

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 25<sup>th</sup> 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: **James Morse** – Code Enforcement Officer, **Ed McLaughlin** – Highway/Parks Superintendent, **Ronald Brand**- Director of Planning and Development, **Mary Neale** – Planning Board Member, Farmington Residents- **Mr. & Mrs. Cole**, **Dotti Mickelsen**, and Students from Victor Central School.

**PUBLIC HEARINGS:** 1. Local Law No. 4: On-Site Wind Energy Systems.  
2. Local Law No. 5: WEF Wind Energy Farm District.  
3. Frasco Extension to the Canandaigua-Farmington Water District.

At 7:00 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning the adoption of a local law to amend Articles II, IV, and VI of Chapter 165 of the Town Code, to be known as On-Site Use Wind Energy Systems Local Law. The Town Clerk read the Legal Notice, as published in the Town's designated newspaper.

Supervisor Fafinski opened the public hearing. Supervisor Fafinski stated that the Conservation Board and the Agricultural Advisory Board submitted written responses on both draft local laws. The hearing was declared closed at 7:04 PM.

At 7:04 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest concerning the adoption of a local law to amend Articles II, IV, and VII and Amendment 1, Town of Farmington Schedule, Lot Area, Bulk and Coverage Requirements of Chapter 165 of the Town Code, to be known as WEF Wind Energy Farm District. The Town Clerk read the legal notice, as published in the Town's designated newspaper.

Supervisor Fafinski opened the public hearing. No one wishing to be heard, for or against the foregoing subject matter, the hearing was declared closed at 7:08 PM.

At 7:08 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning the proposed creation of a district for the Frasco Extension to the Canandaigua-Farmington Water District. The Town Clerk read the legal notice, as published in the Town's designated newspaper.

Supervisor Fafinski opened the public hearing. No one wishing to be heard, for or against the foregoing subject matter, the hearing was declared closed at 7:11 PM.

**PRIVILEGE OF THE FLOOR:** Mr. & Mrs. Cole -5950 Allen Padgham Road. Mrs. Cole stated that they are in the process of selling her mother's home and barn that were built in 1870. They have discovered that the barn is in part of the road easements. She added that the Town Attorney has recommended that they Town not offer an easement so they can sell the property. Supervisor Fafinski stated that he tried to find out if the road was a three rod road which would make the highway right-of-way much less so he has asked the Highway Superintendent to do some research on it and there is a document dated in 1989 from the County indicating the width or type of width on roads and it listed Bowerman Road as a four rod road and he questioned that and asked what authority does the County have to deem that. Highway Superintendent added that he found some improvements that were done on the road that shows a four rod road. He added that this comes down to highway by use in which the property owner owns to center of road but the town maintains the road. He added that in researching the highway law if he needed to go in and improve the road and open the easement the barn maybe an issue. His opinion is that the road has been built to meet the standards of today and sees no reason to go in and open the easement and with that said in talking with Bill Wright, Ontario County Highway Superintendent, regarding the barn encroaching the highway right of way and the town cannot give away a highway right of way away. He would ask for a License Agreement which would say that yes you could use the space but when the barn goes everything goes with it, that the owners would continue to maintain the portion of the bard encroaching within the highway right of way. He added that highway uses trumps all other uses but he sees no issues.

**REPORTS OF STANDING COMMITTEES:**

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

**Highway & Parks:**

1. Discussed equipment being sold in auction.
2. Discussed purchasing swing set and spring animals for Mertensia Park and other town parks.
3. Farmbrook Parking lot project update, plan on moving swing set closer to pavilion and parking lot. Need to notify people of limited parking at the park.
4. Discussed Bowerman Road right of way issue.
5. Discussed CHIPS projects.

**Water & Sewer:**

1. Will get update on billing software for next meeting.

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

1. Discussed Wind Energy legislations.
2. Discussed reviewing Special Use Permits legislation.

**Town Finance Committee: Councilman Mickelsen** reported:

1. Met with Town Bookkeeper regarding the credit card use policy.

**Town Public Safety Committee: Councilman Holtz** reported:

1. Discussed reviewing public safety procedures.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. Discussed budget updates from Association of Counties – Medicaid.
2. Discussed the state approving an emergency spending bill at the cost of 9 Billion Dollars to pay 2300 contracts according to the Association of Counties.

**Highway& Parks Superintendent Ed McLaughlin:**

1. Parks are busy mowing and landscaping.
2. Few trucks are hauling chips in Macedon.
3. Working on Stormwater Management Facility and Detention Facility at Farmbrook Park.
4. Stormwater Management Facility at Stonehedge is completed.
5. Shelly VanLare planted 15 plants at Mertensia Lodge, Garden Club will put down mulch.

**Town Clerk Michelle Finley:**

1. Update on Dog Enumeration.- sending out letters to unlicensed dog owners.

**Water & Sewer Superintendent Jim Crane:** none

**Code Enforcement Officer James Morse:**

1. Mobile Home reviews are completed.
2. New Michigan Road demolition – seeding and grading.

**Director of Planning and Development:**

1. Discussed meeting with ZBA-request for an area variance for a flag lot in Stonewood.
2. Discussed Estates @ Beaver Creek and Auburn Meadows.
3. Discussed NYS DEC provisions – proposing outlawing outdoor wood burning stoves.

**Planning Board: Mary Neale** reported:

1. Planning Board Members attended training.

**Assessor Donna LaPlant:** none

**COMMUNICATIONS:**

1. Memos to the Town Justices, Tax Collector and Town Clerk from the Finance and Accounting Specialist. Re: Internal audit schedule.
2. Copy of e-mail from Carl Webeck of RG&E to the Supervisor's Office. Re: Fairdale Glen lighting district.
3. Certificates of attendance for Ted Fafinski, Mike Casale, Sheree Hooper and Peter Ingalsbe for the Southern Tier West Local Government Conference.
4. Letters of appointment to those chosen for the Recreation Advisory Board and the Conservation Board.
5. Memo from Monroe County Environmental Planner Rochelle Bell to the Supervisor. Re: Land Use Decision Making Training Program.
6. Invoices to developers for legal services by the Town Attorney.
7. Memo to Farmington town department heads and outside partner agencies from the Supervisor. Re: 2011 budget guidelines.
8. Letter to Verizon from the Supervisor. Re: Planned removal of the payphone outside Town Hall.
9. Letter from the Town Attorney to the Town Clerk. Re: Local laws now filed.
10. Letter from the Town Attorney to the Town Clerk. Re: Establishment of the Phillips Landing Lighting District.
11. Letter from the Town Assessor to property owner James Berry. Re: Property assessment.
12. Copy of the Town's application for a Public Interest Payphone, mailed to the Public Service Commission.
13. Letter to the Director of Development from the MRB Group. Re: Lay Properties LLC.
14. Letter to the NYS Dept. of State from the Town Attorney. Re: Filing of local laws.
15. Letter and related documents from the Town Attorney to the Town Clerk. Re: Saratoga Crossings LLC.
16. Certificates of Workers Compensation insurance for: LA Johnson Construction Co., Inc.; Paynes Construction Inc.; Bryon Hoff; Besroi Roofing & Siding Co., Inc.; Pro Construction Inc.; and Schumann Construction Inc.
17. Notice that insurance policy for Howard J. & Lawrence H. Mirt is cancelled effective 12:01 a.m. April 13, 2010.
18. Certificates of Liability Insurance for: Hibbs Enterprises Inc.
19. Letter to the Public Service Commission from Assemblyman Joseph Errigo. Re: Support of request for Public Interest Payphone status.
20. Letter from Assemblyman Joseph Errigo to the Town Clerk. Re: Assembly Bill No. A.9911.

**REPORTS & MINUTES: NONE****ORDER OF BUSINESS:****RESOLUTION #163-2010:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON AUTHORIZING SCHEDULING OF PUBLIC HEARING**

**WHEREAS**, by written Petition dated March 26, 2010, submitted in due form by Petitioners, 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 Mercier Subdivision Lighting District ("District") to serve the several lots and parcels 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 made by McMahon LaRue Associates, P.C. map entitled "Farmington 332 LLC Senior Housing" dated March 2009, and filed with the Town Clerk on May 25, 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.

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

**MAY 25, 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 May 25, 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 #164-2010:**

**Councilman Mickelsen** 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-FRASCO EXTENSION TO THE CANANDAIGUA-FARMINGTON CONSOLIDATED WATER 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 Thornton Engineering LLP map, plan and report dated September 2009; the May 25, 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 May 25, 2010, by the following vote:

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

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

**RESOLUTION #165-2010:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON APPROVING CREATION OF THE FRASCO EXTENSION TO THE CANANDAIGUA-FARMINGTON CONSOLIDATED WATER DISTRICT**

**WHEREAS**, a written Petition dated October 22, 2009, has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, requesting establishment of the Frasco Extension to the Canandaigua-Farmington Consolidated Water District ("District") with boundaries as described in a Map, Plan and Report relating to the establishment of the District, attached hereto as Exhibit 1, dated September 2009 and prepared by Thornton Engineers LLP in a manner and such detail as has been

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

**MAY 25, 2010**

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 May 11, 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 May 25, 2010, at 7:03 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 May 25, 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 17, 2010 and duly posted on the Town's official sign board on May 17, 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 Map, Plan and Report 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 as outlined in the Map, Plan and Report referred to herein;
8. That the establishment of the District, as set forth in said Map, Plan and Report, be and hereby is approved; that the improvements therein mentioned be constructed by the Petitioner; and 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.

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 May 25, 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 #166-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR ADDITIONAL EXPENSES INCURRED FROM A SETTLEMENT**

**WHEREAS**, the Farmington Town Board has been notified that there has been a settlement for \$400 in a legal case filed by John DiMarco, who alleged his vehicle was damaged because of roadwork,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the following budget amendment to cover the expense of the settlement in DiMarco v. Town of Farmington:

FROM: A1990.4	Contingency – CE	(\$400)
TO: A1910.4	Unallocated Insurance-CE	\$400

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

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

**RESOLUTION #167-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE PURCHASE OF A SHREDDER TO BE USED IN THE TOWN HALL**

**WHEREAS**, the Farmington Town Board at its May 11 meeting authorized the purchase of a heavy-duty shredder at a cost not to exceed \$1,500 and to be used at the Town Hall

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

FROM: A1990.4	Contingency – CE	(\$1,416.00)
TO: A1660.2	Storeroom – Equipment	\$1,416.00

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

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

**RESOLUTION #168-2010:**

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

**RESOLUTION AUTHORIZING THE CREATION OF 4 NEW RECREATION ASSISTANT POSITIONS**

**WHEREAS**, the Farmington Town Board approved the 2010 budget with 22 Recreation Assistants to work under the supervision of Recreation Director Mark Cain in the Summer Recreation program, and

**WHEREAS**, the Ontario County Department of Human Resources only has 18 posts created for the town under Civil Service,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board authorizes the creation of the four additional Recreation Assistant positions for the Summer Recreation program and authorizes the Supervisor to sign the required MSD222 form to be forwarded to the county and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to forward the two attached MSD222 forms, signed by the Supervisor, and a copy of this resolution to Carol Morse at the Ontario County Department of Human Resources as well as a copy of this resolution to Mark Cain.

Discussion: Supervisor Fafinski stated that these positions were budgeted for 2010. Councilman Ingalsbe added that it is also needed due to the increase attendance at the summer recreation program.

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #169-2010:**

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

**RESOLUTION ACCEPTING A QUOTE FROM LAKELANDS CONCRETE FOR PRE-CAST CATCH BASINS FOR THE RECONSTRUCTION OF WHITE TAIL LAKE AND SUEDE CIRCLE**

**WHEREAS**, the Farmington Highway/Parks Superintendent received two quotes for pre-cast catch basins for the reconstruction project on White Tail Lane and Suede Circle and

**WHEREAS**, the low bid was for \$2,255 from Lakelands Concrete while the second bid was for \$2,450 from Baliva Concrete,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board authorizes the Highway/Parks Superintendent to accept the bid from Lakelands Concrete at a cost not to exceed \$2,255 and

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

Councilman Mickelsen offered an amendment to the resolution adding that it be conditional on the State approving the CHIPS money, Councilman Casale seconded the motion. Councilman Ingalsbe stated that this was discussed at Public Works. On the amendment only, all voting "Aye", Carried.

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

**RESOLUTION #170-2010:**

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

**RESOLUTION ACCEPTING A QUOTE FROM HYNES CONCRETE TO FURNISH AND INSTALL CONCRETE GUTTERS AND APRONS FOR THE RECONSTRUCTION ON WHITE TAIL LANE AND SUEDE CIRCLE**

**WHEREAS**, the Highway/Parks Superintendent received two quotes to furnish and install concrete gutters and aprons for the reconstruction project on White Tail Lane and Suede Circle; and

**WHEREAS**, the low quote for \$33,424.25 was received from Hynes Concrete and the second quote was for \$42,232.50 from Pooler Enterprises,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board authorizes the Highway/Parks Superintendent to accept the bid from Hynes Concrete at a cost not to exceed \$33,424.25 and

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

Councilman Mickelsen offered an amendment to the resolution adding that it be conditional on the State approving the CHIPS money, Councilman Casale seconded the motion. On the amendment only, all voting "Aye", Carried.

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

**RESOLUTION #171-2010:**

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

**RESOLUTION DECLARING JUNE 4 THROUGH JULY 10, 2010 AS "PAINT THE TOWN PURPLE DAYS" FOR THE AMERICAN CANCER SOCIETY'S ANNUAL RELAY FOR LIFE FUNDRAISER.**

**WHEREAS**, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

**WHEREAS**, the American Cancer Society is a voluntary community based health organization dedicated to eliminating cancer as a major health problem; and

**WHEREAS**, the Relay for Life is a celebration of life benefitting the American Cancer Society; and

**WHEREAS**, the Relay for Life will be held in several area communities, including at the Victor Central High School soccer field on July 9 and 10, 2010; and

**WHEREAS**, the event is a community affair held throughout the state of New York and presents an opportunity to join with neighbors, friends and relatives to raise funds for research and services;

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

**May 25, 2010**

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby proclaim June 4 through July 10, 2010 as “Paint the Town Purple” for the American Cancer Society’s Relay for Life in the county of Ontario; and encourages local businesses and residents to celebrate the event with purple-colored flags, displays, porch lights and more; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to forward this resolution to the American Cancer Society in care of Kim Morley, 5676 Route 96, Farmington, NY 14425 as well as to the Chamber of Commerce president.

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

**RESOLUTION #172-2010:**

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

**CRITERIA FOR DETERMINING SIGNIFICANCE**

**ACTION - Local Law No. 4 of 2010** A local law entitled “Local Law to establish On-site-use Wind Energy Systems Regulations.”

**Whereas**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has determined the proposed On-site-use Wind Energy Systems Regulations Local Law (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**Whereas**, the Town Board has reviewed and accepted the Full Environmental Assessment Form, dated April 29, 2010 prepared by Ronald L. Brand, Town of Farmington Director of Planning & Development; and

**Whereas**, the Town Board has conducted a public hearing on said action, has given consideration to the Ontario County Planning Board’s referral # 61 - 2010 comments and has given consideration to the comments provided at a public hearing held on this date; and

**Whereas**, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 ( c ) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared by the Town Planner.

**Now, therefore, be it resolved** that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 of the State Environmental Quality Review (SEQR) Regulations:

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (ii) there will not be large quantities of vegetation or fauna removed from the future planned development site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on any site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on any future development of the subject site;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (iii) there are no known Critical Environmental Area(s) that will be allowed to be disturbed on the PD zoned site which will be impaired as the result of the proposed action;

There are no established Critical Environmental Area(s) in the Town of Farmington.

- (iv) the overall density of the PD zoned site will be consistent with the adopted Town Comprehensive Plan land use recommendations;

The adopted Town of Farmington Comprehensive Plan recommends the development of these type of alternative energy systems.

- (v) there will be no disturbance of any known important historical, archeological, architectural, or aesthetic resources on the PD zoned site, or will the proposed action impair the existing community or neighborhood character;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action. On the contrary, the Town Board finds that the proposed action will enable alternative energy systems to be operated within the town, thereby having a positive impact upon this consideration under SEQR.**

- (vii) there will not be any hazard created to human health;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (viii) there will not be a substantial change in the use, or intensity of use, or land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (ix) there will be a large number of persons attracted to the sites for more than a few days, when compared to the number of persons who would come to such place absent the action;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (x) there will not be created a material demand for other actions that would result in one of the above consequences;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.

- (xii) there are not two or more related actions which would have a significant impact on the environment.

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish On-site-use Wind Energy Systems Regulations.**

**Be it further resolved that** based on the information and analysis above and the supporting documentation referenced above, the proposed action WILL NOT result in any significant adverse environmental impacts.

**Be it finally resolved that the Town Board does hereby make a Determination of Non-Significance on said Action and directs the Town Supervisor to sign and date the Full Environmental Assessment Form**

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

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

**May 25, 2010**

**RESOLUTION #173-2010:**

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

**CRITERIA FOR DETERMINING SIGNIFICANCE**

**ACTION - Local Law No. 5 of 2010** A local law entitled “Local Law to establish WEFD Wind Energy Farm District Regulations.”

**Whereas**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has determined the proposed WEFD Wind Energy Farm District Regulations Local Law (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**Whereas**, the Town Board has reviewed and accepted the Full Environmental Assessment Form, dated April 29, 2010 prepared by Ronald L. Brand, Town of Farmington Director of Planning & Development; and

**Whereas**, the Town Board has conducted a public hearing on said action, has given consideration to the Ontario County Planning Board’s referral # 63 - 2010 comments and has given consideration to the comments provided at a public hearing held on this date; and

**Whereas**, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 ( c ) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full Environmental Assessment Form prepared by the Town Planner.

**Now, therefore, be it resolved** that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 of the State Environmental Quality Review (SEQR) Regulations:

- (iii) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (iv) there will not be large quantities of vegetation or fauna removed from the future planned development site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on any site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on any future development of the subject site;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (iv) there are no known Critical Environmental Area(s) that will be allowed to be disturbed on the PD zoned site which will be impaired as the result of the proposed action;

There are no established Critical Environmental Area(s) in the Town of Farmington.

- (v) the overall density of the PD zoned site will be consistent with the adopted Town Comprehensive Plan land use recommendations;

The adopted Town of Farmington Comprehensive Plan recommends the development of these type of alternative energy systems.

- (ix) there will be no disturbance of any known important historical, archeological, architectural, or aesthetic resources on the PD zoned site, or will the proposed action impair the existing community or neighborhood character;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (x) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action. On the contrary, the Town Board finds that the proposed action will enable alternative energy systems to be operated within the town, thereby having a positive impact upon this consideration under SEQR.**

- (xi) there will not be any hazard created to human health;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (xii) there will not be a substantial change in the use, or intensity of use, or land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (ix) there will be a large number of persons attracted to the sites for more than a few days, when compared to the number of persons who would come to such place absent the action;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (xii) there will not be created a material demand for other actions that would result in one of the above consequences;

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

- (xiii) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.

- (xii) there are not two or more related actions which would have a significant impact on the environment.

**The Town Board finds that there has been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the action to establish WEFD Wind Energy Farm District Regulations.**

**Be it further resolved that** based on the information and analysis above and the supporting documentation referenced above, the proposed action WILL NOT result in any significant adverse environmental impacts.

**Be it finally resolved that the Town Board does hereby make a Determination of Non-Significance on said Action and directs the Town Supervisor to sign and date the Full Environmental Assessment Form.**

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

**RESOLUTION #174-2010:**

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

**Adoption of Local Law # 4 of 2010 entitled "Local Law to establish On-site-use Wind Energy Systems Regulations."**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has held a public hearing tonight on the above referenced local law (hereinafter referred to as Action); and

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

**May 25, 2010**

**WHEREAS**, the Town Board has considered the public hearing record and the Ontario County Planning Board Referral # 61 – 2010 (hereinafter referred to as OCPB Referral); and

**WHEREAS**, the Town Board has been informed by the Town Director of Planning and Development that staff have complied with the comments cited within the OCPB Referral; and

**WHEREAS**, the Town Board has previously determined that said Action is an Unlisted Action as defined under Article 8 of the Environmental Conservation Law (hereinafter referred to as ECL), the State Environmental Quality Review Regulations; and

**WHEREAS**, the Town Board in making such determination has reviewed the Full Environmental Assessment Form, Parts 1, 2 and 3 that has been prepared for and previously accepted by this Town Board at its meeting on May 11, 2010; and

**WHEREAS**, the Town Board has made a determination of non-significance upon the subject Action, thereby satisfying procedural requirements set forth in the above referenced ECL.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby adopt in its entirety Local Law # of 2010.

**BE IT FURTHER RESOLVED** that the Town Clerk is to submit a certified copy of the subject local law to the Town Attorney for filing with the Department of State.

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

**RESOLUTION #175-2010:**

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

**Adoption of Local Law #5 of 2010 entitled “Local Law to establish the WEFD Wind Energy Farm District Regulations.”**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has held a public hearing tonight on the above referenced local law (hereinafter referred to as Action); and

**WHEREAS**, the Town Board has considered the public hearing record and the Ontario County Planning Board Referral # 63 – 2010 (hereinafter referred to as OCPB Referral); and

**WHEREAS**, the Town Board has been informed by the Town Director of Planning and Development that staff have complied with the comments cited within the OCPB Referral; and

**WHEREAS**, the Town Board has previously determined that said Action is an Unlisted Action as defined under Article 8 of the Environmental Conservation Law (hereinafter referred to as ECL), the State Environmental Quality Review Regulations; and

**WHEREAS**, the Town Board in making such determination has reviewed the Full Environmental Assessment Form, Parts 1, 2 and 3 that has been prepared for and previously accepted by this Town Board at its meeting on May 11, 2010; and

**WHEREAS**, the Town Board has made a determination of non-significance upon the subject Action, thereby satisfying procedural requirements set forth in the above referenced ECL.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby adopt in its entirety Local Law # of 2010.

**BE IT FURTHER RESOLVED** that the Town Clerk is to submit a certified copy of the subject local law to the Town Attorney for filing with the Department of State.

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

**RESOLUTION #176-2010:**

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

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

**May 25, 2010**

**RESOLUTION TO PAY AUDITED BILLS**

The bills were audited by the Town Board

**ABSTRACT #10-2010**

<b>General</b>	<b>\$ 66,011.28</b>
<b>Highway Fund</b>	<b>\$ 30,951.15</b>
<b>Storm Drainage</b>	<b>\$ 4,150.06</b>
<b>Payroll</b>	<b>\$ 2,469.63</b>
<b>Lighting District</b>	<b>\$ 6,056.47</b>
<b>Sewer District</b>	<b>\$ 49,708.40</b>
<b>Water District</b>	<b>\$ 9,989.79</b>
<b>TOTAL</b>	<b>\$ 169,336.78</b>

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

**WAIVER OF THE RULE**

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

**DISCUSSION: None.**

**EXECUTIVE SESSION:**

1. The Town Board will enter executive session to discuss pending litigation.

A motion was made by Councilman Mickleleson and seconded by Councilman Casale to enter into executive session at 8:05 p.m. to discuss pending litigation.

A motion was made by Councilman Mickelsen and seconded by Councilman Ingalsbe to close the executive Session at 8:47 p.m.

A motion was made by Councilman Holtz and seconded by Councilman Mickleleson to adjourn the meeting at 8:47 p.m. All voted "Aye" **CARRIED**.

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