, and

WHEREAS, the building has just been stabilized and will eventually be moved from its current site onto property across the road owned by the Farmington Friends, and

WHEREAS, the Farmington Town Board discussed waiving fees associated with the move at its December 8, 2009 meeting, now therefore be it

RESOLVED, that the Farmington Town Board waive any variance fees or fees normally levied by the town Planning Board and Zoning Board of Appeals for the relocation of this historic building and therefore be it

RESOLVED, that a copy of this resolution be forwarded to the Building Department, the chairs of the Planning Board and Zoning Board of Appeals and to the 1816 Meetinghouse Committee.

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

RESOLUTION #82-2010:

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

RESOLUTION AUTHORIZING THE PURCHASE OF A COMPUTER FOR THE ASSESSOR'S OFFICE

WHEREAS, Assessor's Aide Donna Ciardi has been using an outdated computer that has proven problematic for her in conducting her daily duties, and

WHEREAS, Assessor Donna LaPlant sought out estimates for a new computer after consulting with the Town's Finance and Public Works Committee, and

WHEREAS, Keyser Computer Services provided the Town with an estimate of \$1,174.07 for a computer, including the monitor and installation of Microsoft Office, now therefore be it

RESOLVED, the Town Board hereby authorizes Donna LaPlant to purchase the computer from Keyser at the estimated price and therefore be it, **RESOLVED**, that a copy of this resolution goes to the Finance and Accounting Specialist.

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

RESOLUTION #83-2010:

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

RESOLUTION DECLARING TWO TELEPHONES AND OTHER EQUIPMENT FROM THE TOWN CLERK'S OFFICE SURPLUS

WHEREAS, two four-line telephones were purchased in January for the Town Clerk's Office to replace two telephones that were in poor working condition, and

WHEREAS, the following equipment is also obsolete:

- Inv. No. 085 – printer (cabinet)
- Inv. No. 100 – Okidata printer
- Inv. No. 1213 – HP printer
- Inv. No. 232 – Computer stand

Therefore be it, **RESOLVED**, the Farmington Town Board declares the two telephones that have been replaced, with inventory numbers 11521 and 1011, surplus items for 2010 so that they may be discarded, and therefore be it

ORDER OF BUSINESS: (Continued)

RESOLUTION #83-2010 (Continued)

RESOLVED, the Farmington Town Board authorizes the Highway Superintendent to dispose of said equipment and further be it

RESOLVED, that a copy of this resolution go to the Town Clerk and the Highway Superintendent.

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

RESOLUTION #84-2010:

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

RESOLUTION TO PAY AUDITED BILLS

ABSTRACT #4-2010

| | |
|--------------------------|---------------------|
| General | \$ 51,955.29 |
| Highway Fund | \$ 62,518.44 |
| Storm Drainage | \$ 8,070.55 |
| Payroll | \$ 870.06 |
| Sewer District | \$ 47,421.55 |
| Water District | \$ 9,506.49 |
| Lighting District | \$ 6,573.22 |
| TOTAL | \$186,915.60 |

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

DISCUSSION:

- Interviews for appointments to the Board of Assessment Review and the Recreation Advisory Board.

Supervisor Fafinski stated that he will have his Secretary set up interviews for next week.

WAIVER OF THE RULE:

RESOLUTION #85-2010:

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

RESOLUTION AUTHORIZING THE CREDIT OF PENALTY CHARGES LEVIED SINCE 2007 AGAINST 21 BARCHAN DUNE RISE IN VICTOR

WHEREAS, the sewer bill for the property at 21 Barchan Dune Rise in Victor has since 2007 erroneously been sent to the property's previous owner in Monroe County, not the current occupant, and,

WHEREAS, this error in billing occurred because the Town of Victor did not notify the Town of Farmington of the property's change in ownership, and,

WHEREAS, the unpaid bills were added to the property taxes in past years for the current owner, Paul Alfano, and,

WHEREAS, Paul Alfano, has contacted the Farmington Supervisor's Office to express his concern over the \$62.78 in penalty charges since he wasn't aware he was responsible for the bills, and,

WHEREAS, the Public Works Committee has reviewed the request and has set a standard; which must be met for consideration of any removal. (See attached history & letter),

NOW, THEREFORE BE IT **RESOLVED**, that the Town Board of Farmington hereby authorizes the Water and Sewer Superintendent to remove the ten percent (10%) penalties added to his account since September 12, 2007 in the amount of \$62.78 for the Victor Sewer account number 30001693 and therefore be it

RESOLVED, that the Town Clerk forward copies of this resolution to the Water and Sewer Superintendent, Victor Town Supervisor Jack Marren as well as Paul Alfano.

Discussion: Councilman Mickelsen stated that the Public Works Committee reviewed this resolution and determined it was no fault of the property owner.

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

WAIVER OF THE RULE: (Continued)

RESOLUTION #86-2010:

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

RESOLUTION AUTHORIZING TRANSFER OF SURPLUS FUNDS FROM FUND BALANCE TO THE HIGHWAY FACILITY RESERVE ACCOUNT

Whereas, The Annual update Document for Fiscal year ending 2009 has been completed and filed with the New York State Comptroller, and

Whereas, There are excess funds available in the fund balance as a result of the close out of the 2009 fiscal year, and

Whereas, The Highway Garage will be in need of future expansion for additional equipment for highway operations with the projected increase in town road mileage that will occur as a result of the various subdivisions that have been approved and are under construction, and that the town engineer has completed a master plan several years ago to facilitate this expansion of highway facilities, Now be it

Resolved: that the Town Board of the Town of Farmington has determined that it would be in the best interest of the town to add surplus funds in the amount of \$500,000 to the Highway Facility Reserve and authorizes the Town Supervisor acting in his capacity of Budget Officer to take the necessary action to increase the reserve account with those surplus funds available.

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

With no further business, the meeting was adjourned, at 8:09 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Michelle A. Finley, Town Clerk: _____