

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 11th day of May, 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, **James Morse** – Code Enforcement Officer, **Dean Litcherman**- Victor Herald, **Ed McLaughlin** – Highway/Parks Superintendent, **Ronald Brand**- Director of Planning and Development, **Paul Conrad**- Fire Chief, **Dotti Mickelsen**, and Students from Victor Central School.

PUBLIC HEARINGS:

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

PRIVILEGE OF THE FLOOR: NONE.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Mickelsen reported:

Highway & Parks:

1. Discussed Stonehedge drainage facility project almost completed.
2. Discussed Heritage Motors.
3. Discussed the parking lot at Farmbrook Park, also discussed moving the swing set closer to the pavilion and widening the Basketball Court.
4. Discussed roadwork on Stewart Circle and Whitetail Lane.
5. Discussed Town Cleanup-went well.
6. Discussed chip sealing-scheduled for July.

Water & Sewer:

1. Discussed RIT Students touring the Plant on April 30.
2. Discussed USDA Compliance Review is set for May 17.
3. Evacuation Training was completed on May 7.
4. One watermain break- Purdy Road.
5. Discussed request for extension to the Canandaigua-Farmington Water District on Yahn Road.
6. Proposed Sewer Extension on Green Road, failed septic system.
7. Planting trees for screening.
8. Working on Subdivision plans for the Highway Garage property.

Town Operations Committee: Councilman Casale reported:

1. Stated that Ron Brand met with Lance Young from O'Connell Electric concerning Wind Energy legislation.
2. Discussed training at Houghton College.
3. Discussed Town Board setting up a committee of 7-8 people to update Comprehensive Plan.
4. Would like Ron Brand to go over Article 6, Chapter 165 of the Code pertaining to Special Use Permit, standards may need to be changed.

REPORTS OF TOWN OFFICIALS:

Supervisor Fafinski:

1. Discussed training at Houghton College-very informative, study needs and wants. He stated that the board cannot place CHIPS money in a highway agreement, needs to be done earlier than at the Organizational Meeting. He added that the Highway Superintendent can only do what is in the agreement, the Highway Superintendent and the Town Board can only change the agreement by resolution.

Highway & Parks Superintendent Ed McLaughlin:

1. Stormwater Management Facility at Stonehedge is 90% completed.

REPORTS OF TOWN OFFICIALS: (Continued)**Town Clerk Michelle Finley:**

1. Update on Town Clerk conference.
2. Update on Dog Enumeration-located an additional 217 dogs.
3. Attended Records Management seminar in Palmyra on May 6.
4. Official Zoning Maps are now available.

Water & Sewer Superintendent Jim Crane:

1. Planting trees.

Code Enforcement Officer James Morse:

1. Stated that they have started the mobile park reviews.
2. Demolition on New Michigan Road started today.

Director of Planning and Development:

1. Mentioned two resolutions on local laws.
2. Discussed application for used car dealership on Route 96, general business use, no criteria under Article 6 of the Town Code to regulate to require improvements therefore revisions need to be adjusted and needs direction from the Board.

Assessor Donna LaPlant:

- 1.

Farmington Fire Chief Paul Conrad:

- 1.

COMMUNICATIONS:

1. Letter to the Supervisor from Time Warner Cable. Re: channel offerings.
2. Memo from Director of Development to Planning Board, Conservation Board and Ag Advisory Committee. Re: Draft local laws.
3. Letter copied to Supervisor from Frank A. Vitrano of the U.S. Census Bureau. Re: mailing addresses.
4. Intermunicipal cooperation agreement between the Town of Farmington, Victor schools and Ontario County for assessment suit with racino.
5. Letter of interest for Recreation Advisory Board with response.
6. Letter to Town Clerk from Chris Wade, President of Wade's Market Center. Re: Liquor license.
7. Letter to the Town from M&T Bank. Re: Letter of credit.
8. Letter to Nicholas Packard from the Town Clerk. Re: gratitude for joining the Farmington Fire Department.
9. Ontario County first quarter sales tax comparison sheet.
10. Certificate of completion of the Southern Tier West Local Government Conference for Supervisor.
11. Letter to the Town from the Office of the New York State Comptroller. Re: member annual statements.
12. 2009 Annual Report of the Lifetime Healthcare Companies.
13. Notices of insurance claims by Steve Rodas.
14. Invoices sent to the Victor Central School District and Ontario County for reimbursement for legal services provided in the assessment case with the racino.
15. Certificates of liability insurance for: Home Depot; Villager Construction; Farmington Canine Center Inc.; Brooks Construction; T-Mobile USA; Legacy Concepts; Alpco Recycling; Duro-Shed Inc.; Kelly Atlantic Corp.; Besroi Roofing & Siding Co.; and Butler Fence Co.
16. Certificates of workers compensation insurance for: Matthew J. Nowak; Paynes Construction; Villager Construction; Pace Window & Door; Kenneth F. Mast; Butler Fence Co; and Paragon Restoration Group, Inc.
17. Notice of insurance cancellation for: St. Brendan's Christian Fellowship.
18. Notice of workers comp. insurance cancellation for: Paynes Construction.
19. Memo to the Town Board from the Supervisor. Re: Draft of budget guidelines.

REPORTS & MINUTES:

1. Monthly report for Justice Gligora for April 2010.
2. Monthly report for Justice Lew for April 2010.
3. Monthly report for Supervisor Fafinski for April 2010.
4. Monthly report from the Building Department for April 2010.
5. General Fund Detail of Expenditures for April 2010.

ORDER OF BUSINESS:

RESOLUTION #149-2010:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE MUNICIPAL COMPLIANCE CERTIFICATE FORM FOR THE 2010 MS-4 ANNUAL REPORT

WHEREAS, the Highway/Parks Superintendent has asked the Town Supervisor to sign the Municipal Compliance Certificate Form for the 2010 MS-4 Annual Report, and

WHEREAS the Annual Report is a shared report that is required to be filed in conjunction with the other eight members of the Ontario-Wayne Storm water Coalition,

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Supervisor to sign the certificate form and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Parks/Highway Superintendent.

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

RESOLUTION #150-2010:

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

RESOLUTION AUTHORIZING THE APPOINTMENT OF STEFANIE TALLMAN, RIKK FORINGER AND JULIE LARUE TO THE RECREATION ADVISORY BOARD

WHEREAS, the Farmington Town Board received letters of interest for the Recreation Advisory Board from residents Stefanie Tallman, Rikk Foringer and Julie LaRue and subsequently interviewed them at the Town Hall, and

WHEREAS, the Town Board feels they would be a positive addition to the board given their background and enthusiasm,

NOW, THEREFORE, BE IT RESOLVED that the Town Board appoints Tallman, Foringer and LaRue to the Recreation Advisory Board for terms of two years, to expire on December 31, 2011, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to Tallman, of 6212 Pheasants Crossing, Farmington; LaRue of 1270 Glencarlyn Drive, Farmington; and Foringer of 1213 County Road 28, Shortsville; and to Recreation Director Mark Cain.

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

RESOLUTION #151-2010:

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

RESOLUTION AUTHORIZING THE APPOINTMENT OF ROSALIE FAFINSKI TO THE ETHICS BOARD

WHEREAS, the Farmington Town Board received a letter of interest for the Ethics Board from resident Rosalie Fafinski, and

WHEREAS, the Town Board feels she would be a positive addition to the board given his background and enthusiasm,

NOW, THEREFORE, BE IT RESOLVED that the Town Board appoints Fafinski to the Ethics Board for a term of three years, to expire on December 31, 2012, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to Fafinski at 5829 Mountain Ash Drive.

Supervisor Fafinski abstain, all remaining voting "Aye", the Resolution was **CARRIED**.

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

MAY 11, 2010

RESOLUTION #152-2010:

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

RESOLUTION AUTHORIZING THE APPOINTMENT OF WILLIAM MURPHY TO THE CONSERVATION BOARD

WHEREAS, the Farmington Town Board received letters of interest for the Conservation Board from William Murphy and subsequently interviewed him at the Town Hall, and

WHEREAS, the Town Board feels he would be a positive addition to the board given his background and enthusiasm,

NOW, THEREFORE, BE IT RESOLVED that the Town Board appoints Murphy to the Conservation Board for a term of two years, to expire on December 31, 2011, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to Murphy at 4995 Rushmore Road, Palmyra and to John Kasper, the Chairman of the Conservation Board.

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

RESOLUTION #153-2010:

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR THE FRASCO EXTENSION TO THE CANANDAIGUA-FARMINGTON CONSOLIDATED WATER DISTRICT

WHEREAS, by written Petition dated October 22, 2009, submitted in due form by 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 Frasco Extension to the Canandaigua-Farmington Consolidated Water District ("District") to serve the individual lot and parcel of land within the proposed District; and

WHEREAS, the Town Board deems it to be in the best interests of the residents of the Town of Farmington to pursue the District, pursuant to a Map, Plan and Report made Thornton Engineers LLP. dated September, 2009, and filed with the Town Clerk on May 6, 2010, (See Exhibit 1 attached hereto and made a part hereof.)

NOW, THEREFORE, BE IT RESOLVED, that the Order Calling for Public Hearing, attached hereto, shall be signed by the members of the Town Board of the Town of Farmington and published, posted and entered into the Minutes in accordance with **Section 193 of the Town Law** and the Town Clerk and/or Counsel to the Town are hereby authorized to take any and all further measures necessary to comply with the Town Law in preparation for the final adoption of the aforementioned District.

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

RESOLUTION #154-2010:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR AN EQUIPMENT PURCHASE

WHEREAS, the Assessor's computer printed broke and needed to be replaced, and

WHEREAS, a new printer was purchased for \$229.99,

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the following budget amendment to cover the expense:

FROM: Contingency-CE A1990.4 (\$229.99)

TO: Assessment-Equipment A1355.2 \$229.99

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

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

MAY 11, 2010

RESOLUTION #155-2010:

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

Letter of Credit Release #1 – The Estates at Beaver Creek Subdivision, Section 1, in the total amount of \$ 141,896.92.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, May 5, 2010 recommending that the above referenced Letter of Credit Release #1 be approved in the total amount of \$ 141,896.92 for work completed in the Section 1 portion of The Estates at Beaver Creek 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. 1 for The Estates at Beaver Creek Subdivision Project signed by all department heads; and

WHEREAS, there is currently a total of \$ 642,799.04 in this letter of credit; and

WHEREAS, there will be a total of \$ 500,903.02 remaining in the Letter of Credit; and

WHEREAS, the Planning Board has, in a resolution adopted on May 5, 2010 recommended the release of the requested amount, \$ 141,896.92.

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 #156-2010:

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

Accepting the Full Environmental Assessment Form, Parts 1, 2 & 3 for the Action identified as Local Law # of 2010, On-site-use Wind Energy Systems Regulations

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received the completed Full Environmental Assessment Form, Parts 1, 2 & 3 for the above described Action; and

WHEREAS, the Town Board is the only involved agency under the provisions of the State Environmental Quality Review (SEQR) Regulations for making the required determination of significance; and

WHEREAS, the Town Board has reviewed the documents described above herein.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby find the Parts 1, 2 & 3 to be complete.

BE IT FURTHER RESOLVED that the Town Board does hereby accept the Parts 1, 2 & 3 in compliance with the procedures set forth under part 617 of Article 8 of the State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Town Board directs that copies of the Parts 1, 2 & 3 are hereby made as attachments to this resolution.

BE IT FINALLY RESOLVED that the Town Board does hereby direct the Parts 1, 2 & 3 be filed with the Town Clerk for public review and inspection as part of the formal adoption process now underway for this local law.

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

MAY 11, 2010

RESOLUTION #157-2010:

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

Accepting the Full Environmental Assessment Form, Parts 1, 2 & 3 for the Action identified as Local Law # of 2010, WEFD Wind Energy Farm District Regulations

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received the completed Full Environmental Assessment Form, Parts 1, 2 & 3 for the above described Action; and

WHEREAS, the Town Board is the only involved agency under the provisions of the State Environmental Quality Review (SEQR) Regulations for making the required determination of significance; and

WHEREAS, the Town Board has reviewed the documents described above herein.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby find the Parts 1, 2 & 3 to be complete.

BE IT FURTHER RESOLVED that the Town Board does hereby accept the Parts 1, 2 & 3 in compliance with the procedures set forth under part 617 of Article 8 of the State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Town Board directs that copies of the Parts 1, 2 & 3 are hereby made as attachments to this resolution.

BE IT FINALLY RESOLVED that the Town Board does hereby direct the Parts 1, 2 & 3 be filed with the Town Clerk for public review and inspection as part of the formal adoption process now underway for this local law.

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

RESOLUTION #158-2010:

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

WHEREAS, the Water and Sewer Department received a price quote from Siewert Equipment to replace the Gorman Rupp Three Phase Pump for the lift station located at Hadley Circle in Victor due to pump failure. Plus purchase a replacement pump for Stations on Route 251, and

WHEREAS, the Gorman Rupp JSV3D60-X4 230 volt Three Phase Pump in the amount of \$2,925.00 has been ordered for emergency replacement, and a replacement pump JSV3C60-X2.7 is needed for a cost of \$2840.00, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the Water and Sewer Superintendent to purchase from Siewert Equipment Co. two (2) pumps for a total cost not to exceed \$5765.00.

BE IT FURTHER RESOLVED, that this purchase will be expended from the Sanitary Sewer Budget lines SS-8120.4.

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

RESOLUTION #159-2010:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT TO COVER ATTORNEY FEES

WHEREAS, the Farmington Town Board has incurred unexpected debt in legal fees to the firm Boylan Brown, largely due to a property assessment lawsuit brought by the Finger Lakes Gaming and Race Track,

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the following budget amendment to cover the expenses:

FROM: Contingency-CE A1990.4 (\$8,290.22)

TO: Attorney Fees-CE A1420.4 \$8,290.22

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

May 11, 2010

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

RESOLUTION #160-2010:

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

RESOLUTION OPPOSING ASSEMBLY BILL NO. A.9911 AMMENDING THE PUBLIC OFFICERS LAW, IN RELATION TO REQUIRING CERTAIN RECORDS WHICH ARE THE SUBJECT OF A DISCUSSION CONDUCTED AT AN OPEN MEETING BE MADE AVAILABLE TO THE PUBLIC

WHEREAS, The New York State Assembly has introduced Assembly Bill No. A.9911 that, if approved, would require certain agency records be made available to the public pursuant to Article Six, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that are scheduled to be the subject of a discussion by a public body during an open meeting, shall be made available to the extent practicable, prior to or at the meeting during which such records will be discussed; and

WHEREAS, Assembly Bill No. A.9911 would require such records to be posted on the Web site of the agenda with which the public body is affiliated, as soon as practicable, but not less than 24 hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting; and

WHEREAS, said legislation would be a significant burden on staff and resources at the local government level, let alone could cost municipalities more money to make additional copies and require towns to expand technology to accommodate such requirement; and

WHEREAS, many municipalities do not have Internet capability, therefore causing them to make paper copies available and causing additional expenses for that municipality; and

WHEREAS, the Town of Farmington Town Board supports open government and the public's "right to now," and now makes such material readily available to the public under the state's Freedom of Information, or "sunshine" laws, furnishing resolutions, correspondence or other agenda items discussed in open meetings to the public in a reasonable amount of time,

NOW THEREFORE BE IT RESOLVED, that the Town Board of Farmington, hereby opposes Assembly Bill A.911 and urges the New York State Senate to also oppose such a bill; a

AND FURTHER BE IT RESOLVED that a certified copy of this resolution is sent to Assemblyman Joseph Errigo and Senator Michael Nozzolio.

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

RESOLUTION #161-2010:

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

RESOLUTION TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT #9-2010

| | |
|-----------------------|---------------------------|
| General | \$ 30,031.82 |
| Highway Fund | \$ 8,877.24 |
| Storm Drainage | \$ 19,875.56 |
| Payroll | \$ 137.68 |
| Sewer District | \$ 12,942.75 |
| Water District | \$ <u>4,770.37</u> |
| TOTAL | \$ 76,655.42 |

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

May 11, 2010

WAIVER OF THE RULE (no objections)

RESOLUTION #162-2010:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN A PROPOSAL FOR DANIEL BRENT FOR WORK-CULTURE TRAINING SESSIONS FOR EMPLOYEES

WHEREAS, it has been determined that workplace and culture training would be an asset to town employees to enhance productivity and morale, and

WHEREAS, independent consultant Daniel Brent has offered his training “work culture” sessions for town employees at a cost of \$100 per three to three-and-a-half hour session,

NOW THEREFORE BE IT RESOLVED that the Farmington Town Board authorizes the Supervisor to sign a proposal for Brent to conduct the sessions for town employees at a cost of \$100 per session with the number of sessions to be determined at a later date, and be it

RESOLVED that the Town Clerk provide copies of this resolution to the Supervisor’s Office and all department heads.

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

TRAINING UNDER \$100.00: None.

DISCUSSION: None.

EXECUTIVE SESSION: None.

A motion was made by Councilman Mickelsen and seconded by Councilman Ingalsbe to adjourn the meeting at 7:45 p.m. All voted “Aye”.

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