

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 9<sup>th</sup> day of February, 2010, at 7:00 p.m.. there were:

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

Also present were: **Ron Brand** – Director of Planning & Development, **Ed McLaughlin**-Highway and Parks Superintendent, **Jim Morse**-Code Enforcement Officer, **Jim Crane**-Water & Sewer Superintendent, **Dean Lichterman**-Victor Herald, **Phil Robinson**-Farmington Fire Department, **Paul Conrad**-Farmington Fire Department, Donna LaPlant-**Assessor**, **Dotti Mickelsen**, **Brandon LaPlant** and **High School Students**.

**PUBLIC HEARINGS:** Cold War Veterans Exemption

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

Supervisor Fafinski opened the Hearing. Supervisor Fafinski stated that he received a phone call from Ralph Calabrese stating he wanted to attend tonight's meeting but his wife was sick therefore he is unable too so he replayed his thoughts to him. Supervisor Fafinski stated that Mr. Calabrese wanted to congratulate the Town Board for moving forward on the proposed resolution recognizing the service of the Cold War Veterans.

With no one else wishing to be heard for or against the foregoing subject matter, the Hearing was declared closed at 7:08 PM.

A motion was made by Councilman Casale, seconded by Councilman Holtz, that the minutes of January 12, 2010, January 26, 2010, and Agricultural Advisor Committee workshop on January 12, 2010, given to members for review, be approved as presented.  
**CARRIED.**

**PRIVILEGE OF THE FLOOR:** NONE.

**REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Mickelsen reported:**

**Water & Sewer:**

1. Setting a Public Hearing on the proposed Phillips Landing Lighting District.
2. Employee cell phone usage and abuse.
3. One Watermain break in the last two weeks,
4. PESA Notice Training.
5. Looking at billing software options.

**Highway& Parks:**

1. Heating at Mertensia Lodge- Engineer will pay to have a separate heating zone installed in the outside restrooms, CEO will check the code for insulating the outside walls.
2. Renewal of HVAC Contract
3. MS-4 training.
4. Possible Railroad spurs for salt, sand and stone delivery.
5. Farmbrook Park parking lot expansion-plan on being done before Recreation starts this summer.
6. Working on Stonehedge drainage project along with Yellowmills Road piping (about 600 ft).
7. Finger Lakes Racetrack drainage is complete, just need to do cleanup work.

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

Councilman Casale stated that CEO Floyd Kofahl was out sick so he met with CEO Jim Morse and Director of Development and Planning Ron Brand.

1. Need more information on wind towers, moratorium ends June 3, 2010.
2. Proposed Used Car Lot – Rt. 96 & Rt. 332 – Special Use Permit section in Code needs to be address- nothing to follow. Ron Brand will work with Town Attorney.
3. Zoning Map issue-generally MRB Group updated map but this time they thought to have the County update the map but there is a snag in them doing it because they seem not to want to jump on updating for the town. Councilman Casale asked the Board if they just want to have MRB Group do it as in the past or pursue it at the County. Supervisor Fafinski stated to pursue with the County in writing.
4. Land Conservation District.

**REPORTS OF TOWN OFFICIALS:****Supervisor: (Presentations)**

1. Received Gold Award for Excellence for the Farmington WWTP Phase 1 & 2 Improvements from ACEC NY-April 4, 2009. (award will be hung in entryway at the Town Hall)
2. Donna LaPlant-5 Years of Service Award.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Attended the Finger Lakes Rail kickoff meeting-\$4.00 per ton for delivery, independent haulers charge \$5.00 per ton. He is looking into it. Other Counties and municipalities are interested too. Supervisor Fafinski wondered if there was a grant for shared services that could be applied for to create a distribution point for rail delivery of salt, sand, or stone. He suggests surveying the other towns to see their thoughts on this.

**Town Clerk Michelle Finley:**

1. Update on taxes-\$5,071,288.63 collected to date – Total Number of postings is 3,589 of which 2,406 were mailed in and 1,183 were at the counter.
2. Credit Card reader and program have been set up and now ready to accept credit cards for everything except water and sewer payments, we will need to get with Jim Crane and Sheree Hooper (Finance and Account Specialist) to discuss how we can accept credit cards for those payments due to them being split between accounts.

**Water & Sewer Superintendent James Crane: None.**

**Code Enforcement Officer James Morse:**

1. BAS is coming in 2 weeks to install program which will aid them in being more efficient with reports.
2. Saratoga Crossing is ahead of schedule other than problems with RG&E.
3. Senior Housing on Route 332 is on schedule.
4. Auburn Meadows-working with 3 project managers.
5. Snowmobile event at racetrack went well, no safety issues.
6. Park Place is scheduled to open in 2 weeks.

**Director of Planning & Development Ron Brand:**

1. Working with Assessor on Land Use Maps.
2. Planning Board cancelled next meeting due to applicant rescheduling.
3. Zoning Board of Appeals is meeting the last Monday of the month.
4. Town Clerk distributed Town Code books with changes in it to the Town Board.

**Town Engineers: None.**

**Farmington Fire Department-Phil Robinson reported:**

1. Snowmobile event went well, totally different than last year.

**Assessor Donna LaPlant:**

1. Cold War Veterans Exemption-10 applications so far. Assessor thanked the Board for considering the Exemption.

**COMMUNICATIONS:**

1. Letter to the Farmington Town Board from the New York State Department of Health. Re: Water district and Saratoga Crossing.
2. Invoices from the Supervisor's Office for engineering services.
3. Letter to the Supervisor from Melissa Doyle at the Ontario County Office of Real Property Tax Services. Re: Vacancy on the Board of Assessment Review.
4. Summary of Work Related Injuries and Illnesses from the Ontario County Safety Coordinator.
5. Copies of RFPs from Ron Brand to Lu Engineers, Passero Associates and the Beardsley Group.
6. Local Government Uniform Code Administration and Enforcement reports for the Town of Farmington.
7. Press releases seeking applicants to fill vacancies on the Recreation Advisory Board and advertising free movie at the lodge.
8. Letter from Ed McLaughlin to Jim Gresens at the MRB Group. Re: Heating issues at the restrooms at the Lodge at Mertensia Park.
9. Notice of Violation and Order to Comply from the NYS Department of Labor.
10. Letter from Bob Springer of the African Violet Society of Rochester. Re: Upcoming event in Perinton.
11. Letter to the Supervisor from Time Warner Cable. Re: possible changes to cable offerings for area residents.
12. Letter to the Supervisor from Joseph J. Muscarella of the New York State Office of Real Property Services. Re: 2009 Annual Aid Certification.
13. Letter to Supervisor from Assemblyman Brian Kolb, R-Canandaigua. Re: Meger of the state Department of Taxation and Finance and the Office of Real Property Services.
14. Letter to the Town Clerk from the Farmington Volunteer Fire Association and responses from the Town Clerk. Re: New member.
15. Judge's dismissal of assessment suit filed by RC McCarthy Holdings LLC against the Town Assessor.
16. Copy of Ontario County Board of Supervisors resolution levying maintenance fees against properties on Hook and Gannett roads.
17. Certificates of Workers Compensation Insurance for PRO Construction Inc. and Victor Roofing and Siding.
18. Letter to the Town Clerk from the state Department of Transportation. Re: Speed limit investigation for Route 332 near County Road 41.

**REPORTS AND MINUTES:**

1. Supervisor's Monthly Reports for December 2009 and January 2010.
2. Building Permit Report from the Code Enforcement Officer for the month of January 2010.
3. Town Justice Morris Lew's Monthly Report for January 2010.
4. Town Justice John Gligora's Monthly Report for January 2010.
5. Town of Farmington General Fund-Townwide Detail of Expenditures for December 2009.
6. Ontario County Workers' Comp Report for 2009.

**ORDER OF BUSINESS:****Resolution No. 68-2010:**

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

**RESOLUTION SETTING A PUBLIC HEARING FOR THE ESTABLISHMENT OF A LIGHTING DISTRICT IN THE PHILLIPS LANDING SUBDIVISION**

**WHEREAS**, Joseph A. Pullen has prepared a map, plan and report entitled "Proposed Phillips Landing Subdivision" dated January 28, 2005, which the Town Board of the Town of Farmington, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the Phillips Landing Lighting District; and

**Resolution No. 68-2010 continued:**

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

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

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

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

**WHEREAS**, the cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges.

**NOW, THEREFORE**, be it **ORDERED**, that a public hearing of the Town Board of the Town of Farmington will be held at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, on February 23, 2010, at 7:00 p.m. on said day, to consider creation of said district including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

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

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

**Resolution No. 69-2010:**

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

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF FARMINGTON OF LOCAL LAW NO. 1 OF 2010 ENTITLED "A LOCAL LAW TO ADOPT CERTAIN BENEFITS UNDER §458-b OF THE REAL PROPERTY TAX LAW AUTHORIZING AN ALTERNATIVE TAX EXEMPTION FOR COLD WAR VETERANS"**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Farmington for a public hearing to be held by said Town Board on February 9, 2010, at 7:00 p.m. at Farmington Town Hall, 1000 County Road 8, Farmington, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Adopt Certain Benefits Under §458-b of the Real Property Tax Law Authorizing an Alternative Tax Exemption for Cold War Veterans"; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Farmington, on January 31, 2010 and other notices required to give by law were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on February 9, 2010, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interest of the Town of Farmington to adopt said Local Law, **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Farmington hereby adopts said Local Law No. 1 of 2010, entitled "A Local Law to Adopt Certain Benefits Under §458-b of the Real Property Tax Law Authorizing an Alternative Tax Exemption for Cold War Veterans", a copy of which is attached hereto and made a part of this resolution, and be it further

**Resolution No. 69-2010 continued:**

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Farmington, and to give due notice of the adoption of said local law to the Secretary of State of 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 February 9, 2010 by the following vote:

	Aye	Nay
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	Necessarily Absent	
Timothy Mickelsen, Councilman	X	
Steven Holtz, Councilman	X	
Michael Casale, Councilman	X	

**Local Law No. 1 of the year 2010****A local law to Adopt Certain Benefits Under §458-b of the Real- Property Tax Law Authorizing an Alternative Tax Exemption for Cold War Veterans**

Be it enacted by the Town Board of the Town of Farmington as follows:

**Section 1.** Pursuant to subsection 2(a) of §458-b of the NYS Real Property Tax Law, the Town of Farmington hereby adopts the qualifying residential real property exemption under subsection 2(a)(i) of §458-b of the NYS Real Property Tax Law, that is, an exemption in the amount of ten percent of the assessed value of such property, provided however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed \$4,000 or the product of \$4,000 multiplied by the latest state equalization rate of such property's assessing unit, such exemption to be subject to the definitions, limitations and requirements of §458-b.

**Section 2.** Pursuant to subsection 2(b) of §458-b of the NYS Real Property Tax Law, the Town of Farmington hereby adopts the qualifying residential real property exemption under subsection 2(b) of §458-b of the NYS Real Property Tax Law, that is, where a Cold War veteran has received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed \$20,000 or the product of \$20,000 multiplied by the latest state equalization rate of such property's assessing unit, such exemption to be subject to the definitions, limitations and requirements of §458-b.

**Section 3.** If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

**Section 4.** This local law shall take effect immediately upon filing with the Secretary of State.

**Resolution No. 70-2010:**

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

**RESOLUTION AUTHORIZING THE ATTENDANCE OF KEVIN SCHERBYN TO ATTEND TRAINING AT SUNY MORRISVILLE APRIL 12-16, 2010**

**WHEREAS**, under Civil Service requirements, the Waste Water Treatment Plant Operator Trainee must complete training per the requirements of the New York State Department of Environmental Conservation, and

**WHEREAS**, the Department of Environmental Conservation has required training methods to be taken to become a Certified Operator.

**Resolution No. 70-2010 continued:**

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Water and Sewer Districts, hereby authorizes Kevin Scherbyn to attend SUNY at Morrisville to meet the training requirements for a Certified Operator at a total cost of \$925.00 (course: \$550.00, lodging: \$375), plus textbook required for class, meals and travel expenses.

**BE IT FURTHER RESOLVED**, that this is budgeted from SS-8130.4 Treatment Plant expenses.

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

**Resolution No. 71-2010:**

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

**RESOLUTION AUTHORIZING THE ATTENDANCE OF KEVIN SCHERBYN TO ATTEND TRAINING AT SUNY MORRISVILLE MARCH 1-12, 2010**

**WHEREAS**, under Civil Service requirements, the Waste Water Treatment Plant Operator Trainee must complete training per the requirements of the New York State Department of Environmental Conservation, and

**WHEREAS**, the Department of Environmental Conservation has required training methods to be taken to become a Certified Operator.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Water and Sewer Districts, hereby authorizes Kevin Scherbyn to attend SUNY at Morrisville to meet the training requirements for a Certified Operator at a total cost of \$1,725.00 (course: \$975.00, lodging: \$750), plus textbook required for class, meals and travel expenses.

**BE IT FURTHER RESOLVED**, that this is budgeted from SS-8130.4 Treatment Plant expenses.

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

**Resolution No. 72-2010:**

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

**RESOLUTION AUTHORIZING THE SUPERVISOR TO APPROVE A HVAC SERVICE AGREEMENT RENEWAL FOR THE TOWN HALL THROUGH JANUARY 31, 2012**

**WHEREAS**, the Town of Farmington Highway and Parks Superintendent, Ed McLaughlin, has requested that the Town Supervisor sign an agreement with EMCOR Services-Betlem to renew the current HVAC service agreement for the Town Hall through January 31, 2012, and

**WHEREAS**, the contract would cost \$4,236 annually, with quarterly payments of \$1,059 to be made, and

**WHEREAS**, service labor rates with the company will be billed at \$82 an hour (straight time) and \$120 an hour overtime (and \$150 an hour on holidays and Sundays), now therefore be it

**RESOLVED**, the Supervisor is authorized to sign the contract, and therefore be it

**RESOLVED**, that the Town Clerk provide copies of this resolution to the Highway and Parks Superintendent and the Finance and Accounts Specialist.

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

**Resolution No. 73-2010:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO SEND EMPLOYEE PAUL CRANDALL TO MS-4 TRAINING**

**WHEREAS**, the Town of Farmington Highway and Parks Superintendent, Ed McLaughlin, has requested that he be authorized to send employee Paul Crandall to MS-4 training sessions as part of the Western New York Stormwater Management Training Program, and

**WHEREAS**, the training will be held on March 17, May 4 and May 5 at the Henrietta Fire Training Center at 60 Erie Station Road Ext. West in Henrietta, and

**WHEREAS**, the cost will not exceed \$230 per session or a total of \$690, therefore be it

**RESOLVED**, the Highway and Parks Superintendent is authorized to send Paul Crandall to the training sessions and therefore be it

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the Highway Superintendent.

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

**Resolution No. 74-2010:**

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

**RESOLUTION APPOINTING PETER MASLYN CHAIRMAN OF THE AGRICULTURAL ADVISORY COMMITTEE**

**WHEREAS**, Peter Maslyn is a member of the Town of Farmington Agricultural Advisory Committee and was appointed Chairman of the Committee at the Town Board's Organizational Meeting in early January and,

**WHEREAS**, Maslyn was unable to come to the Town Hall within the month-long deadline after his appointment to take the needed Oath of Office for the Town Clerk's Office, voiding his Chairmanship and,

**WHEREAS**, Maslyn said he does indeed wish to serve as Chairman in 2010 and will promptly visit the Town Hall to take his oath, now therefore be it

**RESOLVED**, that the Town Board appoint Maslyn Chairman of the Agricultural Advisory Committee for 2010, and therefore be it

**RESOLVED**, that the Town Clerk keep a copy of this resolution for her office and forward a copy to Peter Maslyn.

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

**Resolution No. 75-2010:**

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

**RESOLUTION HONORING THE LATE ROBERT KLEMAN FOR HIS MANY CONTRIBUTIONS TO THE TOWN OF FARMINGTON**

**WHEREAS**, Robert Kleman served as a member of the Town of Farmington's Board of Assessment Review for 36 years, was the Deputy Town Supervisor for Lawrence Scott and was a member of the Planning Board since 2005, and,

**Resolution No. 75-2010 continued:**

**WHEREAS**, Mr. Kleman served Farmington residents as the greater community of Ontario County in his distinguished career as a lieutenant with the Ontario County Sheriff's Department and,

**WHEREAS**, it was with great sadness that the Town Board learned of his passing on February 3, 2010, therefore be it

**RESOLVED**, that the Farmington Town Board now takes a moment of silence to honor and remember Mr. Kleman for his many contributions to the community, his generosity and friendship, and therefore be it

**RESOLVED**, that the Town Clerk provide copies of this resolution to Mr. Kleman's wife, Rose, and Ontario County Sheriff Phil Povero.

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

**Resolution No. 76-2010:**

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

**RESOLUTION TO PAY AUDITED BILLS****ABSTRACT #3-2010**

<b>General</b>	<b>\$16,186.47</b>
<b>Highway Fund</b>	<b>\$18,298.30</b>
<b>Storm Drainage</b>	<b>\$ 1,292.41</b>
<b>Payroll</b>	<b>\$ 203.05</b>
<b>Sewer District</b>	<b>\$50,613.97</b>
<b>Water District</b>	<b>\$ 9,418.81</b>
<b>TOTAL</b>	<b>\$96,013.01</b>

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

**DISCUSSION:** LC Land Conservation District Regulations- Supervisor Fafinski stated that this was moved forward from Town Operations and asked what was the Boards pleasure in looking at the district regulations. He didn't think they wanted to look at EPods or overlay districts but more into subdivision regulations with the intentions of preserving some of the land. He asked the Board if that is what they want to get involved with, Councilman Casale replied that that was part of it but there are other things such as the number of maps involved. Councilman Casale would like Ron Brand to give the Board input on changing things and possibly have a workshop on this. Ron Brand handed the Board Members a handout where he cut and pasted Section 165-32 of the Town's Zoning Law regarding LC Land Conservation District onto it and edited it with his comments/suggestions. Mr. Brand stated that what the town has is basically a set of regulations that go back before 1980 and it was done with the intent of protecting the environmentally sensitive areas in the town, but the difficulty with it is the term development is too broad of a definition. He added that the difficulty in the intent language is that the delineated areas are not identified as an overlay, therefore, it is possible that one parcel of land could have two zoning districts. He added that the regulations state a minimum lot size shall be five acres and permitted uses are limited to Agricultural uses and Recreational uses unless a Special Use Permit is obtained. The restrictions state no structures but further down in the regulations its references special uses permits for Single Family detached homes. The Board decided to have Ron Brand draft proposed regulations and the Board will meet before a Town Board Meeting in a workshop at a later date. The Town Board also asks that after completing the LC District Regulations that workshop(s) be held to discuss Conservation Subdivision Regulations.

**EXECUTIVE SESSIONS:** At 8:07 PM, a motion was made by Councilman Casale , seconded by Councilman Mickelsen, that the Town Board go into Executive Session to discuss the acquisition of land and the employment history of a particular person. The motion was **CARRIED**.

A motion was made by Councilman Casale, seconded by Councilman Holtz, to return to regular session at 8:28 PM. The motion was **CARRIED**.

With no further business, the meeting was adjourned at 8:29 PM, by a motion from Councilman Casale, seconded by Councilman Holtz.  
Michelle Finley, Town Clerk \_\_\_\_\_