

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 8<sup>th</sup> day of June, at 7:00 PM, there were:

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

Also present were: **Floyd Kofahl** – Code Enforcement Officer, **James Crane** – Water & Sewer Superintendent, **Tom Crown** – Board of Assessment Review, **Donna LaPlant** – Assessor, **Brandon LaPlant**- Resident, **Mr. & Mrs. Austin**-Residents, Farmington Residents- **Mr. & Mrs. Cole**, **Dean Litcherman**- Victor Herald, **Fred Schuhle**- Daily Messenger, and Students from Victor Central School.

**PUBLIC HEARINGS:** 1. Mercier Subdivision Lighting District.

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

Supervisor Fafinski opened the public hearing. Jim Crane gave a location description of property. No one wishing to be heard, for or against the foregoing subject matter, the hearing was declared closed at 7:03 PM.

A motion was made by Councilman Ingalsbe, seconded by Councilman Casale, that the minutes of the May 11, 2010, meeting, given to members for review, be approved. **Carried.**

**PRIVILEGE OF THE FLOOR:** Colleen Austin – 1685 Lillybrook Court- Request for relief to allow a fence. Mrs. Austin appeared before the board to ask for relief from Resolution No. 178-2004 regarding restrictions of the Auburn Meadows Subdivisions specifically item #6 regarding accessory structures. She asked the board for special consideration to erect a fence in their back yard as their property backs up to Beaver Creek, is three lots down from a large retention pond; and five lots from New Michigan Road. She added that they would also like to be permitted to install a swimming pool for therapeutic benefits for their son who has special needs. Their son, Cole, is 6 years old and was born prematurely and is severely visually impaired, has Cerebral Palsy, and is Developmentally Disabled. Their concerns are for his safety. Prior to moving at their current location they did look at two other lots and were unable to build on those lots. Mrs. Austin provided pictures of their lot to the board. She also provided the board with the plot plan of their lot to show that the size and dimensions of the lot would accommodate a pool and a fence. Mrs. Austin stated that their son will never play football or lacrosse, or even be able to ride a bike and that the only activity he can do with his disabilities is swimming. Mrs. Austin provided supporting documentation. Mrs. Austin stated that while she understands and appreciates the concern of wanting to keep the neighborhood uncluttered with structures however, they believe due to the scope and severity of their son's special needs, they believe they have justifiable cause to ask that reasonable accommodations be made and special consideration be given to their request for relief from Resolution No. 178-2004.

Councilman Ingalsbe asked what size pool would they install. Mrs. Austin replied nothing fancy, a small above ground round pool. Councilman Casale stated that under different circumstances he wouldn't think about changing things but there is a kid involved and understands her point. Supervisor Fafinski stated that with the board's approval he would like to have the Code Enforcement Officer refer this to the Town Attorney and look at the circumstances here and look at providing a recommendation for the board from the attorney. The board agreed. The Code Enforcement Officer will notify the Austin's as soon as he hears from the Attorney.

## **REPORTS OF STANDING COMMITTEES:**

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

### **Highway & Parks:**

1. Highway Superintendent is in training.
2. Discussed rebuilding a mower (\$3800 to rebuild/\$8000 new). Mr. McLaughlin will get some firm prices for the next board meeting.
3. Working on roads in Pumpkin Hook area.

**Water & Sewer:**

1. Resolution-Purdy Road.
2. Update on Billing Software problems – will talk with Town Attorney and write letter to Harris Computers.
3. Pump Station 9 problems.
4. 5950 Green Road failed septic systems- owner would like to hookup to system in Stonewood. Town Attorney is reviewing now.
5. Highway Complex- Surveys are completed. Sanitary Sewer design is out for bid and due back to town on June 17.

**Town Operations Committee: Councilman Casale reported:**

1. Discussed RG&E box issue is resolved- Supervisor proposed a bench and they are considering one.
2. Farmington Chamber of Commerce would like to have a farmer's market at Carmen's Place. Mr. Brand suggested that they contact the Agricultural Advisory Committee.
3. Denny's old place might possibly be an Italian Restaurant and maybe some interest in the old DiPacific's place.
4. Senior Citizens would like to have a demo building set up.
5. Special Use Permits.

**Town Operations Committee: Councilman Holtz reported:**

1. NYS has come out with new regulations of workplace violence and safety procedures and policies – met with Paul Crandall and Jessica Youngman to create one and that there is yearly training required as well as a risk assessment. Town will obtain county's procedures and policies and makes necessary adjustments. They will be meeting every other week and will keep the board up to date.

**Town Finance Committee: None****Town Public Safety Committee: None****REPORTS OF TOWN OFFICIALS:****Supervisor Fafinski:**

1. No change in CHIPS money.
2. Agricultural sales – farm produce sales – talked with Town Attorney and they might be able to authorize the sales with conditions (advertise that the town supports Agriculture development, would have to be 80-90% grown in Farmington however the board chooses, lease space in parking lot at town hall as long as they have a hold harmless agreement and insurance listing the town as additionally insured, would be exempt from peddlers fee). If sold at Carmen's Place they could be charged the peddlers fee. Could also be a revenue source for the town. Should get with Agricultural Advisory Committee and Code Enforcement.
3. Met with Election Commissioners along with the Town Clerk at the Mertensia Lodge to certify the lodge as a polling place, could have up to four districts but will only have two there this year. Will also no longer be using the lever machines, they are now paper ballots that go into a machine that will scan them.

**Highway& Parks Superintendent Ed McLaughlin: None****Town Clerk Michelle Finley:**

1. Update on Dog Enumeration.

**Water & Sewer Superintendent Jim Crane:**

1. Discussed problems with server.

**Code Enforcement Officer James Morse:**

1. Packets for the Highway Complex Subdivision are all together and under review awaiting letter from the Town Attorney then to Planning Board. Supervisor Fafinski asked if they were on track with the time schedule, Code Enforcement Officer replied yes.
2. Discussed Rt. 332 Senior Housing. Received request by developer to allow one unit to be used as a model to show seniors while the rest of the units are being constructed. Floyd has an issue concerning fire and safety. There is no access road yet. He would recommend that the developer show similar units that he owns.

3. Discussed Special Use Code Issues – different zoning districts within the special uses. He asked that the Director of Development follow through with code revision suggestions. Councilman Casale asked how long it would take to review, Floyd responded 40-60 man hours. Supervisor Fafinski stated that the Board would consider it but the number one priority is the Highway Complex.
4. Discussed review by an agency every five years that rates the town- Fire Protection Rating.
5. Discussed issue in Auburn Meadows with RG&E. Thanked Supervisor for getting involved.

**Director of Planning and Development: None**

**Planning Board: Mary Neale reported: None**

**Assessor Donna LaPlant:**

1. Discussed Grievance Day – 47 total – 35 appearances the rest just wanted to be reviewed. The decisions for the Board of Review were mailed out, the board agreed with 14 stipulations.
2. 2011- Residential Revaluation.

**Fire Chief Paul Conrad:**

1. New truck is in and start training soon, hopefully will be in service in July.
2. Brush Truck accident.
3. All set with July 3<sup>rd</sup> Fireworks Celebration – new truck will be there.

### **COMMUNICATIONS:**

1. Letter from the Supervisor to Brianna Hutton, president of the Victor-Farmington Ambulance Corps. Inc. Re: Independence Day celebration.
2. Letter from Jeff Howe of ISO to the Supervisor. Re: Building Code Effectiveness Grading Schedule Classification Results.
3. Letter to Anthony Mastrodonato, Robert Vigdor and Bonnie Mahaney from the Town Attorney. Re: Auburn Meadows subdivision.
4. Press release for the Town's Independence Day Celebration.
5. Letter to the Supervisor from Time Warner Cable. Re: Potential changes in lineup.
6. Mercy Flight Central's 2009 annual report.
7. Letter to sole assessors from Shelley Reddout from the Ontario County Real Property Tax Services office. Re: Small claims petitions.
8. Letter to the Director of Development from Lance Brabant of the MRB Group. Re: Lay Properties/Farmington Service.
9. Letter to the Town Clerk from Delaware North Cos., Inc. Re: Liquor license for the Finger Lakes Gaming & Race Track.
10. Letter to the Director of Development from Lance Brabant of the MRB Group. Re: Saratoga Crossing, Lot 2.
11. Certificates of insurance for: Frontier Communications of Rochester; Rochester Gas & Electric; the Farmington Canine Center; David Schlossnagle Building; Premier Sunroom Solutions; Meyers Co., Inc.; and the Victor Lions Club.
12. Certificates of Workers Compensation Insurance coverage for: Patricia Forster DBA Premier Sunroom Solutions; Farmington Canine Center Inc.; Sign & Lighting Services LLC; and the Farmington Canine Center Inc. dba Boom Towne Canine Campus.
13. Letter to the Supervisor from Hook Road resident John J. Bielski. Re: Request for a speed limit reduction.
14. Letter to the Public Service Commission, copied to the Supervisor, from Sen. Michael Nozzolio, R-Fayette. Re: Town's application for a Public Interest Payphone.
15. Letter to the Town from Robyn L. Hanna from Riley & Graff, LLP. Re: Local Law No. 4&5.
16. Letter to the Supervisor from Walter Mack, Commander of the former VFW Post 7649. Re: Property release.
17. Letter from the Supervisor to John DeWitt of Hook Road. Re: Land owned by the town.

### **REPORTS & MINUTES:**

1. Monthly report for Justice John Gligora, May 2010
2. Monthly report for the Supervisor, May 2010
3. Monthly report for the Building Department, May 2010
4. General fund townwide detail of expenditures, May 2010
5. Monthly report for Justice Morris Lew, May 2010

**ORDER OF BUSINESS:**

**RESOLUTION #177-2010:**

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

**RESOLUTION RELATIVE TO AN ENCROACHMENT INTO BOWERMAN ROAD**

**WHEREAS**, the owner of property located at 5970 Allen Padgham Road, being the Estate of Grace B. Allen, has submitted a request, in writing, to the Town Board requesting that the Town issue a license to the owner regarding the encroachment of a barn into the highway right-of-way of Bowerman Road; and

**WHEREAS**, the encroachment at issue is, according to a survey map of the subject property prepared by David M. Parrinello dated April 27, 2010, the 43 foot length of the front of a barn on the property encroaching into the highway right-of-way of Bowerman Road from between 6.1 feet up to 6.8 feet; and

**WHEREAS**, the Town has given notice of this request to the Town Highway Superintendent who has informed this Board that no part of this encroachment sits on the paved portion of Bowerman Road and has opined that this encroachment has not in the past adversely impacted the use of Bowerman Road nor interfered or impeded the right of the public to use Bowerman Road and that this encroachment does not presently adversely impact the use of Bowerman Road nor interfere or impede the right of the public to use Bowerman Road; and

**WHEREAS**, the Town Highway Superintendent has further provided his recommendation that the town board grant a license to the owner of 5970 Allen Padgham Road to continue to maintain the portion of the barn encroaching within the highway right-of-way of Bowerman Road during the period such portion of the barn is in existence, provided such license agreement is in the form required by New York State Town Law §130 (7) (h) and (i); and

**WHEREAS**, this action by the Town Board is a “Type II” action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, “(27) adoption of . . . local legislative decisions in connection with any action on this list” and subsection (20) on this list includes “continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”. This action involves continuing agency administration and management in that the Town is determining whether to grant a license relative to barn that has for several decades encroached into the highway right-of-way of Bowerman Road and the management of Bowerman Road has been a continuing activity for the Town that has existed for several decades since the road became a town highway.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby preliminarily determines that the encroachment of the portion of the barn located at 5970 Allen Padgham Road, as shown in the aforementioned survey, may have no adverse impact upon the use of Bowerman Road; and be it further

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to schedule a public hearing in regards to the Town issuing a license to the owner of 5970 Allen Padgham Road relative to the aforesaid encroachment, such public hearing to be held on June 22, 2010, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York; and be it further

**RESOLVED**, that the Town Clerk be, and hereby is, authorized to forward to the official newspaper(s) of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "1", such notice to be published at least 10 days prior to the date of the public hearing; and be it further

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Farmington sign board at least 10 days prior to the date of the public hearing; and be it further

**RESOLVED**, that the Town Clerk, in addition to giving such public notices, send a copy of the Notice of Public Hearing, by certified mail, to the owners of property, as determined from the last completed assessment roll, within five hundred feet of 5970 Allen Padgham Road as measured from the intersections of the property lines with Bowerman Road or Allen Padgham Road.

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 June 8, 2010, by the following vote:

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

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

**RESOLUTION #178-2010:**

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

**RESOLUTION AUTHORIZING ASSESSOR TO ATTEND THE SEMINAR ON APPRAISING IN ITHACA, NY FROM JULY 12, 2010 THROUGH JULY 16, 2010**

WHEREAS, the Assessor, Donna LaPlant wishes to attend the Seminar on Appraising from Monday July 12, 2010 through Friday July 16, 2010 with a possibility of extension to Saturday July 17, 2010 in Ithaca New York, and

WHEREAS, the Assessor wishes to take the IAO-1 5 day course and examination to attain her IAO designation, therefore be it

RESOLVED, the Farmington Town Board authorizes Assessor Donna LaPlant to attend the Seminar on Appraising at a cost not to exceed \$191.90 hotel for two nights, \$470.00 for the seminar and reimbursable expenses and be it further

RESOLVED that the Town Clerk forward a copy of this resolution to the Assessor.

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

**RESOLUTION #179-2010:**

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

**RESOLUTION AUTHORIZING A 25 CENT WAGE ADJUSTMENT FOR THE CONFIDENTIAL SECRETARY UPON THE COMPLETION OF A SIX-MONTH PROBATIONARY PERIOD**

WHEREAS, the Supervisor's Confidential Secretary, Jessica Youngman, began employment with the Town on December 9, 2009 and will have completed her six-month probationary period on June 9, 2010,

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes a 25 cent wage adjustment for the Confidential Secretary, effective June 9, 2010 and be it further

**RESOLVED** that the Town Clerk forward a copy of this resolution to the Supervisor's Office.

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

**RESOLUTION #180-2010:**

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

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR THE ESTABLISHMENT OF THE HIGHWAY CAMPUS CAPITAL PROJECT**

WHEREAS, the Farmington Town Board on March 13, 2010, adopted resolution No. 113-2010 establishing the highway campus capital project,

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the following budget amendments for that fund:

FROM: A511	Appropriated reserves	(\$400,000.00)
TO: A9950.9	Transfers to capital projects	\$400,000.00
FROM: HC5031	Interfund transfers	(\$400,000.00)
HC1420.21	Law-Contractual-Phase 1	\$7,000.00
HC1440.21	Engineering – Contractual Phase 1	\$18,000.00
HC5132.2	Garage – Contractual – Phase 1	\$375,000.000

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to forward copies of this resolution to the Finance and Accounting Specialist.

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

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**

**JUNE 8, 2010**

**RESOLUTION #181-2010:**

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

**RESOLUTION AUTORIZING A BUDGET AMENDMENT FOR THE DEMOLITION AND REMOVAL OF CONDEMNED PROPERTY AT 1637 NEW MICHIGAN ROAD.**

**WHEREAS**, the Farmington Town Board condemned a property at 1637 New Michigan Road and ordered it demolished, hiring Pooler Enterprises Inc. of Fishers to do the work and,

**WHEREAS**, Pooler completed the work and submitted a bill to the Town of Farmington for \$14,975.00, and a voucher for said amount has been prepared to be paid by the town and then a bill will be mailed to the property owner seeking reimbursement,

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

FROM: A1990.4	Contingency	(\$14,975.00)
TO: A3620.4	Code Enforcement Contractual	\$14,975.00

**AND BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this resolution to the Finance and Accounting Specialist and the Code Enforcement Officer.

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

**RESOLUTION #182-2010:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, DETERMINATION OF SIGNIFICANCE MERCIER SUBDIVISION 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 McMahon LaRue Associates, P.C. map entitled "Farmington 332 LLC Senior Housing" dated March 2009; the June 8, 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 June 8, 2010, by the following vote:

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

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

**RESOLUTION #183-2010:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON APPROVING  
CREATION OF THE MERCIER SUBDIVISION LIGHTING DISTRICT**

**WHEREAS**, a written Petition dated March 26, 2010, has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, requesting establishment of the Mercier Subdivision Lighting District ("District") with boundaries as described in a Map relating to the establishment of the District, attached hereto as Exhibit 1, prepared by McMahon LaRue Associates, P.C. entitled "Farmington 332 LLC Senior Housing" dated March 2009 in a manner and such detail as has been determined by this Town Board to be sufficient and has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on June 8, 2010, reciting the filing of said Map, the improvements proposed, the boundaries of the proposed District, the fact that the Map describing the same is on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying June 8, 2010, at 7:00 p.m., at the Town of Farmington Town Hall, 1000 County Road 8, Farmington, New York, as the 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**, the hearing on said matter was duly held by said Town Board on June 8, 2010, at the Farmington Town Hall, at which all interested persons desiring to be heard were heard; 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. That said Petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
2. The Order Calling Public Hearing was duly published in the Town's official newspaper on May, 28, 2010 and duly posted on the Town's official sign board on May 28, 2010, all as required by law and is otherwise sufficient;
3. All of the property owners within the proposed District are benefited thereby;
4. All of the property and property owners benefited are included within the limits of the proposed District;
5. It is in the public interest to establish said District;
6. The proposed expenses for on-going maintenance and capital improvements, as set forth in the Petition referred to herein, be and are hereby approved;
7. 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, all pursuant to Section 202(3) of the Town Law and in accordance with the ad valorem charge basis;
8. That the establishment of the District, as set forth in said Map, 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 be it further resolved
9. 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.

**ORDER OF BUSINESS: (Continued)**

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 June 8, 2010, by the following vote:

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

Four voting "Aye", the Resolution as amended was **CARRIED**.

**RESOLUTION #184-2010:**

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

**RESOLUTION AUTHORIZING THE TOWN BOARD TO RELEASE PAYMENT NO. 7 TO GUDABRI INC. FOR SERVICES RENDERED FOR THE MERTENSIA PARK LODGE FOR THE PERIOD ENDING OCT. 31, 2009 IN THE AMOUNT OF \$13,000.**

**WHEREAS**, the MRB Group has reviewed Statement No. 7, the final statement for the Lodge at Mertensia Park, prepared by contractor Gudabri Inc. for the period ending Oct. 31, 2009 and has forwarded three original copies of the Certificate of Substantial Completion to be signed and,

**WHEREAS**, the MRB Group has indicated that they have no objection to the release of retainage to the Contractor in the amount of \$13,000,

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the release of payment No. 7 to Gudabri Inc. in the amount of \$13,000, and be it

RESOLVED that the Town Clerk forward a copy of this resolution to the Highway/Parks Superintendent.

Four voting "Aye", the Resolution as amended was **CARRIED**.

**RESOLUTION #185-2010:**

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

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE ONTARIO COUNTY 2010 MOWING CONTRACT.**

**WHEREAS**, Ontario County Public Works Commission William Wright on May 27 sent the Town of Farmington its 2010 Mowing Contract and

**WHEREAS**, the contract stipulates that in 2008 the Board of Supervisors adjusted the rates to account for increased fuel and parts as follows: \$27.75 for a dual mower; \$22.75 for a single mower; and \$31.75 for boom-style mowers, and

**WHEREAS**, under the contract, labor and fringe benefits will be paid as actual costs,

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the Supervisor to sign the 2010 Mowing Contract and further be it

**RESOLVED** that the Town Clerk forward a copy of this resolution along with the original, signed contract, to the Highway/Parks Superintendent who shall submit it to the county.

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

**RESOLUTION #186-2010:**

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

**Declaration of Intent to be designated Lead Agency and to conduct a coordinated review with involved and interested agencies upon the Action known as the Purdy Road Water Main Replacement Project.**

**WHEREAS**, the Farmington Town Board, acting on behalf of the Canandaigua/Farmington Consolidated Water District (hereinafter referred to as Town Board), has received a completed Part 1 of the Short Environmental Assessment Form dated June 4, 2010, prepared by James E. Crane, Water Superintendent and Greg Hotaling, P.E., MRB Group, P.C., the engineer for this

**ORDER OF BUSINESS: (Continued)**

joint Canandaigua/Farmington Water District, for the Purdy Road Water Main Replacement Project (hereinafter referred to as Action); and

**WHEREAS**, the Action is identified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Action is subject to approvals from other involved agencies that include: the New York State Department of Transportation; the New York State Department of Environmental Conservation; the New York State Department of Health; and the two Town Boards that govern this joint Water District; and

**WHEREAS**, Part 617 requires there be a designated lead agency to conduct the coordinated review upon the above referenced Action and to make a determination of significance upon said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby declare its intent to be designated lead agency for this coordinated review under the SEQR Regulations at its July 13, 2010 Town Board Meeting.

**BE IT FURTHER RESOLVED** that the Town Board directs the Director of Planning and Development to provide written notice of this declared intent along with a copy of the design plan for this water main replacement project, the Part 1 of the Short Environmental Assessment Form and a brief Project Narrative, to all involved agencies identified above herein.

**BE IT FURTHER RESOLVED** that the Town Board does hereby establish a 30 day public notification period to commence on Wednesday, June 10, 2010 and to end on Monday, July 12, 2010 during which period involved agencies will be provided opportunity to comment on the Action and to object in writing to the Town Board's declared intent to be designated the lead agency for this Action.

**BE IT FINALLY RESOLVED** that the Town Clerk shall be provided a copy of this resolution along with the identified attachments thereto to place in the Project files for public review and comment during normal business hours during this identified period of time.

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

**RESOLUTION #187-2010:**

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

**Resolution Canceling the Lease with the Former Victor – Farmington VFW Post 7649**

**Whereas**, The Victor Farmington VFW Post 7649 (referred to as Post 7649 herein) leased in 1993, approximately 3 acres of land from the Town of Farmington, property located on Hook Road and is part of the parcel 17-00-2-39-000, consisting of approximately 5 acres, that was bequeathed to the Town of Farmington (formerly part of the Addison – Smith Farm), and

**Whereas**, Post 7649 never did develop a Veteran's Park or Post Home on the property, and Post 7649 had to be dissolved due to lack of surviving members and their charter was turned in to de-activate the post, and

**Whereas**, the last Commander of Post 7649, Walter P. Mack in a letter to the town, dated June 4, 2010 , (copy attached and made a part of this resolution) in which the Post has returned the control of the parcel to the town and requested that the lease be cancelled due to the disillusion of Post 7649, in addition Farmington Town Board Resolution 237-93; the Lease Agreement dated December 29, 1993, the Last Will and Testament of Eunice Thelma Wilson, dated November 29, 1967 that bequeathed the property to the Town of Farmington is also hereby attached to an made a part of this resolution as part of the public record of the transactions associated,

**Now be it hereby Resolved:** that the Town Board of the Town of Farmington deems it to be in the public interest to accept control of the land in question and hereby cancels the lease with VFW Post 7649, releasing VFW Post 7649 of all obligations associated with the lease, effective immediately, and

**Be it further resolved:** that the Town Clerk shall provide a certified copy of this resolution to Walter P. Mack, former Commander of the Victor Farmington VFW Post 7649, c/o 5726 Running Brook Road, Farmington, NY 14425, and the Farmington Town Building Department for the property files and the Farmington Assessor.

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

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**

**JUNE 8, 2010**

**RESOLUTION #188-2010:**

Councilman Holtz offered the following Resolution, seconded by Councilman Ingalsbe:

**RESOLUTION TO PAY AUDITED BILLS**

The bills were audited by the Town Board

**ABSTRACT #11-2010**

General	\$	32,329.62
Highway Fund	\$	12,426.32
Storm Drainage	\$	1,331.01
Payroll	\$	142.70
Mertensia Park Lodge	\$	13,000.00
Sewer District	\$	11,887.34
Water District	\$	<u>21,914.18</u>
<b>TOTAL</b>	<b>\$</b>	<b>93,031.17</b>

Discussion: Councilman Ingalsbe stated that the Water & Sewer Department was making a final payment for a Serial Bond (Cty Rd. 8 and Martz Road portion).

Four voting "Aye", the Resolution was **CARRIED**

**WAIVER OF THE RULE**

**TRAINING UNDER \$100.00: None.**

**DISCUSSION: None.**

**EXECUTIVE SESSION: None.**

A motion was made by Councilman Casale and seconded by Councilman Holtz to adjourn the meeting at 8:04 p.m. Four voted "Aye" **CARRIED**.

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