

At the Farmington Town Board's Organizational Meeting, held in the Town Hall on the 6<sup>th</sup> day of January 2009, at 4:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

**NECESSARILY ABSENT**

Also present were: **Ed McLaughlin** – Highway Superintendent, **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ed Hemminger** – Zoning Board of Appeals Chairman, **Donna LaPlant** - Assessor, **Jim Peet** – MRB Group, **Ron Brand** – Director of Planning & Development and Steve Poyzer – The Victor Herald.

### **ORDER OF BUSINESS:**

#### **RESOLUTION #1-2009:**

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

**RESOLVED** to set the regular Town Board meeting schedule for 2009 for 7:00 PM on the second and fourth Tuesday of each month in the boardroom of the Town of Farmington (Town Law S 62.63).

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

#### **RESOLUTION #2-2009:**

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

**RESOLVED** to set the **Rules of Procedures** and **Purchasing Procedures** for 2009 (Town Law S 63).

1. **Committees, Special:** the Board may, from time to time, create and abolish special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of its members. The Supervisor shall appoint the members of all special committees.
2. **Order of Business:** At each regular Board meeting the Order of Business shall be:
  - a. Call to Order and Pledge of Allegiance
  - b. Approval of the minutes
  - c. Privilege of the Floor and/or Public Concerns (includes Presentations)
  - d. Reports of Special or Standing Committees
  - e. Reports of Town Officials
  - f. Resolutions, Motions and/or Notices
  - g. Resolution to pay audited bills
  - h. Discussion Items
  - i. Executive Session - when applicable
3. **Agendas:** An agenda shall be available at the Town Hall for each Board Member no later than 3 PM the day of the scheduled meeting. Resolutions shall be delivered to the Supervisor's Secretary by noon on the Friday before the meeting; all others must request a waiver of the rule.
4. **Privilege of the Floor:** Any resident of the Town of Farmington, upon request, may address the Town Board on a matter of public concern. The time allotted for addressing the Board shall be limited to three minutes unless the Supervisor has granted prior approval for additional time.
5. **Motions, when in order:** When a question is under debate/discussion, no motion shall be received except a motion to amend the question, to put the question, to adjourn it to a day certain, to lay it on the table, to commit it to a committee, or a motion to adjourn the Board.
6. **Votes, when recorded:** The ayes and nays upon a question shall be taken and entered in the minutes when required by law or if requested by any member of the Board.
7. **Rules, waiver of:** No standing rule of order shall be rescinded, suspended or changed, or any additional rule or order be adopted thereto, except by unanimous vote of the members present and voting at a regular or special meeting.
8. **Layover:** Every Resolution and Local Law, as amended before the Board, shall be laid over until the next regular session of the Board if so demanded by any member of the Board. No further action may be taken on the Resolution or Local Law or its amendments, but limited discussion may occur at the discretion of the Supervisor. No member shall be required to tell his/her reason for the lay over of the Resolution or Local Law. Any action on a laid-over Resolution or Local Law must take place at the next scheduled meeting. No Resolution or Local Law may be laid over a second time.
9. **Voting, requirement of:** Every Council Member present when a vote is taken shall vote thereon. When abstaining, the reason may be stated publicly.
10. No persons have a right to demand an answer to specific questions from a member of the Board.
11. In the Town of Farmington, every Legislator, Board Member, Officer or Employee who is present during an Executive Session is prohibited from disclosing matters discussed in Executive Session. At the start of Executive Session, the Town Clerk, when attending Executive Sessions, will make the verbal declaration at the beginning of each Executive Session and when an additional person is brought

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**  
**RESOLUTION #2-2009: (Continued)**

into the Session, and the Town Supervisor or Acting Town Supervisor (in the absence of the Town Supervisor) will make the declaration in the absence of the Town Clerk at an Executive Session.”  
*(added by Town Board Resolution in 2001)*

**RESOLVED** to set the **Purchasing Procedures** for 2009.

**General Office Supplies:**

The Supervisor’s Office will oversee the central purchasing functions for all general office and printed supplies. The following procedures should be employed to secure such items:

1. Contact the Supervisor’s Secretary with supplies needed. If the order is for printed items, provide a sample. Allow 5 business days as a minimum for normal delivery and plan accordingly.
2. The Supervisor’s Secretary will be responsible for obtaining three (3) competitive written and/or verbal quotes for supplies if cost is over \$500.00.
3. The Supervisor’s Secretary will place the order and ensure delivery of the merchandise to the requester.
4. When the invoice is received, the Supervisor’s Secretary will prepare the invoice for payment.

**Methods of Purchase:** The following purchasing methods are used by the Town to acquire products, services and equipment:

Highway Superintendent, Town Supervisor, and the Water & Sewer Superintendent can purchase expenditures of up to \$2,500.00 without prior authorization from the Town Board. Anything between \$2,500.00 and \$10,000.00 needs three (3) written or verbal quotes and approval from the Town Board. Anything above \$10,000.00 needs to be put out for Bid (See Bid Guidelines).

Code Enforcement Officer (Department Head), Town Clerk and Assessor can purchase expenditures of up to \$1,000.00 without prior authorization from the Town Board. Anything above \$1,000.00 needs three (3) written or verbal quotes and approval from the Town Board. Anything between \$1,000.00 and \$10,000.00 needs three written or verbal quotes and approval from the Town Board. Anything above \$10,000.00 needs to be put out to Bid (See Bid Guidelines).

**Bid Guidelines:**

Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a decision will be made to determine whether the item of supply of service is subject to competitive bidding, taking into account past purchases. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000.00 and public works contracts under \$20,000.00; emergency purchases; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contracts pursuant to Section 103 (3) of the General Municipal Law; and surplus and second-hand purchases from another governmental entity and professional services or services requiring special or technical skill, training, or expertise.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, or any other written documentation that is appropriate.

Pursuant to General Municipal Law Section 104-b (2) (f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. The lowest responsible proposal or quote shall be awarded the purchase or service contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to another other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

A good faith effort shall be made to obtain the required number of proposals or quotes. If the purchaser is unable to obtain the required number of proposals or quotes, the purchaser shall document the attempt made at obtaining the proposals.

All purchases exceeding \$10,000.00 for all departments shall be put out to bid according to the following procedures:

1. A Resolution should be presented to the Town Board authorizing the Department Head to seek bids for specific supplies, materials, services, etc., over \$10,000.00.
2. Once the Resolution is passed, a Legal Notice must be published in the local newspaper informing the public of the products or services being bid. It will be the responsibility of the Department Head to

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**  
**RESOLUTION #2-2009: (Continued)**

- prepare and submit the Legal Notice with an informational copy filed with Town Board correspondence.
3. The Department Head prepares bid packages with detailed specifications and conditions including items bid, units and total quantity desired, instructions for bidding, delivery information, bid opening date and any special requirements for bidding.
  4. Bid notices are sent via mail, fax and e-mail to vendors, or can be picked up at the Town Clerk's Office.
  5. All sealed bids will be opened at the time and date listed in the Resolution at the Town Clerk's Office. Any bids not received prior to the bid-opening deadline will be rejected. Sealed bids are publicly opened and read at the time and place designated in the bid documents and Legal Notices. All bid tabulations showing bid results are available for public inspection during regular business hours at the Town Clerk's Office upon receipt from the Department Head. The Department Head will provide the Town Clerk with the bid tabulation, normally within 5 business days after the opening of the bid.

This policy shall be reviewed annually by the Town Board at its Organizational Meeting. (Adopted by the Town Board May 23, 2006.)

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

**RESOLUTION #3-2009:**

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

**RESOLVED** that The Daily Messenger is designated as the Official Newspaper for the Town in 2009 (Town Law S 64 (11)).

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

**RESOLUTION #4-2009:**

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

**RESOLVED** to designate Canandaigua National Bank and Five Star Bank (formerly National Bank of Geneva) as the Official Depositories for the Town in 2009 (Town Law S 64 (1)).

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

**RESOLUTION #5-2009:**

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

**RESOLVED** to designate Riley & Graff, LLP as Attorneys for the Town for 2009.

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

**RESOLUTION #6-2009:**

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

**RESOLVED** to designate Brenna, Brenna & Boyce and Boylan & Brown, Attorney's at Law; and Harris Beach LLP as Special Counsels to the Town for 2009.

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

**RESOLUTION #7-2009:**

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

**RESOLVED** to designate MRB Group as the Town Engineering firm for 2009.

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

**RESOLUTION #8-2009:**

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

**RESOLVED** to designate the Supervisor as Budget Officer for the Town and all Special Districts for 2009.

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

**RESOLUTION #9-2009:**

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

**RESOLVED** to reappoint Water & Sewer Superintendent **James Crane**, and Code Enforcement Officers **Floyd Kofahl**, **Jim Morse** and **Phil Robinson** for 2009.

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**  
**RESOLUTION #9-2009: (Continued)**

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

**RESOLUTION #10-2009:**

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

**RESOLVED** to reappoint the Supervisor and Town Clerk to the Town Board of Health for 2009.

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

**RESOLUTION #11-2009:**

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

**RESOLVED** to reappoint the Town Clerk, **Rose M. Kleman** as Marriage Officer, Receiver of Taxes, Registrar of Vital Statistics, Records Management Officer and Records Access Officer for 2009.

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

**RESOLUTION #12-2009:**

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

**RESOLVED** to reappoint **Ed Hemminger** as Chairman to the Zoning Board of Appeals for a one-year term, expiring December 31, 2009 (Town Law S 267-271).

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

**RESOLUTION #13-2009:**

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

**RESOLVED** to reappoint **David Degear** as a Chairman of the Planning Board for a one-year term, expiring December 31, 2009 (Town Law S 267-271).

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

**RESOLUTION #14-2009:**

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

**RESOLVED** to reappoint **Susan Hilton and Christopher Baldwin** to the Conservation Board for two-year terms, expiring December 31, 2010 (Town Law S 239-X).

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

**RESOLUTION #15-2009:**

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

**RESOLVED** to reappoint **John Kasper** as Chairperson to the Conservation Board for a one-year term, expiring December 31, 2009 (General Municipal Law S 239-x).

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

**RESOLUTION #16-2009:**

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

**RESOLVED** to authorize the Town Supervisor, Highway Superintendent and the Water and Sewer Superintendent expenditures of up to \$2,500.00, through the procurement policy procedure, without prior authorization of the Town Board. In addition, expenditures of up to \$1,000.00, for all other Department Heads, through procurement policy procedures, without prior authorization from the Town Board.

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

**RESOLUTION #17-2009:**

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

**RESOLVED** to authorize the Supervisor to invest all surplus monies and that a monthly report of finance be distributed to Town Officials.

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

**RESOLUTION #18-2009:**

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

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**  
**RESOLUTION #18-2009: (Continued)**

**RESOLVED** to set the Town's mileage reimbursement rate, for the use of personal vehicles on Town business, at \$.35 per mile for 2009 (Town Law S 116).

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

**RESOLUTION #19-2009:**

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

**CANANDAIGUA-FARMINGTON CONSOLIDATED WATER DISTRICT SERVICE CHARGES – 2009**

**WHEREAS**, the service charges are established, from time to time, by the Town Board for the Canandaigua-Farmington Water Districts and extensions thereof.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington, acting on behalf of the Canandaigua-Farmington Water District, hereby establishes the service charges per the attached Service Charge Schedule for 2009.

**BE IT FURTHER RESOLVED** that all service charge rates shall be on file with the Town Clerk's office.

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

**SERVICE CHARGES FOR 2009**

Type of Service	2004	2005	2006	2007	2008	2009
<b>Hydrant Flow Test</b>	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00
<b>Labor &amp; Equipment Charges</b>						
Administration-Superintendent	\$62.00	\$63.00	\$65.00	\$66.00	\$66.00	\$66.00
Construction Inspector	\$38.00	\$38.75	\$40.00	\$42.00	\$42.00	\$42.00
Administration-Office	\$22.00	\$22.50	\$23.00	\$24.00	\$24.00	\$24.00
Labor Per Hour/Per Man	\$27.00	\$27.50	\$28.00	\$30.00	\$30.00	\$30.00
Truck Time	\$17.00	\$17.50	\$18.00	\$19.00	\$19.00	\$19.00
Backhoe	\$52.00	\$53.00	\$53.00	\$54.00	\$54.00	\$54.00
Flusher Or Dump Truck	\$52.00	\$53.00	\$53.00	\$54.00	\$54.00	\$54.00
<b>Hydrant Meter Fee</b> (Minimum \$3.00 per 1,000 Gallons)	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
<b>Water Meter Replacement Cost</b> (Damaged or Neglect)						
3/4" to 1" In Size	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00
1 1/2" In Size	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
2" In Size	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
(All Other Units Are Billed Per Cost of Parts Plus Labor.)						
<b>Water Shut Off Fee</b>	\$17.50	\$17.50	\$17.50	\$20.00	\$20.00	\$20.00
<b>Water Turn On Fee</b>	\$17.50	\$17.50	\$17.50	\$20.00	\$20.00	\$20.00

**RESOLUTION #20-2009:**

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

**CANANDAIGUA-FARMINGTON CONSOLIDATED WATER DISTRICT WATER RATES – 2009**

**WHEREAS**, the water rates are established, from time to time, by the Town Board for the Canandaigua-Farmington Water Districts, and extensions thereof; and

**WHEREAS**, the City of Canandaigua has projected the wholesale rate for 2009 will increase by approximately 20% over the 2008 rate.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington, acting on behalf of the Canandaigua-Farmington Water District, hereby establishes the water rates for 2009 as listed in the Rate Schedule below.

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**  
**RESOLUTION #20-2009: (Continued)**

**BE IT FURTHER RESOLVED** that all rates shall be in effect for 2009-2010, subject to any rate increase from the City of Canandaigua, and shall be on file with the Town Clerk's office.

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

**WATER RATES FOR 2009**

<b>Meter Size</b>	<b>Gallons of Consumption</b>	<b>Minimum Bill \$3.25 Per M Gallon</b>	<b>Additional @ \$3.80 per M Gallon</b>
3/4" - 1"	0 To 6,000 Gallons	\$19.50	"
1"	0 To 10,000 Gallons	\$32.50	"
1-1/2"	0 To 16,000 Gallons	\$52.00	"
2"	0 To 30,000 Gallons	\$97.50	"
3"	0 To 50,000 Gallons	\$162.50	"
4"	0 To 80,000 Gallons	\$260.00	"
6"	0 To 160,000 Gallons	\$520.00	"
8" to 12"	0 To 200,000 Gallons	\$650.00	"

\*\*Town/Village of Manchester = First 40,000,000 gallons at \$2.10 per 1,000 and additional @ \$2.02 per 1,000.

Town of Macedon Rate is \$2.10 per 1,000 gallons.

\*\*Town of Victor Rate is \$2.10 per 1,000 gallons.

**Farmington Sewer Rate is \$65.00 per unit. (Adopted January 2, 2008)**

**Farmington Sewer Rate is \$58.00 per unit. (Adopted July 27, 2004)**

**Victor Sewer Rate is \$65.00 per unit. (Adopted January 2, 2008)**

**Number of units determined by Town Code 26-2 Section A through CC.**

\*Cline Road Residents using Town of Victor water are billed Town of Victor rates.

\*\*Denotes Rate change.

**RESOLUTION #21-2009:**

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

**RESOLVED** to reappoint **Mary Neale** as Chairperson to the Historic Preservation Board and **Margaret Hartsough** as Vice Chairperson for one-year terms, expiring December 31, 2009 (Code of the Town of Farmington S 15-3C).

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

**RESOLUTION #22-2009:**

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

**RESOLVED** to reappoint **Audrey Everdyke, Margaret Hartsough and Mary Neale** as members to the Historic Preservation Commission for three-year terms expiring December 31, 2011.

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

**RESOLUTION #23-2009:**

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

**AUTHORIZING THE PURCHASE OF VARIOUS HIGHWAY MATERIALS**

**WHEREAS**, it is required by New York State Department of Audit and Control that documentation be on file to substantiate the fact that the Town of Farmington will be purchasing commodities within the bidding statues of New York State.

**NOW, THEREFORE BE IT RESOLVED** that the Town of Farmington desires to utilize Ontario County bids for the purchase of certain Highway supplies for the year 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk send a certified copy of this Resolution to the Ontario County Purchasing Director, Ontario County Purchasing Department and the Ontario County Public Works Commissioner and the Town of Farmington Highway Superintendent.

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

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**

**RESOLUTION #24-2009:**

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

**RESOLVED** to approve agreement for expenditure of Highway monies (Section 284 of the Highway Law). (**Signatures Required**)

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

**RESOLUTION #25-2009:**

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

**RESOLVED** to authorize the Highway Superintendent to purchase Highway equipment and materials through the New York State OGS bids for 2009.

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

**RESOLUTION #26-2009:**

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

**RESOLVED** to authorize the signatures of **Theodore M. Fafinski** and **Lawrence E. Potter** for all Town bank accounts.

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

**RESOLUTION #27-2009:**

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

**RESOLVED** to appoint the Town Board Audit Committee for 2009, as follows, in the event a third party audit is not conducted in 2009:

Town Justices' Accounts: **P. Ingalsbe** and **M. Casale**  
Town Clerk's Accounts: **R. van der Velden** and **T. Mickelsen**

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

**RESOLUTION #28-2009:**

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

**RESOLVED** to reappoint **Margaret Hartsough** as Farmington Town Historian for a one-year term, expiring December 31, 2009. (Arts & Cultural Affairs Law S 57.07).

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

**RESOLUTION #29-2009:**

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

**RESOLVED** to authorize the Supervisor to sign, on behalf of the Town, an agreement with the Victor – Farmington Ambulance Corps. for general ambulance services, for the year 2009, in the amount of \$6,600.00 to be paid in two (2) payments: March 1<sup>st</sup> (or as soon as this contract is fully executed) and September 1, 2009).

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

**RESOLUTION #30-2009:**

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

**RESOLVED** to approve the temporary assignment of the Town Justices to preside in other towns and villages, as the need arises, during the year 2009 and approve judges from other towns and villages for our courts.

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

**RESOLUTION #31-2009:**

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

**RESOLVED** to reappoint **Ronald Brand**, Director of Planning and Development, DBA RLB Planning Group, at a billed hourly rate of \$38.11, at a cost not to exceed \$59,452.00, effective January 2, 2009.

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

**RESOLUTION #32-2009:**

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

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**  
**RESOLUTION #32-2009: (Continued)**

**RESOLVED** to delegate to the Supervisor, powers and duties of administration and supervision of Town or Special or Improvement District functions, to be performed on behalf of such Board (Town Law S 29 (16).

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

**RESOLUTION #33-2009:**

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

**RESOLVED** to establish petty cash funds for the Receiver of Taxes in any amount up to \$1,000.00 and for any other town officer up to \$200.00.

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

**RESOLUTION #34-2009:**

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

**RESOLVED** to authorize the Tax Collector to deposit tax collections, in interest bearing accounts, (per an Ontario County Resolution dated July 27, 2000) as a temporary investment measure.

**Discussion:** Receiver of Taxes **Rose M. Kleman** stated she would like a Resolution stating what she should follow: the State Audit Guidelines or the Ontario County Resolution regarding interest bearing accounts. In July of 2008, she was audited under the State Guidelines when she was not aware of these guidelines and was following the County Board of Supervisors Resolution. The audit showed a conflict in the distribution/timing of issuing checks per the State Guidelines.

**Councilman Mickelsen**, seconded by **Councilman Casale**, made a motion to amend this Resolution to show the Receiver of Taxes should follow the Ontario County Board of Supervisor's Resolution regarding her interest bearing accounts for property taxes.

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

**RESOLUTION #35-2009:**

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

**RESOLVED** to designate **Ronald Brand** as voting delegate to the Association of Towns for 2009 and Certificate of Designation.

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

**RESOLUTION #36-2009:**

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

**RESOLVED** to authorize the Supervisor to submit to the Town Clerk, within 60 days after the close of the fiscal year or a date approved by the State Comptroller, a copy of his report to the State Comptroller, and require the Town Clerk to cause a summary of such report or notice, that a copy of such report is on file and available for inspection and copying, to be published within 10 days in the official newspaper of the Town.

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

**RESOLUTION #37-2009:**

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

**RESOLVED** to set Agriculture Advisory Committee's annual organizational meeting for January 15, 2009, at 7:30 PM, at the Farmington Town Hall (Code of the Town of Farmington 1A-4).

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

**RESOLUTION #38-2009:**

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

**RESOLVED** to authorize the Water and Sewer Superintendent to bid water and sewer supplies, materials and equipment for the operation and maintenance of all that department's facilities.

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

**RESOLUTION #39-2009:**

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

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**

**RESOLUTION #39-2009: (Continued)**

**RESOLVED** to reappoint **Peter Maslyn** as Chairman to the Agricultural Advisory Committee and **Jim Ochterski** as Vice-Chairman, for one-year terms, expiring December 31, 2009.

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

**RESOLUTION #40-2009:**

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

**RESOLVED** to reappoint **Ron Herendeen** as a member to the Planning Board for a five-year term, expiring December 31, 2013.

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

**RESOLUTION #41-2009:**

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

**RESOLVED** to appoint **Ray Ward** as a member of the Zoning Board of Appeals for a five-year term, expiring December 31, 2013.

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

**RESOLUTION #42-2009:**

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

**RESOLVED** to adopt the Cash Management and Investment Policy for 2009 (on file in the Town Clerk's office).

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

**RESOLUTION #43-2009:**

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

**RESOLVED** to appoint **Karen Freeland** and **Amy Royal** as members to the Recreation Commission for seven-year terms, expiring December 31, 2015.

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

**Supervisor's appointments for 2009:**

Deputy Supervisor	<b>Lawrence E. Potter</b> (Town Law S42)
Confidential Secretary	<b>Michelle Finley</b>

**2009 Standing Committees:**

Financial Management	<b>Councilmen Ingalsbe, Mickelsen</b>
Human Resources/Town Operations	<b>Councilmen Casale, van der Velden</b>
Public Works	<b>Councilmen Ingalsbe, Mickelsen</b>
Public Safety	<b>Councilmen Casale, van der Velden</b>

Supervisor - Ex-Officio - \* Will be assigned to all committees in the absence of one or both of the committee members.

**Highway Superintendent's appointments for 2009:**

Deputy Highway Superintendent	<b>Scott Whittaker</b>
Group Leader – Highway Dept.	<b>Gerald Bowerman</b>
Working Foreman – Parks Dept.	<b>Edward Vanderwall</b>

**Town Clerk's appointments for 2009 (Town Law S 30 (10):**

Deputy Clerk	<b>Jennifer L. Grattan</b>
Deputy Clerk	<b>Mary A. Thompson</b>

**Salaries for elected officials (Town Law S 27):** (Paid bi-weekly except the Special District Budget Officer is paid bi-annually.)

Town Supervisor	\$36,450.00	
Budget Officer	\$ 8,960.00	
Special District Budget Officer	\$ 4,790.00	
Supervisor's Total		\$50,200.00
Town Board Members	\$ 4,600.00	
Town Clerk and Receiver of Taxes	\$48,307.00	
Highway Superintendent	\$58,041.00	
Town Justices	\$18,500.00	

**ORGANIZATIONAL TOWN BOARD MEETING (Continued) January 6, 2009**

With no further organizational business before the Board, **Councilman Mickelsen** offered a motion to adjourn, seconded by **Councilmen Casale**. The meeting adjourned at 4:30 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD WORKSHOP January 13, 2009**

At a Workshop of the Town Board, of the Town of Farmington, held in the Town Hall of said Town on the 13<sup>th</sup> day of January 2009 at 6:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Lawrence E. Potter – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Robert Kleman - Planning Board  
Ronald Herendeen - Planning Board  
Scott Makin, Planning Board

Also present were: **Ron Brand**, Director of Planning and Development and **Dr. Gutenberg**, BRX Global Research, Inc.

The purpose of this Workshop is to review the draft survey for the proposed Town Comprehensive Plan and Recreation Survey as compiled by consultant Dr. Gutenberg. The Boards discussed the survey questions through six of the ten pages. Changes (additions/deletions considered) were made.

At 6:50 PM, Mr. Brand, Dr. Gutenberg and the Planning Board members reconvened to the Conference Room to finish discussing the survey.

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**TOWN BOARD MEETING January 13, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 13<sup>th</sup> day of January 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Robert Kleman** – Planning Board, Four Troop 31 (St. Mary's - Canandaigua) Webelos (Boy Scouts), **Mr. Joe DeGeorge** - St. Pauly Textiles, Inc. and approximately 22 Victor Central students.

The following four Webelos Scouts led the Town Board in the Pledge of Allegiance: Michael Wheeler, Konnor Smith, John Yacono and Johnatha Yacona.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, that the minutes of the December 23, 2008 meeting, given to members for review, be approved as presented. **CARRIED**.

**PRIVILEGE OF THE FLOOR:** Joe DeGeorge – St. Pauly Textile, Inc.

**Mr. DeGeorge** handed out a proposed local zoning article regarding donation bins for used clothing. He said he had discussed this with Code Enforcement Officer Floyd Kofahl. **Mr. DeGeorge** explained the collection procedure (63% of the money goes to non-profit and the balance supports his company which is for profit). He explained there are other companies that place collection containers around. He said he would like to see a uniform State Code for this type of business instead of the way it is being done now; with all different bins put everywhere and no organization at all. He told of some court cases involving how the clothes are sold and where the money goes.

The consensus of opinion of the Board was to refer this to the Code Enforcement Officer and the Town's Operation Committee for review. If the Committee feels it has merit, referral will be made to the Town's Attorney for his legal opinion and editing.

**REPORTS OF STANDING COMMITTEES:**

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

1. The Highway Department is working on the gas service permit for Mertensia Park.

**REPORTS OF STANDING COMMITTEES: (Continued)**

2. Will receive CHIPS money for Kyte Road Bridge this year.
3. Working on electric service on Mountain Ash Drive.
4. There is a drainage issue on Yellow Mills Road.
5. Their new truck is in.
6. The water and sewer plant is up and running.
7. Discussed waste removal (sludge).
8. Increase in sewer rates (Public Hearing).
9. The need for a punch list on the final plant expansion project close out.

**Recreation Task Force: Supervisor Fafinski reported:**

1. The recreation survey is in the works and will be mailed to a portion of town residents once it is approved.

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

1. Reported on the economic conditions of the Nation and how it could affect the State and possibly be passed down to Counties and Towns. State mandates are 70%, Medicare is up. There are different messages being sent such as the State Economic Stimulus package. This is a trying time for local government. The cost of diesel fuel and salt is up 16% which all has to be dealt with.

**Water & Sewer Superintendent Jim Crane:**

1. Reported on the Plastermill Road Pump Station improvements and Victor's share for reimbursement.

**Code Enforcement Officer Floyd Kofahl:**

1. Reported on his yearly report which he distributed to Board members for review. The report included that they completed fire inspections of 95 properties with 1,090 violations. Of those, they have accomplished 1,044 compliances. Issued 403 building permits (80 new homes). Total estimated construction cost for all permits exceeded \$23,000,000.00

**COMMUNICATIONS:**

1. Program Annual Report-Victor Free Library.
2. Memo to Supervisor from NYS Office of the State Comptroller Re: Foreign Fire Insurance Financial Report request.
3. Letter to Webelos Patrol Leader Ciaio from Supervisor Re: Arrow of Light Ceremony.
4. Letter to Supervisor from bpd Municipal Finance Re: Wastewater Treatment Plant Capital Project Authorization.
5. Memo to Town Board from Planning Board Chairman Re: David Cooper Rezoning request.
6. Letter to Supervisor from APWA Re: American Public Works Association 2008 Awards Committee Recommendations.
7. Letter to Selective Insurance from Supervisor Re: Claim No. 20807969-1223- Farmington Volunteer Fire Association.
8. Letter to Supervisor from Time Warner Cable Re: Increase in programming costs.
9. Continuing Education – S. Makin.
10. 2009 Dog Control Services Agreement.
11. Memo to Highway Superintendent and Water & Sewer Superintendent from Supervisor Re: Payroll Preparation.
12. Letter to Supervisor from Time Warner Cable Re: Agreements with programmers due to expire.
13. Letter to Supervisor from Selective Insurance Re: Notice of Claim.
14. Letter to Webelos Den Leader Parker Re: Arrow of Light.
15. Letter to NYS EFC from Supervisor Re: Clean Water State Revolving Fund.
16. Letter to NYS Dept. of Labor from Supervisor Re: M. Godly.
17. Letter to USDA Rural Development from Water & Sewer Superintendent Re: Year end report.
18. Payment-in-lieu invoices for 2009.
19. Letter to Supervisor from U.S. Dept. of Commerce Re: Emergency Shelters.
20. Resolution from Ontario County Board of Supervisors Re: 2009 Dog Control Services.
21. Certificate of Liability Insurance Re: Unlimited Enclosures; Frank J. Marianacci, Inc.; Network Building & Consulting; K B Construction; New Energy Works of Rochester; Superior Renovations and Fireplace Fashions.
22. Cancellation of Certificate of Workers' Compensation Insurance Re: Right Choice Home Improvement and Otter Creek Construction LLC.
23. Certificate of NYS Compensation Insurance Re: Rochester Solar Technologies and Right Choice Home Improvement.
24. Card to Supervisor from Finger Lakes Community College Re: Congratulations on receiving WWTP project award.
25. Letter to Ontario County Board of Supervisors from Assemblyman Kolb Re: Congratulations on elected to another term as County Chairman.

**REPORTS & MINUTES:**

**TOWN BOARD MEETING**  
**REPORTS & MINUTES: (Continued)**

**January 13, 2009**

1. Monthly Report of Supervisor – December 2008.
2. Detail of Expenditures – December 2008.
3. Recreation Commission Meeting Minutes – November 10, 2008.
4. Conservation Board Meeting Minutes – November 24, 2008.
5. Judge Lew Monthly Report – December 2008.
6. Judge Gligora Monthly Report- December 2008.
7. Building Dept. Monthly Reports – December 2008.

**ORDER OF BUSINESS:**

**RESOLUTION #44-2009:**

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

**AUTHORIZING ROCHESTER BICYCLING CLUB TOWN PARK USE FOR A 24 HOUR PERIOD**

**WHEREAS**, for the 21<sup>st</sup> consecutive year, the Rochester Bicycling Club, Inc. has reserved the shelter at Farmington Town Park on County Road 8 for July 25<sup>th</sup>, 2009. As in previous years, they would like to hold this event, for a 24 hour period, beginning at 7:00 AM on Saturday, July 25, 2009 and ending at 7:00 AM on Sunday, July 26, 2009; and

**WHEREAS**, they are requesting special permission to do this again, this location works well for them and they appreciate having been able to hold their event here for so many years.

**THEREFORE BE IT RESOLVED**, due to the positive relationship established, the Farmington Town Board authorizes the 24 hour period, from 7:00 AM July 25<sup>th</sup> to 7:00 AM July 26<sup>th</sup>, 2009, as an exception to policy; and

**BE IT FURTHER RESOLVED** that the Town Clerk send a certified copy of this Resolution to Rochester Bicycling, Inc. and the Parks Superintendent for posting in the pavilion at the Town Park. The Parks Superintendent will notify the Ontario County Sheriffs Office and State Police.

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

**RESOLUTION #45-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**SUPERVISOR TO SIGN 2009 AGREEMENTS WITH FIRE DEPARTMENTS**

**WHEREAS**, the Town has budgeted monies in the 2009 Town Budget for Fire protection.

**THEREFORE BE IT RESOLVED** that the Town Board authorizes the Supervisor to sign all Agreements, with Fire Departments, for the 2009 budget year.

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

**RESOLUTION #46-2009:**

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

**SUPERVISOR TO SIGN 2009 AGREEMENTS WITH LIBRARIES**

**WHEREAS**, the Town has budgeted monies in the 2009 Town Budget for support of Libraries.

**THEREFORE BE IT RESOLVED** that the Town Board authorizes the Supervisor to sign all Agreements with Wood Library, Victor Free Library and Macedon Library for the 2009 budget year.

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

**RESOLUTION #47-2009:**

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

**AUTHORIZING VICTOR LIONS CLUB USE OF TOWN PARK**

**WHEREAS**, the Victor Lions Club has requested use of the Farmington Town Complex, to include the Town Park, to hold their 38<sup>th</sup> Annual Sports Car and Classic Auto Festival; and

**WHEREAS**, the Board has determined that the use of the Town Complex would benefit the community as a whole.

**ORDER OF BUSINESS: (Continued)****RESOLUTION #47-2009: (Continued)**

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the use of the Town Complex and park for the purpose of the Lions Club Annual Sports Car and Classic Auto Festival from June 6, 2009 through June 7, 2009 with the following stipulations:

- File with the Town Clerk, of the Town of Farmington, at least 3 days prior to the event, a Certificate of Insurance naming the Town of Farmington as an additional insured during the period of use.
- Sign a Hold Harmless Agreement holding the Town of Farmington harmless for the period of the event.
- There are no alcoholic beverages sold or consumed on the premises of the Town of Farmington.
- The Lions Club shall be responsible for obtaining the necessary permits for the sale of food.
- The Lions Club shall be responsible for the clean-up of the grounds after the show.
- The Lions Club shall coordinate all of the use of the Complex and the park with the Superintendent of Highway and Parks.
- The Lions Club shall be responsible for arranging off-site parking for the public attending the event.
- The use of the Complex and Town Park, for 2009, does not constitute approval for subsequent years, as it is the intent of the Board to see if the use is feasible in the future.

**BE IT FURTHER RESOLVED** that the Town Board has waived the fee for the use of the park, for 2009, as a one-time use. The Town Clerk is directed to reserve the park and Complex, for June 6, 2009 through June 7, 2009. The Town Clerk is further directed to provide a certified copy of this Resolution to the Victor Lions Club, Attn: James Swan, PO Box 86, Victor, NY 14564, and copies to the following people: Highway and Parks Superintendent Edward McLaughlin, Thomas Schwarzweller, Chairman of the Farmington Recreation Commission.

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

**RESOLUTION #48-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A LOCAL LAW**

**WHEREAS**, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interest of the Town to schedule a Public Hearing to solicit public comment upon a proposed Local Law Increasing the Quarterly Sewer Rent Charge; and

**WHEREAS**, the Town Board of the Town of Farmington has reviewed the draft of the aforementioned proposed Local Law, attached hereto as Exhibit "1" (on file in the Town Clerk's office) and deems it in the best interest of the Town of Farmington to proceed in accordance with the Code of the Town of Farmington and the Laws of the State of New York in adopting said Local Law; and

**WHEREAS**, this Action by the Town Board is a "Type 2" Action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (20) and (27), thereby requiring no further action by the Town Board.

**NOW, THEREFORE BE IT RESOLVED** that the Town Clerk be, and she hereby is, directed to schedule a Public Hearing to be held on January 27, 2009, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, New York; and

**BE IT FURTHER RESOLVED** that the Town Clerk be, and hereby is, authorized to forward, to the official newspaper(s) of the Town, a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2" (on file in the Town Clerk's office); and

**BE IT FURTHER RESOLVED** that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Farmington sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Farmington for its consideration; and

**BE IF FINALLY RESOLVED** that the Town Clerk be, and hereby is, authorized to provide all other notices, as required by law, for the adoption of this Local Law.

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

**RESOLUTION #49-2009:**

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

**AUTHORIZING SPONSORSHIP OF APPLICATION TO THE 2008-2009 LOCAL GOVERNMENT EFFICIENCY PROGRAM**

**WHEREAS**, the Farmington Town Board has entered into an Inter-Municipal Agreement among the Ontario-Wayne Counties Stormwater Coalition members of the Towns of Macedon, 32 Main Street,

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #49-2009: (Continued)**

Macedon, NY 14502; Ontario, 1850 Ridge Road, Ontario, NY 14519; Victor, 85 East Main Street, Victor, NY 14564; Walworth, 3600 Lorraine Drive, Walworth, NY 14568; hereinafter referred to as "Towns", the Coalition members of the Villages of Macedon, 81 Main Street, Macedon, NY 14502; Victor, 60 East Main Street, Victor, NY 14564; hereinafter referred to as "Villages"; Ontario County, on behalf of its Department of Public Works, with offices at 2962 County Road 48, Canandaigua, NY 14424 and Wayne County, on behalf of its Highway Department, with offices at 7227 Route 31, Lyons, NY 14489; as authorized by Article 5-G of the General Municipal Law; and

**WHEREAS**, the Phase II Federal Stormwater Regulations require that regulated municipal separate storm sewer system operators comply with the SPDES General Permit for Stormwater Discharges (General Permit 0-08-002) issued by the New York State Department of Environmental Conservation; and

**WHEREAS**, the municipalities recognized that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II Federal Stormwater Regulations; and

**WHEREAS**, the Ontario-Wayne Stormwater Coalition started holding meetings, beginning in 2004, to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations; and

**WHEREAS**, the work of the Ontario-Wayne Stormwater Coalition shall be to work collaboratively to (among other goals):

- a. Facilitate the use of existing or future resources, organizations and programs for the provision of the services necessary to comply with the Phase II Regulations
- b. Research and implement an appropriate funding mechanism to meet the financial needs, beyond 2013, resulting from compliance with the Phase II Federal Stormwater Regulations

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board will sponsor an application for funds, to be known as the *Ontario-Wayne Stormwater Coalition Feasibility Study of Joint Inspection and Long-Term Funding* to be submitted to the New York Department of State; and

**BE IT FURTHER RESOLVED** that the Farmington Town Board authorizes the application for funds in the amount of \$50,000, the 10% required local share of which will be paid for by the Ontario-Wayne Stormwater Coalition from dues which the Town of Farmington contributes to on an annual basis; and

**BE IT FURTHER RESOLVED** that the Farmington Town Board has agreed to act as Lead Applicant for a 2008-2009 Local Government Efficiency Program High Priority Planning Grant Project proposal; and

**BE IT FURTHER RESOLVED** that Scott Allen, Code Enforcement Officer/Stormwater Management Officer, of the Town of Macedon, has agreed to execute all financial and/or administrative processes relating to the grant program; and

**BE IT FURTHER RESOLVED** that the Towns of Macedon, 32 Main Street, Macedon, NY 14502; Ontario, 1850 Ridge Road, Ontario, NY 14519; Victor, 85 East Main Street, Victor, NY 14564; Walworth, 3600 Lorraine Drive, Walworth, NY 14568; hereinafter referred to as "Towns", the Coalition members of the Villages of Macedon, 81 Main Street, Macedon, NY 14502; Victor, 60 East Main Street, Victor, NY 14564; hereinafter referred to as "Villages"; Ontario County, on behalf of its Department of Public Works, with offices at 2962 County Road 48, Canandaigua, NY 14424 and Wayne County, on behalf of its Highway Department, with offices at 7227 Route 31, Lyons, NY 14489, as authorized by Article 5-G of the General Municipal Law are co-applicants within this project.

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

**RESOLUTION #50-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #25-2008**

General	\$ 17,757.16
Highway Fund	190,659.49
Storm Drainage	2,551.10
Payroll	196.15
Sewer District	13,375.32

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**  
**RESOLUTION #50-2009: (Continued)**

**January 13, 2009**

Water District	277,552.02
<b>Total</b>	<b>\$502,091.24</b>

**ABSTRACT #1-2009**

General	\$108,288.85
Highway Fund	109,362.65
Sewer Plant Expansion	118,902.48
Storm Drainage	10,726.66
Sewer District	38,777.70
Water District	18,697.21
Payroll	680.58
<b>Total</b>	<b>\$405,436.13</b>

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

**DISCUSSION:**

1. Association of Towns 2009 Annual Meeting – Proposed Legislation. The Board discussed the twelve pieces of legislation that will be voted on and will give their recommendations to Ron Brand who will be representing Farmington. The Town Board agreed to support all of the proposals.
2. Architectural Review. **Supervisor Fafinski** said our Attorney has reviewed this and given his suggestions. The Town Board recommends Floyd Kofahl work with Ron Brand and the Planning Board Chairman on this to work the Attorney's suggestions into the local law.
3. Proposal for electrical repair of service at 5841 Mountain Ash Drive. **Highway Superintendent McLaughlin** reported on this. The RG&E cable is under the drainage culvert later installed by the Town and needs repair. He got a quote from K.W. Enterprises. Superintendent McLaughlin was authorized by the Town Board to negotiate with the property owner on Proposal A @ \$875.00.

**TRAINING UNDER \$100.00:**

1. Assessor's Aide Heidi Ferman to attend NYSAA Exemption Administration Course, February 6, 2009, in Rochester, NY at a cost not to exceed \$95.00.
2. Bill Garlock and Eric Feistel to attend Genesee Valley Chapter NYWEA Workshop, January 15, 2009, at a cost of \$15.00 each.
3. Jim Crane, Paul Fleig, Tom Simonds, Josh Fagner, Matt Curran, Bill Garlock and the Town Supervisor to attend FLWWC Annual Business Meeting on February 5, 2009, at a cost of \$22 – \$25 each.

With no further business, the meeting was adjourned, at 8:05 PM, by motion from **Councilman Mickelsen**, seconded by **Councilmen Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD MEETING**

**January 27, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 27<sup>th</sup> day of January 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman      **NECESSARILY ABSENT**  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Phil Robinson** – Code Enforcement Officer, **Ray Wolf** – Fire Chief, **Robert Kleman** – Planning Board, Dottie Mickelsen, Tom Crown, Victor Town Supervisor - Jack Marren and Jim L. Birch - resident.

**PUBLIC HEARING:**

At 7:00 PM, on this date, a Public Hearing was called to order. The Legal Notice, as published in the Town's designated newspaper, was read by the Town Clerk regarding Local Law No. 1 of 2009 entitled, "Increasing the Quarterly Sewer Rent Charge."

**TOWN BOARD MEETING**  
**PUBLIC HEARING: (Continued)**

**January 27, 2009**

**Supervisor Fafinski** opened the Hearing for comments from the public. **James L. Birch**, Mountain Ash Drive, voiced his opposition to the increase. He said this is not the time for an increase, we are already overburdened with taxes, people are getting laid off, businesses are struggling; "you need to cut costs, not raise taxes." He asked how the amount of the increase was set.

**Supervisor Fafinski** asked Superintendent Crane to explain the reasoning behind the increase. **Superintendent Crane** said debt service on the treatment plant expansion was the primary reason. This is the first increase in four years; it is a usage fee. There are maintenance costs along with chemicals and upkeep of the plant. **Superintendent Crane** said that the sewer rates are the lowest in the area; they used data collected from the past few years and they have also based the increase on projections going out five to ten years and sewer services could be facing increased usage of perhaps 200 more units per year. **Councilman Mickelsen** said this is not a tax, it affects only residential and commercial properties, the Town is trying to keep taxes and fees as low as possible. **Councilman Ingalsbe** felt it was bad timing with today's economy and added this will affect residential and commercial customers in Canandaigua and Victor as well as Farmington.

No one else wishing to be heard, for or against the foregoing subject matter, the Hearing was declared closed at 7:10 PM.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, that the minutes of the January 6, 2009 Organizational meeting & January 13, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** James L. Birch, Mountain Ash Drive

**Mr. Birch** discussed an electrical problem at his home caused, in part, by a culvert sinking down and pressing on the buried electrical service cable to his home. He asked for the Town's assistance with this problem.

**Highway Superintendent Ed McLaughlin** explained that was only part of the problem. The rest of the problem was uncovered when RG&E found that the electrical service had faulted both at the transformer and under the culvert; the cable apparently had degraded over 30 plus years causing the faults. As a solution, RG&E has agreed to assist Mr. Birch and the Town has agreed to supply the labor. (Mr. Birch's share could be around \$875.00 for the disconnect and reconnect along with the inspection by RG&E.) **Mr. Birch** said he would like to go on record stating, "I can't believe a contractor would be allowed to go ahead and plant electrical wires into a home and only have a thirty year life. All these home and all these people are going to have trouble after thirty years with their electric. This is not acceptable." Superintendent McLaughlin had asked the RG&E representative how many incidents of this type did they have a year? The response was hundreds. **Superintendent McLaughlin** said he will have the Town's Attorney draw up an Agreement in regards to the homeowner, RG&E and the Town.

**REPORTS OF STANDING COMMITTEES:**

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

1. The sewer plant project is nearing the end. They will look into an energy curtailment situation to self generate.
2. Pipe prices are down; will check into the northeast waterline.
3. They are nearing the end on the GIS Mapping project.
4. Conducting a code review of our sewer rents and charges.
5. Discussed current and future projects up to year 2020.
6. The Highway Department discussed an insurance claim, electrical problem on Mountain Ash Drive, Mertensia Park gas line update, MS4 plans and needs and unfunded mandates.

**Recreation Task Force: Councilman Casale reported:**

1. They should have the second survey back by next week.

**Councilman Casale** said he discussed, with Code Enforcement Officer Kofahl, the idea of redesigning the downstairs area. CEO Kofahl will get a package of designs and prices for the Committee to look at.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. Reported on the Town's share of sales tax being \$70,000 less than last year. He is concerned but not overly concerned. Some things that impact that (sales tax) are the price of gas and the economy. He will wait and see and has asked each department to look at their budgets again. We are stable but fragile. There are still more costs and user taxes by State Government being passed down.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported MS4 will also be used for a water quality improvement program. He explained to the Board where this stands.
2. GIS mapping being completed.

**REPORTS OF TOWN OFFICIALS: (Continued)**

3. Gave an update/progress report on Mertensia Park; it is moving along and looks good.

**Town Clerk & Receiver of Taxes, Rose M. Kleman:**

1. Her office has been very busy with tax payments coming in (the Town will get all of its' tax money this week), along with water and sewer payments and general office work.
2. Submitted her annual report for 2008. **Supervisor Fafinski** pointed out the number of FOIL requests; almost 1,500. Almost nine million dollars (taxes, water and sewer and general fund) collected in her office in 2008. Her Deputies are to be commended. **Supervisor Fafinski** said, "nice job, a lot of work".

**Assessor, Donna LaPlant** not present.

1. **Supervisor Fafinski** read her report on the revaluation.
2. They are also updating records along with exemptions.

**Fire Chief, Ray Wolf and CEO Phil Robinson:**

1. Reported there were 420 calls responded to in 2008. He reported on the automatic alarms at Alloway Manor and other facilities; not always emergencies but most treated as such. It gets to be costly with the trucks and getting firemen out at all hours of the day and night. He explained about the fire alarm locations and senior citizens having a problem hearing them. The Board discussed this situation. **Councilman Ingalsbe** suggested that Code Enforcement Officer Kofahl meet with the management regarding proper procedures. **Supervisor Fafinski** suggested he ask the Office of the Aging to have someone from their office go with him.

**COMMUNICATIONS:**

1. Letter to Supervisor from St. Pauly Textile, Inc. Re: Collection of used clothing.
2. Letter to Town Clerk from Farmington Volunteer Fire Association Re: Updated list.
3. E-mail from J. Mooney to Supervisor Re: Thank you for assistance.
4. Letters to Libraries from Supervisor Re: Signed 2009 contracts.
5. Letters to Fire Departments from Supervisor Re: Signed 2009 contracts.
6. Memo to Water & Sewer Employees from Water & Sewer Superintendent Re: Receipts for purchases.
7. Letter to Town Clerk from Farmington Volunteer Fire Association Re: Update listing.
8. Letter to Town Clerk from Ontario County Department of Finance Re: Payment of all monies by the Ontario County Treasurer.
9. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply-Auburn Meadows-Section 2.
10. Letter to Supervisor from Town of Manchester Re: Notice of Public Hearings.
11. Letter to Fire Departments from Supervisor Re: NYS Office of the State Comptroller-Foreign Fire Insurance Tax.
12. Memo to Town Boards, Committees and Chamber of Commerce from Supervisor Re: Farmington Citizen of the Year.
13. Notice from NYS Department of Labor Re: Crane Hogan Structural Systems.
14. Memo to Supervisor from Ontario County Real Property Services Re: Senior Citizens', Persons with Disabilities and Veterans' Exemptions information.
15. Memo to Water & Sewer Superintendent Re: 2009 Water Testing Sampling.
16. Certificate of Workers' Compensation Insurance Re: Unlimited Enclosures and Sunbeam Pools & Spas.
17. Letter to Town from M&T Bank Re: Letter of Credit-A&D Development-SB-911463-2000.
18. Letter to R. Carmel from Code Enforcement Officer Re: Rezoning of land at 5650 County Road 41.
19. Letter to Supervisor from Senator Nozzolio Re: Congratulations of recent re-election as Chairman of the Ontario County Board of Supervisors.
20. Notice of Soliciting Informal Written Comments from NYS Public Service Commission Re: Reviewing and Amending the Electric Sub-metering Regulations.
21. Certificate of Insurance for Time Warner Cable.

**REPORTS & MINUTES:**

1. Town Clerk Annual Report for 2008.

**ORDER OF BUSINESS:****RESOLUTION #51-2009:**

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

**AUTHORIZING ADOPTION OF LOCAL LAW NO. 1 OF 2009**

**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 January 27, 2009, 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 Increasing the Quarterly Sewer Rent Charge"; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #51-2009: (Continued)**

**WHEREAS**, notice of said Public Hearing was duly advertised, in the official newspaper of the Town of Farmington, on January 16, 2009, and other notices required to give by law were properly served, posted or given; and

**WHEREAS**, said Public Hearing was duly held, on January 27, 2009, 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 2009, entitled "A Local Law Increasing the Quarterly Sewer Rent Charge", a copy of which is attached hereto and made a part of this Resolution; and

**BE IT FURTHER 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, Rose Kleman, 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 January 27, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman		X
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	ABSENT	
Michael Casale, Councilman	X	

**Local Law No. 1 of the year 2009**

A Local Law "Increasing the Quarterly Sewer Rent Charge".

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

Section 1. Section 122-7 (Amount of Rent) of the Code of the Town of Farmington is hereby deleted in its entirety and amended to read as follows:

122-7. Amount of Rent.

Effective January 1, 2009, sewer rents are hereby established and imposed as follows: upon property in the Farmington Sanitary Sewer District, \$70 per household unit in a calendar quarter, extended for the applicable number of units.

Section 2. 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 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION #52-2009:**

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

**AUTHORIZING ATTENDANCE OF CODE ENFORCEMENT OFFICERS TO CONFERENCE**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Code Enforcement Officers (Floyd Kofahl, James Morse and Phil Robinson) to the annual FLBOA Training Conference to be held March 16-19, 2009, at a total cost of \$1,170.00 (\$390.00 each); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Code Enforcement Officer.

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

**RESOLUTION #53-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #53-2009: (Continued)**

**AUTHORIZING THE HIGHWAY SUPERINTENDENT TO RENT AND/OR CONTRACT EQUIPMENT FOR 2009 HIGHWAY PROJECTS**

**RESOLVED**, per Highway Law, Section 142 (D), the Highway Superintendent can rent and/or contract equipment for Highway Projects.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway Superintendent to rent and/or contract equipment, for 2009 Highway projects, per Highway Law, Section 142(D); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Superintendent and the Supervisor’s Secretary.

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

**RESOLUTION #54-2009:**

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

**LETTER OF CREDIT RELEASE #9 – AUBURN MEADOWS SUBDIVISION, SECTION 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated January 21, 2009, recommending that the above referenced Letter of Credit Release #9 be approved in the total amount of \$102,716.75 for work completed in the Phase 2 portion of the Auburn Meadows 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. 9, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$501,528.09 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$398,811.34 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted on January 21, 2009, recommended the release of the requested amount, \$102,716.75.

**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.

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	ABSENT	
Michael Casale, Councilman	X	

**RESOLUTION #55-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for increase in the Parks Entitlement line that was left out; and

FROM:	A1990.4	Contingency	\$1,000.00
TO:	A7110.13	Parks Entitlement PS	(\$1,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and to the Finance and Account Specialist.

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

**RESOLUTION #56-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**TOWN BOARD MEETING**

**January 27, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #56-2009: (Continued)**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for the purchase of a new refrigerator at the Highway Garage; and

FROM:	A5132.4	Highway Garage CE	\$374.39
TO:	A5132.2	Highway Garage EQ	(\$374.39)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and to the Finance and Account Specialist.

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

**RESOLUTION #57-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the General Fund to increase Code Enforcement Equipment Line; and

FROM:	A1990.4	Contingency	\$2,500.00
TO:	A3620.2	Code Enforcement EQ	(\$2,500.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Building Department and to the Finance and Account Specialist.

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

**RESOLUTION #58-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

<b>ABSTRACT #2-2009</b>	
General	\$ 70,993.81
Highway Fund	54,642.01
Storm Drainage	2,733.44
Fire Protection	159,031.66
Lighting	6,282.05
Payroll	2,171.50
Sewer District	52,513.44
Water District	18,637.16
<b>Total</b>	<b>\$367,005.07</b>

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

**DISCUSSION:**

1. Dog Enumeration Proposal.

**Supervisor Fafinski** explained the Town's prior enumerations and problems encountered. The Board discussed this and the consensus of opinion was to go with the Humane Society. **Supervisor Fafinski** will check with them and then draw up a Resolution for the next meeting.

With no further business, the meeting was adjourned, at 8:05 PM, by motion from **Councilman Mickelsen**, seconded by **Councilmen Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**February 10, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 10<sup>th</sup> day of February 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman

Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman      **NECESSARILY ABSENT**  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Jim Morse** – Code Enforcement Officer, **Robert Kleman** – Planning Board, Dottie Mickelsen, Tom Crown and Matthew Tempest.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, that the minutes of the January 27, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**  
**Supervisor Fafinski** stated that, due to it being the time of year when the Clerk’s office is extremely busy with taxes and end of the month water and sewer payments, he commends them for being able to complete these minutes on time.

**REPORTS OF STANDING COMMITTEES:**

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

1. MRB Group-Kyte Road Bridge bid opening scheduled for March 6.
2. MRB Group feasibility study for Mertensia Road improvements.
3. White Tail Lane and Suede Circle proposal.
4. Electrical service on Mountain Ash Drive.  
(All of which are on tonight’s agenda.)
5. Discussed Betlem working on Town Hall heating and cooling system.
6. Water & Sewer Dept. working on final punch list at the sewer plant.
7. Discussed the northeast water proposal along with other proposed projects.
8. GIS about completed; would like to do a presentation in March.

**Recreation Task Force: Councilman Casale** reported:

1. Survey will possibly go out the end of next week.

**Town Operations/Personnel: Councilman Casale** reported:

1. Questioned the Highway Superintendent’s planned Beaver Creek project. The haul road is a muddy mess and trucks are making it really bad. **Superintendent McLaughlin** explained what is being done there. **Councilman Ingalsbe** said his concern is all the mud going out on Canandaigua/Farmington Town Line Road. Superintendent McLaughlin will check into this area.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. Reported on the ten page decision the Supreme Court issued in reference to the certiorari action for Farmington Office Park; it was thrown out due to lack of evidence. It took at least \$15,000 from the Town and almost four months.
2. The Assessor is continuing with her revaluations and exemptions. He reported on her work to come up with an assessment for the Racetrack and her comparison with Saratoga.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported the parks truck is at the Dealer’s for repair under warranty.
2. Discussed the Town Hall heating system.

**Water & Sewer Superintendent Jim Crane:**

1. Wanted to show off the award he received from the American Public Works Association for the new sewer plant project.
2. **Supervisor Fafinski** said he attended, along with Jim Crane, the Finger Lakes Water Works annual meeting and training session. It was very interesting and informative.

**Code Enforcement Officer, Jim Morse:**

1. Reported the Aldi’s project will start in June.
2. Wendy’s is scheduled for the March 2<sup>nd</sup> Planning Board Meeting.
3. In March, the Beaver Creek Estates project is coming in for a 63 lot higher-end housing subdivision on Town Line and New Michigan Roads; east of the creek.
4. Nothing new to report on Walgreens.

**Planning Board Member Bob Kleman:**

1. Reported that last week’s workshop and regular meeting were cancelled due to lack of applications and/or requests; very quiet.

**COMMUNICATIONS:**

1. Letter to Supervisor from NYS Dept. of Health Re: Certificate of Returns of Births and Deaths.
2. Letter to Supervisor from Wood Library Re: Recent events.
3. Letter to Supervisor from M&T Bank Re: A&D Development-rescinding non-renewal LOC.

**TOWN BOARD MEETING**  
**COMMUNICATIONS: (Continued)**

**February 10, 2009**

4. Letter to Planning Board from D.S.B. Engineers Re: A&D Development's offering to donate sidewalks along New Michigan and Canandaigua-Farmington Town Line Road.
5. Letter to Supervisor from Time Warner Cable Re: Agreements with programmers.
6. Letter to Supervisor from D.S.B. Engineers Re: Stonewood Subdivision Phase 3, Sanitary Easements.
7. Memo to Town Board from Assessor Re: January Assessor's Report.
8. Memo to Judge Gligora from Supervisor Re: Remittance of funds, fines paid-S. Rockmore.
9. Letter to Brenna, Brenna & Boyce from Supervisor Re: RG&E Work Permit for CR 41 Gas line extension.
10. Letter to Victor-Farmington Ambulance Corp. from Supervisor Re: 2009 signed Agreement.
11. Letter to Victor Free Library from Supervisor Re: 2009 signed Agreement.
12. E-Mail to Supervisor from D. Dieter Re: Great job in Building Department.
13. Letter to NYS EFC from Director of Planning & Development Re: Clean Water State Revolving Fund-Plastermill Pump.
14. Decision and Order from NYS Supreme Court Re: Farmington Office Park.
15. Continuing Education - D. Ronk.
16. Notice from M&T Bank Re: Amendment to irrevocable letter of credit for A&D Development #SB-911463-2000.
17. Letter to A&D Development from Planning Board Chairman Re: A&D Development's offering to donate sidewalks along New Michigan and Canandaigua-Farmington Town Line Roads.
18. Cancellation of Certificate of Workers' Compensation Insurance Re: Michael S. Collins and David L. Richards, Jr.
19. Certificate of Liability Insurance Re: Network Building & Consulting, Inc.
20. Certificate of NYS Workers' Compensation Insurance Coverage Re: Finger Lakes Racing Association, Inc.

**REPORTS & MINUTES:**

1. Detail of Expenditures – December 31, 2008.
2. Historic Preservation Committee Meeting Minutes - January 6, 2009.
3. Monthly Report of Supervisor – December 2008.
4. Zoning Board of Appeals Meeting Minutes – November 24, 2008.
5. Judge Gligora Monthly Report – January 2009.
6. Judge Lew Monthly Report - January 2009.
7. Building Department's Monthly Report – January 2009.
8. Monthly Report of Supervisor – January 2009.
9. Detail of Expenditures – January 31, 2009.
10. Town Clerk Annual Report – 2008.
11. 2008 Farmington Historians Report.

**ORDER OF BUSINESS:**

**RESOLUTION #59-2009:**

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

**AUTHORIZATION FOR APPLICATION FOR FUNDING**

**WHEREAS**, the Town of Farmington Sanitary Sewer Districts and the Canandaigua-Farmington Water Districts have a number of projects, districts and improvements that are needed to its infrastructure; and

**WHEREAS**, funding for many of these improvements and upgrades may become available through the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund under the federal economic recovery package.

**THEREFORE BE IT RESOLVED** that the Town Board of Farmington hereby authorizes the Water and Sewer Superintendent to make application for funding on behalf of the Farmington Sanitary Sewer Districts and the Canandaigua-Farmington Water Districts.

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

**RESOLUTION #60-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH MRB GROUP**

**WHEREAS**, MRB Group has submitted a proposal, for engineering services, to perform a feasibility study relative to the proposed improvement of Mertensia Road between NYS Route 96 and County Road 41, a distance of about 0.9 miles, at a cost not to exceed \$6,000.00; and

**WHEREAS**, the Highway Superintendent has reviewed the proposal and recommends the approval of such study.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #60-2009: (Continued)**

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the proposal, from MRB Group, to perform a feasibility study of Mertensia Road at a cost not to exceed \$6,000.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to forward the signed Agreement to MRB Group and the Highway Department.

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

**RESOLUTION #61-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for NYS Aid received for the summer reading program, go to Victor Free Library; and

FROM:	A3089	State Aid-Other	\$1,110.14
TO:	A7410.4	Library CE	(\$1,110.14)

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #62-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT FOR ELECTRICAL SERVICE**

**RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign an Agreement between the Town and James Birch, of 5841 Mountain Ash Drive, in regards to the resident's electrical service replacement; and

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to forward copies of this Agreement to the Highway Department and to Mr. & Mrs. James Birch.

**Supervisor Fafinski** disclosed he knows Mr. James Birch as he lives in his neighborhood. All voting "Aye", the Resolution was **CARRIED**.

**RESOLUTION #63-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN PROPOSAL FOR ENGINEERING SERVICES**

**WHEREAS**, MRB Group has submitted a proposal, for engineering services for the White Tail Lane and Suede Circle reconstruction project, at a cost not to exceed \$18,400.00 (to be expended from DA-5112.2-CHIPS project in 2010).

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the proposal from MRB Group for engineering services for the White Tail Lane and Suede Circle reconstruction project; and

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to forward copies of the signed proposal to the Highway Department, MRB Group and the Finance and Account Specialist.

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

**RESOLUTION #64-2009:**

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

**ESTABLISH A BID DATE FOR KYTE ROAD CULVERT IMPROVEMENTS**

**WHEREAS**, the Town of Farmington, 1000 County Road 8, Ontario County, New York, has determined that the concrete bridge culvert carrying Kyte Road, a Town Road over Black Brook, should be widened and improved to conform to current Town Road standards; and

**WHEREAS**, MRB Group, Engineering, Surveying and Architecture, P.C., 2480 Browncroft Boulevard, Rochester, New York, has been retained by the Town to provide professional engineering services related to the project; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #64-2009: (Continued)**

**WHEREAS**, plans and specifications for the proposed project have been prepared and reviewed; and

**WHEREAS**, the Town Board has reviewed the proposed project, according to criteria established by the New York State Environmental Quality Review Act, and has determined that the proposed project will have no significant adverse environmental impact.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Farmington, New York that the Highway Superintendent and the Town Engineer are hereby authorized to solicit bids for goods and services necessary for the construction of the Kyte Road Culvert Improvements, according to the provisions of Section 103 of Article 5-A of the General Municipal Law, including but not limited to: Contract 1 – Culvert Improvements and Contract 2 – Highway and Bridge Railing, all in conformance with plans and specifications prepared by MRB Group, P.C.; and

**BE IT FURTHER RESOLVED**, sealed bids for Contracts 1 and 2 will be received until 10:00 AM, Prevailing Time, Friday, March 6, 2009, at the office of the Town Clerk, 1000 County Road 8, Farmington, New York 14425, at which time they will be opened and read aloud; and

**BE IT FURTHER RESOLVED** that Contract documents may be examined at the office of the Town Clerk, and at the office of MRB Group. Documents for both Contracts will be available at the offices of MRB Group on or after February 16, 2009; and

**BE IT FINALLY RESOLVED** that the Town Clerk shall cause a Legal Notice to All Prospective Bidders to be published in the official newspaper, on February 16, 2009, summarizing the bidding procedure for the Kyte Road Culvert Improvements.

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

**RESOLUTION #65-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

	<b>ABSTRACT #3-2009</b>	
General		\$ 14,692.06
Highway Fund		25,076.72
Storm Drainage		500.00
Payroll		155.40
Building Guarantee		25.00
Sewer District		280,315.66
Water District		1,696.99
<b>Total</b>		<u><b>\$322,461.83</b></u>

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

**DISCUSSION:**

1. Town Hall heating & cooling system.

With no further business, the meeting was adjourned, at 7:35 PM, by motion from **Councilman Ingalsbe**, seconded by **Councilmen Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 24<sup>th</sup> day of February 2009, at 7:00 PM, there were:

- PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman
- NECESSARILY ABSENT**

Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl & Phil Robinson** – Code Enforcement Officers, **Robert Kleman** – Planning Board, **Ray Wolf** – Fire Chief and Steve Poyzer – The Victor Herald.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, that the minutes of the February 10, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

### **REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. Update on the treatment plant project closeout.
2. GIS mapping/software workshop review being held March 24.
3. Truck replacement.

**Highway:**

1. Update on mower, roller and pick-up truck that needs to be replaced shortly.
2. Mountain Ash Drive electrical problem; not done yet, will try to schedule for this week.
3. CHIPS has been restored to the 2008 level.
4. Discussed some options for the Town Hall heating system. Will work with Floyd Kofahl on this project.

### **REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. Reported on his office's Annual Update Report (AUD) to the State Comptroller and the new mandates i.e.: tracing every kilowatt hour used (so far it has cost \$1,000.00 and thirty man hours and it is not complete yet), fuel used, tracking the Town's retirement system by part-time and full-time employees (cost). There was no forewarning, nor explanation for this. He said he notified representatives Kolb, Errigo and Senator Nozzolio along with the Association of Towns. He explained what he has done in regards to making his opinion known. He said his office's request for a thirty day extension was received. When he sends the report in, it will state "under protest."

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported that Mertensia Park is coming along – resolutions regarding payment of work completed and the security system are on tonight's agenda.
2. Town clean-up dates have been set (Agenda item #3).
3. The MS4 (Stormwater Management) report is due at the end of March.
4. **Councilman Casale** asked about the sidewalks and who cleans them (regarding equipment needed in the winter months). **Supervisor Fafinski** said it is the property owners responsibility to keep sidewalks clean of snow, etc.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. We are still working on taxes. We have collected approximately five million dollars so far. The Town has their share and the County has been sent two large checks.
2. Along with follow-up (recording payments in the two tax books) and general work, our office is busy.

**Water & Sewer Superintendent Jim Crane:**

1. IUP (Intended Use Plan) – Clean Water Act Revolving Funds – list of three projects: northeast proposed water district, transmission main along Yerkes & New Michigan Roads and improvements to our water tank. **Councilman Casale** asked if the residents of the proposed northeast water district would have a say in the installation of this line. **Superintendent Crane** explained the process.
2. Reported on the pump station project.

**Code Enforcement Officer, Floyd Kofahl:**

No report.

**Planning Board Member Bob Kleman:**

1. On their last meeting agenda.

**Fire Chief Ray Wolf:**

No report.

**Assessor, Donna LaPlant:** Report read by **Supervisor Fafinski** as follows:

1. The revaluation is just about done; will be checking the values tonight and tomorrow. The final disk is due to the County tomorrow night. The County will be running the impact notices on Thursday and the notices will be sent out Monday. A better idea, as to the average increase, will be prepared for the March meeting.  
Assessor's Aide Heidi has been doing a wonderful job processing the exemption applications. The deadline for filing is March 1; they have been very busy, especially within the last two weeks,

**REPORTS OF TOWN OFFICIALS: (Continued)**

processing these. Still waiting on several senior citizen exemptions which should be coming in by the end of the week.

2. Also, Heidi is running numerous reports for the revaluation.

**Councilman Ingalsbe** asked Superintendent Crane about the delinquent water bills. **Superintendent Crane** stated there are 285 delinquent accounts and 280 shut-off notices have been mailed.

**COMMUNICATIONS:**

1. Resolution No. 87-2009 from Ontario County Board of Supervisors Re: One-year appointments.
2. Letter to RG&E from Troy & Banks Re: Street Light billing.
3. Letter to Office of the State Comptroller from Supervisor Re: Extension for two AUD's.
4. Letter to Supervisor from Assemblyman Errigo Re: Representation of the people of the 130<sup>th</sup> Assembly District.
5. Letter to Town Clerk from Farmington Volunteer Fire Association Re: Update of current listing.
6. Letter to Supervisor from Canandaigua City Manager Re: Notice of 2009 Water Rate.
7. Letter to Supervisor from Assemblyman Errigo Re: Restore NY Communities Initiative grants.
8. Attorney Invoices Re: Aldi's, Hathaway Academy of Music and A&D Development.
9. Certificate of Workers' Compensation Insurance Re: Jason's NY Pizzeria.
10. Cancellation of Certificate of Workers' Compensation Insurance Re: Crane-Hogan Structural Systems, Inc. and Whitestone Farm LLC.
11. Association of Towns Statement of Cash Receipts and Disbursements for years ended December 31, 2007 & 2008.
12. Certificate of Workers' Compensation Insurance Re: Pro Construction, Inc.
13. Memo to Supervisor from MARSH USA Re: Transmittal of Certificates of Insurance – Extension of Energy East Insurance Program.
14. Letter to Supervisor from Time Warner Cable Re: Programmer's Agreements.
15. Planning Board – Rules of Procedure 2009.

**REPORTS & MINUTES:**

1. Conservation Board Meeting Minutes – January 26, 2009.
2. Historic Preservation Meeting Minutes – February 3, 2009.
3. 2009 Association of Towns Legislative Resolutions passed/failed.
4. Recreation Commission Meeting Minutes – February 9, 2009.

**ORDER OF BUSINESS:****RESOLUTION #66-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**APPROVING NEGOTIATED SETTLEMENT WITH PATRICK CONCRETE**

**WHEREAS**, in the disputed matter concerning Patrick Concrete Constructors completing certain actions in construction of the Farmington Wastewater Treatment Plant, a negotiated settlement has been reached between Patrick Concrete and the Town of Farmington; and

**WHEREAS**, Special Counsel for the Town, Brenna, Brenna & Boyce LLP, Sheldon Boyce, has reviewed the attached letter, from Phillips Lytle LLP attorneys for Patrick Concrete, dated February 11, 2009, which is attached and made part of this Resolution (on file in the Town Clerk's office), states the terms of the negotiated settlement; and

**WHEREAS**, Sheldon Boyce recommends that the Town Board approve the negotiated settlement, attached to this Resolution (on file in the Town Clerk's office), and that it is in the best interest of the Town.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Farmington agrees to the terms of the settlement, contained here in (on file), and approves the terms of the settlement and instructs our Special Counsel (Sheldon Boyce) to obtain and provide the necessary documents contained in the settlement terms, along with the settlement check in the amount of \$25,000.00 payable to Patrick Concrete Constructors, which will be provided to Special Counsel by the Town Supervisor's Office along with a copy of this Resolution certified by the Town Clerk of the Town of Farmington.

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

**RESOLUTION #67-2009:**

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

**AUTHORIZING THE ATTENDANCE OF KEVIN CIARDI TO 2009 TREE SCHOOL**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #67-2009: (Continued)**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Kevin Ciardi, who works in the Highway Department, to the 2009 Tree School being held at Cornell Cooperative Extension in Canandaigua, March 3, 5, 10 & 12, 2009, at a cost not to exceed \$377.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway Department.

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

**RESOLUTION #68-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**2009 ANNUAL SPRING CLEANUP DATES**

**RESOLVED**, the Farmington Town Board sets the 2009 Annual Spring Cleanup dates as May 7, 8 & 9, 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway Department.

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

**RESOLUTION #69-2009:**

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

**AUTHORIZING RELEASE OF PAYMENT #'S 2 & 3 TO GUDABRI, INC.**

**WHEREAS**, the Highway Superintendent has requested the release of payment #2 to Gudabri, Inc., the Contractor for Mertensia Park Lodge, for services rendered thru November 30, 2008, in an amount not to exceed \$34,437.50 and payment #3 for services rendered thru January 31, 2009, in an amount not to exceed \$85,566.50.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the release of payments #2 & #3 to Gudabri, Inc., for services rendered for the Mertensia Park Lodge, in a total amount not to exceed \$120,004.00 (HP-7197.2); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and the Finance and Account Specialist.

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

**RESOLUTION #70-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING THE ATTENDANCE OF JIM CRANE TO NYS AWWA WATER EVENT**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Jim Crane to the New York State American Water Works Association Water Event to be held in Saratoga Springs, New York April 21-23, 2009, at a cost not to exceed \$580.00 (\$290.00 registration fee, \$290.00 for hotel) plus any reimbursable expenses.

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

**RESOLUTION #71-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**CANANDAIGUA-FARMINGTON CONSOLIDATED WATER DISTRICT – REVISED 2009 WHOLESALE WATER RATES**

**WHEREAS**, on January 6, 2009, at the Town of Farmington's Organizational Meeting, the Farmington Town Board adopted water rates for the Canandaigua-Farmington Water Districts, and extensions thereof; and

**WHEREAS**, the City of Canandaigua had projected the wholesale rate for 2009 will increase by approximately 20% over the 2008 rate; and

**WHEREAS**, the City of Canandaigua has revised their wholesale water rate for water purchased, in a letter dated February 13, 2009, from a projected rate of \$1.90 per thousand gallons to \$1.83 per thousand gallons; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #71-2009: (Continued)**

**WHEREAS**, pursuant to Inter-Municipal Water Sales Agreements, between Canandaigua-Farmington Water District and other Towns, the District supplied water must also be revised (see schedule below).

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington, acting on behalf of the Canandaigua-Farmington Water District, hereby revises the wholesale rate and establishes the updated water rates, per the rate schedule for 2009 shown below, effective the first billing quarter of 2009.

**BE IT FURTHER RESOLVED** that all rates shall be in effect for 2009-2010, subject to any rate increase from the City of Canandaigua, and shall be on file with the Town Clerk’s office.

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

**REVISED WATER RATES FOR 2009**

<b>Meter Size</b>	<b>Gallons of Consumption</b>	<b>Minimum Bill \$3.25 Per M Gallon</b>	<b>Additional @ \$3.80 per M Gallon</b>
3/4" - 1"	0 To 6,000 Gallons	\$19.50	"
1"	0 To 10,000 Gallons	\$32.50	"
1-1/2"	0 To 16,000 Gallons	\$52.00	"
2"	0 To 30,000 Gallons	\$97.50	"
3"	0 To 50,000 Gallons	\$162.50	"
4"	0 To 80,000 Gallons	\$260.00	"
6"	0 To 160,000 Gallons	\$520.00	"
8" to 12"	0 To 200,000 Gallons	\$650.00	"

\*\*Town/Village of Manchester = First 40,000,000 gallons at \$2.03 per 1,000 and additional @ \$1.95 per 1,000.

Town of Macedon Rate is \$2.03 per 1,000 gallons.

\*\*Town of Victor Rate is \$2.03 per 1,000 gallons.

Farmington Sewer Rate is \$70.00 per unit. (Adopted January 27, 2009)

Farmington Sewer Rate is \$65.00 per unit. (Adopted January 2, 2008)

Farmington Sewer Rate is \$58.00 per unit. (Adopted July 27, 2004)

Victor Sewer Rate is \$70.00 per unit. (Adopted January 27, 2009)

Victor Sewer Rate is \$65.00 per unit. (Adopted January 2, 2008)

Number of units determined by Town Code 26-2 Section A through CC.

\*Cline Road Residents using Town of Victor water are billed Town of Victor rates.

\*\*Denotes Rate change.

**RESOLUTION #72-2009:**

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

**ACCEPTING QUOTE FROM DOYLE SECURITY FOR THE MERTENSIA PARK LODGE**

**WHEREAS**, the Highway Superintendent has submitted a request to accept a quote from Doyle Security for the installation of security equipment at Mertensia Park Lodge, at a cost not to exceed \$6,831.00 (HP-7197.2).

**THEREFORE BE IT RESOLVED**, the Farmington Town Board accepts the quote from Doyle Security, for the installation of security equipment, at a cost not to exceed \$6,831.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Superintendent and the Finance and Account Specialist.

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

**RESOLUTION #73-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**ACCEPTING PROPOSAL FROM FILTREC CORP.**

**WHEREAS**, the Highway Superintendent has submitted a request to accept the proposal from Filtrec Corp. to proceed with the Lift Upgrade at the Highway Garage at a cost not to exceed \$4,188.00 and the Highway Staff will be completing the sawcut and hammer and refinishing.

**TOWN BOARD MEETING**

**February 24, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #73-2009: (Continued)**

**THEREFORE BE IT RESOLVED**, the Farmington Town Board accepts the proposal from Filtrec Corp. to proceed with Lift Upgrade at the Highway Garage at a cost not to exceed \$4,188.00 (DA5130.4); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and Finance and Account Specialist.

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

**RESOLUTION #74-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

<b>ABSTRACT #4-2009</b>	
General	\$112,840.61
Highway Fund	52,708.79
Storm Drainage	2,904.50
Payroll	2,438.47
Lighting	6,278.30
Sewer Plant Expansion	25,000.00
Mertensia Park Lodge	121,076.91
Sewer District	55,706.19
Water District	7,952.47
<b>Total</b>	<b>\$386,906.24</b>

**Councilman Ingalsbe** abstained on voucher #313-09. All voting "Aye", the Resolution was **CARRIED**.

**DISCUSSION:**

1. Set Workshop to view Geotilities Software March 24, 2009 @ 6:15 PM.

With no further business, the meeting was adjourned, at 7:40 PM, by motion from **Councilman Casale**, seconded by **Councilmen Ingalsbe**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**BID OPENING**

**10:00 AM**

**March 6, 2009**

**PRESENT:** Ted Fafinski - Supervisor  
 Ed McLaughlin – Highway Superintendent  
 Jim Peet, MRB Group  
 Mary A. Thompson – Deputy Town Clerk  
 Multiple Bidders

On this date, at 10:00 AM, sealed bids were opened and publicly read for Kyte Road Culvert Improvements - MRB Project #06100198: Contract #1: Culvert Improvements and Contract #2: Highway & Bridge Railing

Seven bids received for Contract #1: Culvert Improvements

C.P. Ward, Inc.	\$205,914.00
D.C. Allen Contractor's, Inc.	\$123,500.00
Crane-Hogan Structural Systems, Inc.	\$118,800.00
Genesee Construction Service, Inc.	\$122,900.00
Villager Construction, Inc.	\$153,960.00
BVR Construction Company, Inc.	\$164,394.00
Wind-Sun Construction, Inc.	\$133,378.00

One bid received for Contract #2: Highway & Bridge Railing  
 Chemung Supply Corporation \$29,295.99

Rose M. Kleman, Town Clerk: \_\_\_\_\_

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 10<sup>th</sup> day of March 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl & Phil Robinson** – Code Enforcement Officers, **Donna LaPlant** – Assessor, **Robert Kleman** – Planning Board, **Dave Degear** – Planning Board Chairman, **Ray Wolf** – Fire Chief, Dottie Mickelsen and four students.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, (**Councilman Mickelsen** abstained due to being absent) that the minutes of the February 24, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** Dorothy Adjei – 1144 Colonie Drive – Building & Code Issues

**Ms. Adjei** showed a display of what she considers violations and code issues in the construction of her house. She went over the issues; such as cracks and holes in the walls, litter left on floors under carpet and linoleum, cement slabs to her entry door are not safe or stable to walk on, in addition to many other poor construction issues by the developer. **Ms. Adjei** said she would like the Town to help her with her nightmare; she wants some answers. She said she has worked with Floyd Kofahl and discussed her problems with the Supervisor who received legal advice from the Town Attorney; all to no avail with her builder not complying. **Code Enforcement Officer Kofahl** went over the list, item by item, regarding a Conditional Certificate of Occupancy, dated April 11, 2008, for the Board. **Ms. Adjei** said she closed on this house April 17, 2008. The Town Board asked questions of CEO Kofahl and Ms. Adjei to define what may be a code violation and what is the builder's responsibility. **Ms. Adjei** said she has turned this over to an attorney and will take it to court.

#### **REPORTS OF STANDING COMMITTEES:**

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

##### **Highway & Parks:**

1. Discussed seal coating on the tennis courts at the Town Park.
2. Discussed bids for Kyte Road Bridge.
3. Repairs to Farmbrook Park building are just under \$9,000.00.
4. Update on Stormwater Management Plan.
5. Discussed road dedications.
6. Looking at furniture and appliances for Mertensia Lodge.
7. Update on Town Hall boiler.
8. Discussed updating/changing the Town's website.
9. Electrical work on Mountain Ash Drive has been completed.

##### **Water & Sewer:**

1. Discussed bids for a truck.
2. Discussed sludge hauling.

#### **REPORTS OF TOWN OFFICIALS:**

##### **Supervisor Fafinski:**

1. Said he will meet with the Personnel Committee to discuss looking at skill assessments and starting a program for performance reviews for the staff at the Town Hall; primarily for administrative staff, training will need to be done. It is important employees get recognized for the job/skills they do as far as potential goes.
2. He also commented on an article in The Daily Messenger regarding 1,700 people employed by the County. He gave a rundown on many of these full and part-time positions; such as 500 Election Inspectors who work two days per year and so on. Many work on grant money and are subs for vacations and some only work from 4 to 6 days per year.

##### **Highway & Parks Superintendent Ed McLaughlin:**

1. No report – he is in Albany.

##### **Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. Collecting water payments for water shut off.
2. We sent out second notice letters for unpaid taxes.

##### **Water & Sewer Superintendent Jim Crane:**

1. Water shut-off: thirty-two (32) were shut off and twelve plus are still off.

**REPORTS OF TOWN OFFICIALS: (Continued)****Code Enforcement Officer Floyd Kofahl:**

1. Reported that Aldi's will start construction in June and they hope to open in September.
2. Wendy's has withdrawn their application. The Board members asked about the driveway and potholes; they have ten days to fix those.
3. Saratoga Crossing is scheduled to come before the Planning Board; there are concerns. He (Floyd) did speak with the Town Attorney about the Health Department's serious concerns on this project (water & sewer services). **Councilman Ingalsbe** said what they are now proposing is totally opposite of what we heard on the original plan. The Board discussed the zoning/rezoning of this property/plan.

**Planning Board Chairman Dave Degear:**

1. Reported all these issues (Saratoga Crossing) will be discussed at the Planning Board meeting.
2. Beaver Creek Subdivision has preliminary approval.

**Assessor Donna LaPlant:**

1. Reported Heidi Ferman is leaving for another position; she has been an asset to her office. Donna Ciardi will be reinstated to the Assessor's Aide position as of March 16<sup>th</sup>.
2. The revaluation has brought in 190 scheduled interviews and there may be between 300 and 400 this year. Will try to do the revaluation every two years. It has been going along better than she thought.
3. Finishing up on exemptions.

**Fire Chief Ray Wolf:**

1. Reported the department, as well as the ambulance corps, was required to stand by at the Racetrack during the three day snowmobile motocross event. He said that is an eight hour day; it is difficult to come up with a crew as well as having stand by at the fire hall. He had to get some help from Victor and other areas; all donated time and they were not even given a cup of coffee nor a "thank you"; no recognition. **CEO Kofahl** said some of those issues were discussed and have been addressed for next year. **Supervisor Fafinski** said he will get a letter out to Chris Riegel at the Racetrack and let him know the situation with the fire department.

**COMMUNICATIONS:**

1. Letter from Councilman van der Velden to Town Supervisor Re: Notification – not seeking re-election.
2. Letter to MRB Group from NYS DEC Re: Culvert repair and modification – Kyte Road over Black Brook.
3. Letter to Brenna, Brenna, & Boyce from Supervisor Re: Patrick Concrete negotiated settlement.
4. Memo to Supervisor from MRB Group Re: Hal Road Extension - Auburn Meadows Subdivision.
5. Memo to Supervisor from NYS Office of Real Property Services Re: 2009 Tentative Special Franchise Full Values.
6. Memo to Supervisor from City of Canandaigua Re: Credit on next bill.
7. Continuing Education – D. Degear.
8. Memo to Clerks of the Boards from Supervisor Re: Executive Sessions – NY State Law.
9. Letter to Supervisor from MRB Group Re: Semi-retirement of James Peet, PE.
10. Public Notice – Town Board Workshop - Geotilities demonstration.
11. 2009 Assessment Notifications.
12. Letter to Assessor from NYS Office of Real Property Re: Residential Assessment Ratio.
13. Fax to CenTec from Supervisor Re: Purchase of Flag & Grave Markers.
14. Letter to Supervisor from Summit Risk Services Re: Claimant - Boe.
15. Memo to Supervisor from Highway/Parks Superintendent Re: 10 hour days.
16. ERRATA Notice from NYS Public Service Commission Re: Changes to Electric Safety Standards.
17. Letter to Supervisor from NYS Office of Real Property Services Re: 2008 Annual Aid Certification.
18. Certificates of Insurance Re: Tri-Co Overhead Door; Markell Makeovers; Crane-Hogan Structural Systems; C B Phillips LLC; Home Depot; Gudabri, Inc.; Rochester Solar Technologies; Farmington/Phelps Women's Softball League and Case Avenue, Inc.
19. Certificate of Workers' Compensation Insurance Re: Crane-Hogan Structural Systems, RVW Construction and Justice Construction.
20. Cancellation of Certificate of Workers' Compensation Insurance Re: RVW Construction and Justice Construction.

**REPORTS & MINUTES:**

1. Judge Lew Monthly Report – February 2009.
2. Judge Gligora Monthly Report – February 2009.
3. Detail of Expenditures – February 28, 2009.
4. Monthly Report of Supervisor – February 2009.

**ORDER OF BUSINESS:****RESOLUTION #75-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #75-2009: (Continued)**

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND AND HP (MERTENSIA LODGE) CAPITAL PROJECT**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the General Fund and HP (Mertensia Lodge) Capital Project to complete capital project expenditures; and

FROM:	A599	Appropriated Fund Balance	\$250,000.00
TO:	A9950.9	Transfers to Capital Projects	(\$250,000.00)
FROM:	HP5031	Inter-fund Transfer	\$250,000.00
TO:	HP7197.2	Recreation, Equip & Capital Outlay	(\$250,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #76-2009:**

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

**UPDATE WATER MASTER PLANS**

**WHEREAS**, the Water and Sewer Master Plans were completed in May 1989 along with a full Hydraulic Study in 2002; and

**WHEREAS**, the Master Plans will review water system capacity and evaluate water storage tanks. It will also assist in conducting the Comprehensive Master Plan Update and help with the Development Regulations Updates; and

**WHEREAS**, there have been substantial changes in the Towns of Canandaigua and Farmington since 2002 to warrant updating the Water and Sewer Master Plans to evaluate the system.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board, acting on behalf of the Canandaigua-Farmington Water Districts, hereby authorizes the Water and Sewer Superintendent to contract with MRB Group Engineers, P.C. to update the Water Master Plan for a total cost not to exceed \$17,600.

**BE IT FURTHER RESOLVED** that the Town Supervisor be authorized to sign the Service Agreement with MRB Group Engineers, P.C. for the updated Water Master Plan at a cost not to exceed the amount of \$17,600 which is appropriated in the Water District Budget SW1-83404.

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

**RESOLUTION #77-2009:**

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

**APPROVAL TO BID FOR 2009 TRUCK**

**WHEREAS**, the Water and Sewer Department has budgeted for vehicle and equipment replacement SS 8120.21 (Equipment - Trucks) and SW1 8340.21 (Equipment); and

**WHEREAS**, the scheduling of this purchase is in accordance with the Water & Sewer Departments Capital Replacement Program; and

**WHEREAS**, funds budgeted will come from a Capital Reserve Account which has been established for equipment purchases.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Water and Sewer Superintendent to seek bids for one new 2009, or latest model, four door truck.

**BE IT FURTHER RESOLVED** that bids will be received until 10:00 A.M. April 7, 2009 at the office of the Town Clerk, 1000 County Road 8, Farmington, NY 14425.

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

**RESOLUTION #78-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AWARD CONSTRUCTION CONTRACTS FOR KYTE ROAD CULVERT IMPROVEMENTS**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #78-2009: (Continued)**

**WHEREAS**, the Town of Farmington, in conformance with Section 103 of Article 5-A of the General Municipal Law, received bids on March 6, 2009, for two construction contracts related to the Kyte Road Culvert Improvement project, according to plans and specifications prepared by MRB Group, P.C.; and

**WHEREAS**, seven (7) complete bids, including the necessary non-collusive certifications and attachments, were received for Contract 1 – Culvert Improvements, with total bid amounts ranging from \$118,800.00 to \$205,914.00, all including a \$10,000.00 allowance amount; and

**WHEREAS**, one (1) complete bid, including the necessary non-collusive certification and attachments, was received for Contract 2 – Highway and Bridge Railing, with a total bid amount of \$29,295.99; and

**WHEREAS**, the low bids were within the budget amount established by the Town for these Contracts.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby awards Contract 1 – structural modifications to the existing culvert to the low bidder Crane Hogan Structural Systems, Inc., 3001 Brockport Road, Spencerport, NY 14559, in the amount of \$118,800.00 and Contract 2 – furnishing and installing highway and bridge railing to the sole bidder Chemung Supply Corp., PO Box 527, Elmira, NY 14902, in the amount of \$29,295.99; and

**BE IT FURTHER RESOLVED**, the Town Board hereby authorizes the Town Supervisor to execute both Contracts, on behalf of the Town of Farmington, subject to the receipt of bonds and insurance certificates as specified in the bidding documents, for the construction of the Kyte Road Culvert Improvements, as follows: Contract 1 to Crane Hogan Structural Systems, Inc. in the amount of \$118,800.00 and Contract 2 to Chemung Supply in the amount of \$29,295.99; and

**BE IT FINALLY RESOLVED**, the Town Board hereby authorizes the Town Supervisor to sign a Notice of Award and a Notice to Proceed, on behalf of the Town of Farmington, for both Contract 1 and Contract 2, relative to the Kyte Road Culvert Improvement Project.

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

**RESOLUTION #79-2009:**

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

**REINSTATING DONNA CIARDI AS ASSESSOR’S AIDE**

**WHEREAS**, Heidi Ferman, Assessor’s Aide, resigned from her position, effective March 13, 2009; and

**WHEREAS**, Donna Ciardi left that position last year on good terms; and

**WHEREAS**, in the Civil Service rules, there is a provision for a person in a competitive position, who left on good terms and it has been less than a year, to be reinstated into the former position; and

**WHEREAS**, Donna Ciardi accepted the reinstatement of her position, as Assessor’s Aide, effective March 16, 2009, at an hourly rate of \$10.40 per hour.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the reinstatement of Donna Ciardi, as Assessor’s Aide, effective March 16, 2009, at an hourly rate of \$10.40 per hour; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Supervisor’s Secretary.

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

**RESOLUTION #80-2009:**

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

**CONSENT TO DEDICATE CORAL DRIVE AND EBONY COURT IN AUBURN MEADOWS SUBDIVISION – PHASE 2 NORTH**

**WHEREAS**, upon reading the Deed of Dedication, dated the 22<sup>nd</sup> day of December, 2008 and Release dated the 23<sup>rd</sup> day of January, 2009, in the above entitled matter, wherein the owners of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #80-2009: (Continued)**

**NOW, THEREFORE BE IT RESOLVED** that consent be, and the same hereby is, given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said Dedication, dated the 22<sup>nd</sup> day of December, 2008, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	X	
Michael Casale, Councilman	X	

**RESOLUTION #81-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING ACCEPTANCE OF EASEMENTS FROM A&D DEVELOPMENT COMPANY**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with A&D Development Company and NVR, Inc. ("Owners") regarding the Town's obtaining Storm/Utility and Sanitary Sewer Easements over portions of its respective properties in the Auburn Meadows Subdivision (Section 2 North), as shown on maps attached to the Easements; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owners grant to the Town these Easements over said lands of said Owners; and

**WHEREAS**, said Easements have been offered by the Owners to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered Easements on behalf of said Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said Easements to be fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the Easements attached hereto as Exhibit 1 (on file in the Town Clerk's office) from Owners in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owners; and

**BE IT FURTHER RESOLVED** that the Town Supervisor shall be, and hereby is, authorized to take any and all further action necessary to carry forth the intent of this Resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	X	
Michael Casale, Councilman	X	

**RESOLUTION #82-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**CONSENT TO DEDICATE STONEFIELD LANE AND WOODSIDE CIRCLE IN THE STONEWOOD SUBDIVISION, PHASES TWO AND THREE**

**WHEREAS**, upon reading the Deed of Dedication and Release pertaining to Stonefield Lane and Woodside Circle in the Stonewood Subdivision, Phase Two, each dated the 26<sup>th</sup> day of June, 2008, and upon reading the Deed of Dedication pertaining to Stonefield Lane and Woodside Circle in the Stonewood Subdivision, Phase Three, dated the 26<sup>th</sup> day of June, 2008, and the Release pertaining to Stonefield Lane and Woodside Circle in the Stonewood Subdivision, Phase Three, dated the 19<sup>th</sup> day of May, 2008, wherein the owner of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes.

**NOW, THEREFORE BE IT RESOLVED** that consent be, and the same hereby is, given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said Deeds of Dedication, each dated the 26<sup>th</sup> day of June, 2008, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

**TOWN BOARD MEETING**

**March 10, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #82-2009: (Continued)**

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	X	
Michael Casale, Councilman	X	

**RESOLUTION #83-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

<b>ABSTRACT #5-2009</b>	
General	\$13,116.12
Highway Fund	11,511.02
Storm Drainage	600.00
Payroll	155.40
Sewer Plant Expansion	119,744.89
Sewer District	134,405.80
Water District	21,425.08
<b>Total</b>	<b>\$300,958.31</b>

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

**DISCUSSION:**

1. Rural Housing Opportunities Corp. request for letter of support for a new HOME program grant application in 2009. **Supervisor Fafinski** explained the program and said this is done all over the County. Consensus of opinion of the Board was for the Supervisor to write the letter of support.
2. Town of Macedon – Macedon Town Ambulance - request for endorsement letter. The Board felt there was not enough information received on this.
3. Piecemeal of easements - Stonewood. There are some easements that the Town does not have. Consensus of opinion of the Board was that we need all of the easements (a complete package).

**TRAINING UNDER \$100.00:**

1. Ron Herendeen, Planning Board Member, to attend Monroe County Planning Department 2009 Land Use Decision-Making Training Program March 19, March 23, April 2 and May 7, 2009, at a cost of \$25.00 per class.
2. Scott Makin, Planning Board Member, to attend Monroe County Planning Department 2009 Land Use Decision-Making Training Program March 23 & May 2, 2009, at a cost of \$25.00 per class.

With no further business, the meeting was adjourned, at 8:10 PM, by motion from **Councilman Casale**, seconded by **Councilmen van der Velden**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP**

**March 24, 2009**

At a Workshop of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 24<sup>th</sup> day of March 2009, at 6:15 PM, there were:

<b>PRESENT:</b>	Theodore Fafinski – Supervisor	Floyd Kofahl – Code Enforcement Officer
	Peter Ingalsbe – Councilman	Jim Crane – Water & Sewer Superintendent
	Timothy P. Mickelsen – Councilman	Ed McLaughlin – Highway/Parks Supt.
	Rudolf van der Velden – Councilman	Jack Marren – Victor Town Supervisor
	Michael Casale – Councilman	Rocco & Patricia Venezia
	Rose M. Kleman – Town Clerk	Paul Crandall – Highway Employee
	Robert Kleman - Planning Board	Steve Poyzer – <u>The Victor Herald</u>
	Dave Degear - Planning Board Chairman	Dottie Mickelsen

The purpose of this Workshop is to view a demonstration, by Geotilities, of the new software that the Town has implemented to identify and update infrastructure. This new technology overlays infrastructure utilizing Global Positioning Systems (GPS).

## **TOWN BOARD WORKSHOP (Continued)**

**March 24, 2009**

**Rocco Venezia** gave those present an overview of the GPS pointing out how this system can be used and the benefits showing the water and sewer lines, hydrants, drainage, elevations, stop signs, property lot lines and much more. The Town's departments will have access to this valuable information.

**Mr. Venezia** said having this information system will eventually save the Town money on future projects and expansions in engineering work. Question and answer session followed the demonstration.

With no further business, the Workshop was adjourned at 7:00 PM.

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## **TOWN BOARD MEETING**

**March 24, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 24<sup>th</sup> day of March 2009, at 7:01 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Donna LaPlant** – Assessor, **Robert Kleman** – Planning Board, **Dave Degear** – Planning Board Chairman, **Michelle Finley** – Supervisor's Secretary, Dottie Mickelsen, Steve Poyzer – The Victor Herald, Ralph Kahle, Steve Holtz, Matt Tempest and two students.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, that the minutes of the March 10, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** Ralph Kahle – zoning concerns

**Mr. Kahle**, 6020 Calm Lake Drive, gave the Board and Code Enforcement Officer a letter regarding code compliance at 6016 County Road 41. The letter states:

“This letter is a request to the Board concerning the property located at the above address and the problem is the Calm Lake driveway, which is directly across the street from my front door and front yard. This driveway is the only one that opens onto Calm Lake Drive and therefore a variance was initiated at the time of construction that states, “On the Calm Lake side two cars will be inside the garage and one car outside on the driveway on any regular basis.”

Attached to this letter is a copy of this resolution, plus pictures taken in the year 2008, showing the driveway with three, four and five cars in the driveway, therefore being in violation of the restriction of the variance. Along with this, there are times that the garage door is open day and night until 9:00, 10:00 PM with someone working on cars.

Calm Lake is a residential area, not commercial. I hope the Town will be able to correct this situation that has been going on for a long time.”

**Mr. Kahle** gave a rundown on how long this has been going on (August 1, 2003) and his contacts/conversations. **Councilman Mickelsen** asked if he had spoken with Code Enforcement to which he answered yes. **CEO Kofahl** said he had complaints about the parking and tonight he went over at 5:00 PM to check and the garage was full of car parts; there was no place to put a car inside the garage. There is mechanical work going on and some of the parts are being painted. **CEO Kofahl** said it is obvious what is going on and there are violations on parking per the area/use variance that was granted. **Councilman Ingalsbe** said his concern is the painting and with tenants on the other side of the house breathing the fumes. **Mr. Kahle** said that house also holds a child daycare. **Supervisor Fafinski** said, if, in fact they have a child daycare and are running a body shop in the garage, that poses a health hazard. **Councilman Mickelsen** said there should be proper venting for paint. These violations were a concern for all Board members. **CEO Kofahl** said he would take appropriate action based on what he has heard and seen tonight.

## **REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. Plant clean-up done; could be closed out in the next 30-35 days.
2. Jim Crane will report later on his attending the Victor Town Board meeting last night.
3. The Committee discussed the I&I program and Jim Crane wanting to concentrate on raising manholes.
4. Truck bid opening is scheduled for April 7<sup>th</sup>.

**REPORTS OF STANDING COMMITTEES: (Continued)****Highway & Parks:**

1. Updated the committee on Mertensia Lodge and the progress being made inside and out. Supervisor Fafinski and Councilmen Casale & Ingalsbe stopped today to check it out and they were pleased with the progress. Superintendent McLaughlin will be shopping for furniture, etc. for the inside and spoke about the sewer pump station located there (power generator, trench line, equipment purchase).
2. Discussed 2010 truck purchase; possibly applying for a grant through NYSERTA.
3. There are three Resolutions tonight for the Board's consideration (Highway equipment bids).

**Recreation Task Force:**

1. **Councilman Casale** handed out a copy of the letter (survey) that will be mailed out.

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

1. Reported on a meeting he had with RG&E officials Dick Marion and Terry Lattamore and Jeff Liberati, from the Village of Manchester, regarding power outages in Farmington. Since January 2007, there were seven or eight outages that usually take between two to three hours for repair. We receive our power from National Grid Trunk Four. It comes into Station 168 on State Street (Farmington/Manchester); RG&E circuits 189/190 come out of that station. RG&E told us they were going to upgrade Station 168 and make another station in the event they lose power they could switch over. They needed an easement from Old Castle Concrete to expand the station; it took about nine months to a year for the Attorneys to get that settled. Now they are in the process of negotiating with upper management at RG&E and National Grid for Trunk Four designs. RG&E has cleaned up the area by cutting trees, etc. to keep from having power outages on their circuits. They found no hot spots with circuit 189 and two were repaired on circuit 190. They are working on the feeder for the other station coming in from Bristol. RG&E will be providing the public (3,500 – 4,000 customers) with an update on the progress within the next two weeks.
2. Was notified, by the Farmington-Victor Kiwanis Club, resident Karen Guidarelli will be recognized for founding a not-for-profit group, "Buddies, Bridges and Brains", to build relations between schools.
3. Reported on the Town Justice Court grant upgrade by the New York State Unified Court System. Our courts received \$38,000 in the past and it's all installed and some new computer equipment is arriving under this new grant. He gave our Court credit for their efforts on getting this equipment for the Farmington Court.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported the County will take over responsibility for the bridge over Beaver Creek on County Road 41.
2. They are cleaning up damage made by the snowplows.
3. They are doing some pipe work.
4. The Parks Department is cleaning up and getting the Town Parks ready for service.
5. He will check into a generator for Mertensia Park.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. Asked the Town Board to set up a fee schedule for copies, mailings and faxes that pertain to tax bills and real estate requests. Consensus of opinion of the Board was for her office to survey other towns for fees collected on these services and give the results to the Town's Operation Committee for recommendation to the Board.

**Water & Sewer Superintendent Jim Crane:**

1. Reported he attended a Public Hearing meeting in Victor regarding the sewer rent increase. He explained to them the budget and plant expansion. Questions were asked and answered. The Victor Board voted 4-1 on the increase. The bills have been printed showing the increase and are ready to be mailed.

**Code Enforcement Officer Floyd Kofahl:**

1. Reported the Zoning Board of Appeals had 33 variances on the agenda; 28 were for Saratoga Crossing with much discussion. The Saratoga Crossing variances were tabled until the next meeting; it was referred to the Town Attorney who will attend the next meeting along with their attorney and engineers. There are many issues with this project and he will keep the Town Board informed. They are trying to do a three lot subdivision when it was approved for one; it is creating a lot of issues.
2. The new senior 80 unit housing project on Route 332 is moving forward.
3. They have received three inquiries on wind towers; we need to get it in the Town Code soon. **Supervisor Fafinski** said we may need a temporary moratorium in light of the Comprehensive Plan Update being worked on; they will prepare a Public Hearing to be held at the next meeting.
4. Reported on the 2009 mobile home park permits; he has been getting calls from the residents of the parks. He said he will be working with the managers on their annual inspections. At this point in time, there is one that probably will not be approved.

**Planning Board Chairman Dave Degear:**

1. Reported that Aldi's is coming soon.
2. The Planning and Zoning Boards will be working together on the Saratoga Crossing project.

**REPORTS OF TOWN OFFICIALS: (Continued)**

**Assessor Donna LaPlant:**

1. Has had about three hundred appointments for assessment discussions and she is still working on sales.

**COMMUNICATIONS:**

1. Letter to Water & Sewer Superintendent from Bill Wright Re: Fill wanted for property located off of Hook Road.
2. Letter to P. Burson from Supervisor Re: Reimbursement for postage.
3. Liability Insurance – Farmington Historical Society.
4. Letter to K. Lawrence from Supervisor Re: Property Assessment.
5. Engineering Invoices Re: A&D Development, McMahon Larue Associates, M.C. Automotive, Farmington Rt. 96 Associates, Morgan Plastermill, Aldi's and Helen DiPacific.
6. Attorney Invoices Re: A&D Development.
7. Letter to Brenna, Brenna & Boyce from Supervisor Re: Patrick Concrete.
8. Letter to MRB Group from Supervisor Re: Notice of Award - Kyte Road Culvert Improvements.
9. 2009 Legislation Program – Association of Towns.
10. Letter to Town Clerk from T. O'Connell Re: Freedom of Information request.
11. Letter to Supervisor from Time Warner Cable Re: Stock.
12. Letter to Supervisor from Mercy Flight Central Re: Thanks for support.
13. Wastewater Treatment Facility Design, Planning and Flow Management 2008 Annual Certification Form.
14. Memo to Supervisor from Ontario County Public Works Re: Road/Bridge projects for stimulus money.
15. Certificate of Liability Insurance Re: R.L.S. Structures, Howard J. & Lawrence H. Mirt, Salatino Construction, Markel Makeovers, Skylight Signs, Gudabri and Finger Lakes Hardscapes.
16. Certificate of Participation in Workers' Compensation Group Self Insurance Re: McKenna Builders.
17. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply- Saratoga Crossing - Phase 1, Cedar Creek Way.

**REPORTS & MINUTES:**

1. Conservation Board Meeting Minutes – February 23, 2009.
2. Conservation Board Meeting Minutes Correction – January 26, 2009.
3. Building Dept. Monthly Reports - February 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #84-2009:**

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

**AUTHORIZATION TO GRANT AN EASEMENT TO ROCHESTER GAS AND ELECTRIC CORPORATION**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a formal easement document (hereinafter referred to as Easement) from Ms. Susan Fackelman, Rochester Gas & Electric Corporation; and

**WHEREAS**, the Town Board has requested a review of said Easement by both the Town Attorney and the Town Director of Planning & Development; and

**WHEREAS**, the Town Board understands that the above cited Easement has been modified by both the Town Attorney and the Town Director of Planning & Development; and

**WHEREAS**, the Town Board further understands that the above cited Easement language is now acceptable to Ms. Susan Fackelman and by both the Town Attorney and the Town Director of Planning & Development; and

**WHEREAS**, the Town Board has reviewed and understands the above cited Easement and finds it to be in the best interest of the Town to grant said Easement.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby grants the Easement document as modified by those identified above herein.

**BE IT FINALLY RESOLVED** that the Town Board does hereby direct the Town Supervisor to execute the Easement document and to return said Easement to Ms. Susan Fackelman, at Rochester Gas & Electric Corporation, for the purpose of recording in the Ontario County Clerk's Office and to provide the Town Board with a record of the liber and page of said Easement being filed.

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

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

**March 24, 2009**

**RESOLUTION #85-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN EMPLOYEE ASSISTANCE AGREEMENT**

**WHEREAS**, the Town approved monies, in the 2009 Town Budget, to renew Employee Assistance Program (EAP) services; and

**WHEREAS**, Associates in Employee Assistance has offered the Town the opportunity to sign a one, two or three year contract to lock into a fixed rate; and

**WHEREAS**, the Town has chosen to lock into a three year agreement.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Associates in Employee Assistance Agreement for a three year term; and

**BE IT FURTHER RESOLVED** that the Supervisor's Secretary forward a copy of this Agreement to Associates in Employee Assistance.

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

**RESOLUTION #86-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING ATTENDANCE OF THE FINANCE AND ACCOUNT SPECIALIST TO ASSOCIATION OF TOWNS FINANCE SCHOOL**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Sheree Hooper, Finance and Account Specialist, to the Association of Towns Finance School, May 6-8, 2009, in Rochester, New York, at a cost of \$200.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #87-2009:**

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

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO SOLICIT BIDS**

**RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to solicit bids for one (1) new and unused 2009, or newer, 1.25 - 1.50 ton, self propelled double steel drum with vibratory articulated roller; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway Department.

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

**RESOLUTION #88-2009:**

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

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO SOLICIT BIDS**

**RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to solicit bids for one new and unused 2009, or newer, all purpose tractor and flail mower; and

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

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

**RESOLUTION #89-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO SOLICIT BIDS**

**RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to solicit bids for one new and unused 2009, or newer, one (1) ton HD pickup with crew cab and eight (8) foot utility box and trailer tow package; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #89-2009: (Continued)**

**BE IT FURTHER RESOLVED**, that the Town Clerk forward a copy of this Resolution to the Highway Department.

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

**Supervisor Fafinski** requested, with no objections, that Agenda Items 7 and 8 be blocked:

**RESOLUTION #90-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH PAULSEN, BAKER & GARVEY**

**WHEREAS**, the Town of Farmington will be holding their annual July 3<sup>rd</sup> Fireworks Celebration; and

**WHEREAS**, Paulsen, Baker & Garvey will provide the entertainment, and have sent an Agreement for their services, for the amount of \$400.00.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Supervisor to sign the Agreement with Paulsen, Baker and Garvey and for the Town Clerk to forward copies of the Agreement to Paulsen, Baker & Garvey, the Supervisor's office and the Recreation Commission.

**AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH YOUNG EXPLOSIVES**

**WHEREAS**, the Town of Farmington will be holding their annual July 3<sup>rd</sup> Fireworks Celebration; and

**WHEREAS**, Young Explosives will be providing the fireworks show, and have sent an Agreement for services, for the amount of \$3,000.00.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Agreement with Young Explosives, and for the Town Clerk to forward copies of this Resolution to Young Explosives, the Supervisor's Office and the Recreation Commission.

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

**RESOLUTION #91-2009:**

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

**AUTHORIZING THE TOWN COURT TO PURCHASE STORAGE CABINETS**

**WHEREAS**, the Town Justices request the authorization to purchase five (5) new file cabinets and one (1) storage cabinet for the Court office, at a cost not to exceed \$2,700.00.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Town Justices to purchase storage cabinets, at a cost not to exceed \$2,700.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Town Court Office.

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

**RESOLUTION #92-2009:**

**Councilman Ingalsbe** offered the following Resolution, seconded by **Councilman van der Velden**:

**LETTER OF CREDIT RELEASE #10 – AUBURN MEADOWS SUBDIVISION, SECTION 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated March 19, 2009, recommending that the above referenced Letter of Credit Release #10 be approved in the total amount of \$45,271.07 for work completed in the Phase 2 portion of the Auburn Meadows 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. 10 for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$398,811.34 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$353,540.27 remaining in the Letter of Credit; and

**TOWN BOARD MEETING**

**March 24, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #92-2009: (Continued)**

**WHEREAS**, the Planning Board has, in a resolution adopted on March 18, 2009, recommended the release of the requested amount, \$45,271.07.

**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.

**BE IT FINALLY 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 #93-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

<b>ABSTRACT #6-2009</b>	
General	\$62,484.42
Highway Fund	23,585.32
Storm Drainage	2,766.78
Payroll	2,205.72
Sewer Plant Expansion	2,379.50
Mertensia Park Pavilion	4,708.80
Lighting	6,108.40
Sewer District	50,260.27
Water District	8,586.31
<b>Total</b>	<b>\$163,085.52</b>

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

**EXECUTIVE SESSION:**

At 8:10 PM, a motion was made by **Councilman Casale**, seconded by **Councilman van der Velden**, that the Town Board goes into Executive Session, with the Town's assigned Attorney, to discuss a matter of pending litigation. The motion was **CARRIED**.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Casale**, to return to regular session at 8:40 PM. The motion was **CARRIED**.

**DISCUSSION:**

1. 2009 Farmington Carnival Parade – discussed politicians walking the parade route and handing out candy. **Councilman van der Velden** will meet with fire department officials and express the Town Board's concerns.
2. Town Insurance – reported on quotes. Renewed March 9, 2007
3. Open letter to Governor Paterson regarding cutting budget monies from (Video Lottery Terminal) VLT facilities. Board Members signed letter to be faxed.

With no further business, the meeting was adjourned, at 8:45 PM, by motion from **Councilman Casale**, seconded by **Councilman van der Velden**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**BID OPENING 10:00 AM April 7, 2009**

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**PRESENT:** Ted Fafinski - Supervisor  
Jim Crane – Water & Sewer Superintendent  
Peter Ingalsbe - Councilman

On this date, at 10:00 AM, sealed bids were opened and publicly read for one new 2009 or latest model one-half ton four door (light duty) 4x4 Truck.

**BID OPENING (Continued) 10:00 AM April 7, 2009**

Three (3) bids and one (1) non-bid were received by:

Van Bortel Ford, Inc. (Victor, NY)	\$26,606.00
Spurr Chevrolet, Inc. (Brockport, NY)	\$30,070.00
West Herr Ford (Hamburg, NY)	\$27,485.00
Farnsworth Chevrolet-Cadillac (Canandaigua, NY)	No Bid

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**BID OPENING 10:00 AM April 13, 2009**

**PRESENT:** Ted Fafinski - Supervisor  
Edward McLaughlin – Highway & Parks Superintendent  
Mary A. Thompson – Deputy Town Clerk  
One Bidder representing Admar Supply Company, Inc.

On this date, at 10:00 AM, sealed bids were opened and publicly read for one 2008 new and unused or newer 1.25 – 1.50 ton self-propelled double steel drum with vibratory articulated roller.

Two (2) bids were received by:

American Equipment, LLC (Farmington, NY)	\$12,765.00
Admar Supply Company, Inc. (Rochester, NY)	\$12,013.45

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**BID OPENING 10:30 AM April 13, 2009**

**PRESENT:** Ted Fafinski - Supervisor  
Ed McLaughlin – Highway & Parks Superintendent  
Mary A. Thompson – Deputy Town Clerk  
Two Bidders representing O’Hara Machinery, Inc. & Lakeland Equipment

On this date, at 10:30 AM, sealed bids were opened and publicly read for one new unused 2009 current production all purpose four wheel drive cab tractor and roadside mowers.

Four (4) bids (2 each) from two Bidders were received by:

O’Hara Machinery, Inc. (Auburn, NY) (5101E John Deere Tractor Tiger)	\$62,500.00
(5095M John Deere Tractor Tiger)	\$65,795.00
Lakeland Equipment (Hall, NY) (6330 John Deere w/attachments)	\$76,014.40
(6330 John Deere w/ attachments)	\$74,840.12

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**BID OPENING 11:00 AM April 13, 2009**

**PRESENT:** Ted Fafinski - Supervisor  
Ed McLaughlin – Highway & Parks Superintendent  
Mary A. Thompson – Deputy Town Clerk

On this date, at 11:00 AM, sealed bids were opened and publicly read for one new 2009 or newer and unused one ton HD Pickup with crew cab, eight foot utility box and trailer tow package.

Five (5) bids were received by:

Van Bortel Ford, Inc. (Victor, NY)	\$35,122.00
Spurr Chevrolet, Inc. (Brockport, NY) A. Unicell Body	\$28,696.00
B. Stahl Body	\$31,378.00
West Herr Ford (Hamburg, NY)	\$28,678.00
C. Basil Ford, Inc. (Cheektowaga, NY)	\$27,382.00

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING April 14, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 14<sup>th</sup> day of April 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman

**NECESSARILY ABSENT**

Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Donna LaPlant** – Assessor, **Robert Kleman** – Planning Board, **Michelle Finley** – Supervisor's Secretary, Tom Crown, Steve Holtz, Matt Tempest and approximately 12 Boy Scouts and their leaders from Farmington Troop 50.

The Boy Scouts led the Town Board in the Pledge of Allegiance to the flag.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, that the minutes of the March 24, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** Donna & G. Roger Strelow – re-zoning request  
Donna Schake – Victor Free Library Event

**Mr. Strelow** said he is selling his 10 acre property on Route 96. The land is now used for pasture. It is currently zoned General Business (GB) although it has been used for agricultural use for over a hundred and fifty years. After twenty five years, he is selling to people who have beef cattle and an agricultural zoning would allow this. As far as business, it is not suitable for that use due to the condition of the land and the rear portion of the land is not usable due to the seasonal stream that runs through it. Therefore, **Mr. Strelow** asked the Board to rezone the land from General Business to Agricultural District (A-80).

**Supervisor Fafinski** stated that Agenda item number 9, for tonight's meeting, refers this request to the Town's Planning Board for review and recommendation to the Town Board for rezoning at 5610 State Route 96 from General Business (GB) to Agricultural (A-80).

**Ms. Schake** reported to the Town Board that the Victor Free Library will be celebrating its 70<sup>th</sup> Anniversary on Tuesday, April 21<sup>st</sup>. Each Board member received an invitation. **Ms. Schake** thanked the Town and Town Board for all of their support.

## **REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Mickelsen** reported on their meeting this morning:

### **Highway & Parks:**

1. Superintendent McLaughlin is looking into a clean diesel program that would allow us to replace a vehicle and get reimbursed 25% of the cost (upgrading pollution controls).
2. They (Parks Dept.) are looking into rebuilding and expanding the parking lot at Farmbrook Park; checking to see if there is grant money available to help with this project.
3. Alpro was the low quote received for the Annual Spring Clean-up.
4. Discussed using County money that may be available for summer help.
5. Dry walling, siding, electrical, generators and landscaping all underway at lodge at Mertensia Park.
6. Superintendent McLaughlin said there are several items for the upcoming municipal auction.
7. They (Highway/Parks) have several items on tonight's Agenda.

### **Water & Sewer:**

1. Looking at replacing (due to a resignation) an Operator Trainee at the Wastewater Treatment Plant.
2. Water report given on the Canandaigua-Farmington Water District.
3. Superintendent Crane is talking about upgrading some billing and meter reading equipment and software.

### **Recreation Task Force:**

1. **Councilman Casale** reported the postcards will be mailed out this week for the survey. The actual survey, for the Recreation and Comprehensive Plan updates, will probably go out next week.

## **REPORTS OF TOWN OFFICIALS:**

### **Supervisor Fafinski:**

1. Reported on the press conference he attended in Canandaigua with Governor Paterson and Senator Schumer. The stimulus money, for Region 4, was reportedly said to be twenty four million dollars. A portion of that will be used in Ontario County for road work and some bridge work. They have to start working on these projects by June. Region 4 submitted a significant number of projects; the total amount of the stimulus package is somewhere around seventy four million dollars. Region 4 covers an area from Parma to the northern part of the southern tier, a wide variety of seven counties. From a Farmington perspective, there is one project and that is County Road 41 from Route 332 to County Road 8 (road resurface). In the construction trade, this money could put a number of people to work by June and increase sales of materials such as blacktop, concrete, etc. Reported on the State's audit of monies that is being used by local governments for these projects. They are making sure the monies are being used for the projects they were designated for. Senator Schumer said this is supposed to create 1,776 jobs.

### **Highway & Parks Superintendent Ed McLaughlin:**

1. Cleaning up at Mertensia Park lodge and top soiling.
2. Also seeding and repairing lawns damaged by snowplows.

**REPORTS OF TOWN OFFICIALS: (Continued)**

3. Parks Department is working on playgrounds and keeping busy.
4. **Councilman Mickelsen** asked Superintendent McLaughlin if he was aware of basketball being played in the streets (Farmbrook). **Superintendent McLaughlin** said there is not much he can do about it even though it is not allowed. **Councilman Mickelsen** said to take a look at 1523 Meadowbrook Lane.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. Reported that, on April 7<sup>th</sup>, her office settled with the Ontario County Treasurer's office on the 2009 tax roll. Her office collected 93% of the taxes leaving only \$470,000+ to collect. Received compliments on a job well done, we settled to the penny. I am proud of my office and the job my deputies have done and are doing.
2. We are working on delinquent dog licenses and expired handicapped parking permits along with records management, water and sewer payments and normal counter work.

**Water & Sewer Superintendent Jim Crane:**

1. Reported he received a letter from EFC requesting an update on the IUP Clean Water Act. They want to know if we want to continue keeping a project on the plan (the sewer along County Road 8 for the Town Hall and Highway garage). The deadline is April 29<sup>th</sup> (the Board wants Superintendent Crane to continue on the plan).

**Code Enforcement Officer Floyd Kofahl:**

1. Reported Saratoga Springs resubmitted the 296 unit townhouse project to be located on Plastermill Road. They are coming before the Zoning Board for their second meeting later this month and in May they will be back before the Planning Board.
2. The Route 332 80 unit senior housing project will be before the Planning Board meeting. They are working with Ron Brand and the DOT on the left turn lane and the signal light.
3. The urgent care facility project (located at the old Soper Power Sports building on Route 96) will be resubmitting their application for the same type of business only moving it over to the old Griffin Technology building (located on Route 96).
4. Beaver Creek Subdivision will be in for their preliminary and final plans for Phase 1 in May (located on New Michigan and Townline Road).
5. **Supervisor Fafinski** asked about Saratoga Spring's 30 variances. **CEO Kofahl** said he received a map showing they had eliminated five and still need 25 variances. They will be submitting a new map to him.
6. **Councilman Ingalsbe** asked CEO Kofahl about the Calm Lake property (discussed at the March 24<sup>th</sup> Town Board meeting). **CEO Kofahl** said he tried to make contact with the owner regarding the violations; he sent out a notice giving them ten days to respond. On the eleventh day, when no response was received, his office went out and took pictures showing they had not complied. He drew up a court appearance ticket with a court day of May 5<sup>th</sup>.

**Planning Board member Bob Kleman:**

1. Reported their agendas have been light; there have been a few special use permits and they are planning to discuss the rezoning on Route 96 at their Wednesday night meeting.

**Assessor Donna LaPlant:**

1. Reported she is wrapping up the informal reviews and will take the tentative roll to the County on Monday and ask for an extension.
2. She met with Chris Riegal and attorneys regarding the Racetrack's tentative assessment. She said they were far off on the value; nothing was accomplished. She had asked them to bring in something to help prove their point but all they had to offer was the economy and how business is currently. After the meeting, she gave the attorneys a list of things she needs to review. She spoke with Jay Loson who she has worked with before on appraisals but he is not available through the summer although he advised her on what type of information to request from the Racetrack. She wants to make the Town Board aware that she will need to utilize Midland Appraisal more. Donna was asked what last year's assessment was (\$11,800,000) and she raised it this year to \$24,000,000. She is comfortable with that rate. **Supervisor Fafinski** said Donna might want to give the Town's attorney on assessments a heads up in case they have any suggestions.

**COMMUNICATIONS:**

1. Notice of Public Hearing from Town of Manchester Re: Construction of a front porch located at 1167 South Stafford Road.
2. Letter to NYS Housing Trust Fund Corporation from Supervisor Re: Support of application for grant funding submitted by Rural Housing Opportunities.
3. Letter to Supervisor from Time Warner Cable Re: Franchise fee due.
4. Letter to Ontario Insurance Company from Farmington Historical Society Re: Check for renewal for insurance.
5. Letter to Supervisor from Mercy Flight Central Re: Thank you for contribution and support.
6. Letter to Supervisor from Time Warner Cable Re: Expiration of agreements with programmers.
7. Letter to Finance and Account Specialist from bpd Municipal Finance Re: Request for information.
8. Letter to Supervisor from Canandaigua National Bank Re: \$7,000 Public Improvement Serial Bond.

**TOWN BOARD MEETING**  
**COMMUNICATIONS: (Continued)**

**April 14, 2009**

9. Amendment to irrevocable Letter of Credit #SB-911463-2000 from M & T Bank Re: A&D Development.
10. Letters to Five Star Bank, Canandaigua National Bank, Dunn & Bradstreet, Moody's Investors Services, USDA Rural Development Re: AUD.
11. Certificate of Continuing Education – D. Ronk.
12. Certificate of Liability Insurance Re: Design Pool & Spa LTD; North Eastern Pools, Inc.; Co Op Aluminum Home Improvements.
13. Certificate of Liability Insurance Re: Crown Castle International Corp. – Cell Tower.
14. Certificate of NYS Workers' Compensation Insurance Coverage Re: Design Pool & Spa LTD.; A&F Construction; Penfield Plumbing and Heating, Inc.; Norbut Construction, Inc.; Roger John Perrin, Crane-Hogan Structural Systems, Inc. and Hibbs Contracting.
15. Cancellation of Certificate of Workers' Compensation Insurance Re: Geneva Homes, Inc.; Boomtowne Enterprises LTD; Norbut Construction, Inc. and RVW Construction, Inc.
16. Certificate of insurance coverage under the NYS Disability Benefits Law Re: Monroe Pool Service.
17. Letter to Supervisor from Davie Kaplan Re: Audit requirements for fire departments.

**REPORTS & MINUTES:**

1. Recreation Commission Meeting Minutes – March 9, 2009.
2. 2008 Farmington Summer Recreation Final Report.
3. Detail of Expenditures – March 31, 2009.
4. Historic Preservation Meeting Minutes – March 12, 2009.
5. Justice Lew Monthly Report – March 31, 2009.
6. Zoning Board of Appeals Meeting Minutes – February 23, 2009.
7. Monthly Report of Supervisor – March 2009.
8. Justice Gligora Monthly Report – March 2009.
9. Building Department Monthly Reports – March 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #94-2009:**

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

**AUTHORIZING THE ATTENDANCE OF JIM CRANE TO THE 30<sup>TH</sup> ANNUAL TECHNICAL CONFERENCE & EXHIBITION**

**RESOLVED**, the Farmington Town Board authorizes the Water & Sewer Superintendent, Jim Crane, to attend New York Rural Water Association's 30<sup>th</sup> Annual Technical Conference & Exhibition, May 12–14, 2009, in Kerhonkson, New York, at a cost not to exceed \$583.00, plus reimbursable expenses.

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

**RESOLUTION #95-2009:**

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

**AUTHORIZING PURCHASE OF HALF-TON, FOUR DOOR TRUCK**

**WHEREAS**, the Water and Sewer Department has, as part of its Asset Management Program, instituted an Equipment Replacement Plan; and

**WHEREAS**, this Replacement Plan timetable calls for the existing 1995 Chevrolet Service/Utility vehicle to be replaced; and

**WHEREAS**, by Board Resolution 77-2009, the Water and Sewer Department opened bids, on April 7, 2009, for the purchase of one new 2009 or latest model truck, one-half ton, four door (light duty 4x4).

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Farmington, acting on behalf of the Water & Sewer Districts, hereby authorizes the Water and Sewer Superintendent to purchase one (1) new 2009 Ford F150 four door 4X4 from Van Bortel Ford, located in Victor, New York, for \$26,606.00 (as quoted at the April 7, 2009 bid opening).

**BE IT FURTHER RESOLVED** that this purchase will be from budget lines SS 8120.2 and SW1-8340.2 with funding from the Equipment Capital Reserves.

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

**RESOLUTION #96-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #96-2009: (Continued)**

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, to pay the 5% franchise fee to FLTV from the proceeds of the total franchise fee revenue received from Time Warner Cable; and

FROM:	A1170	Franchise Fee	\$631.58
TO:	A8989.4	Other Home & Community Svcs. - FLTV	(\$631.58)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #97-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for the purchase of filing cabinets in the Town Court Office; and

FROM:	A1110.4	Town Justice CE	\$2,694.00
TO:	A1110.2	Town Justice EQ	(\$2,694.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #98-2009:**

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

**ACKNOWLEDGING RECEIPT AND FILING OF EASEMENT**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a written notice, dated March 28, 2009, from Damian J. Vanetti, Vice President, S&W Redevelopment, on behalf of SW Victor Manchester, LLC (property owners) of the filing of an Environmental Easement for 6132 Victor-Manchester Road, tax map numbers 29.00-1-12.000 and 29.00-1-76.100; and

**WHEREAS**, the Town Board reviewed a report from the Town Director of Planning and Development, dated April 2, 2009, regarding the above referenced subject.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board directs the Town Supervisor to file the original letter, a copy of the Environmental Easement and the Town Director of Planning and Development Report with the Town Clerk.

**BE IT FURTHER RESOLVED** that the Town Supervisor is to file copies of this Resolution, along with the original letter, the Environmental Easement and the Town Director of Planning and Development Report, with the Town's Assessor, the Town's Development Office and the Town's Water & Sewer Superintendent.

**BE IT FINALLY RESOLVED** that the Town's Assessor, Town's Development Office and Town's Water & Sewer Superintendent are to place copies of this information in their respective property files for public review and inspection.

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

**RESOLUTION #99-2009:**

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

**AUTHORIZING PURCHASE OF GEODETIC ROVER SYSTEM**

**WHEREAS**, the Highway Superintendent submitted a request to purchase a Geodetic Rover System, from Admar Supply Company, to be used in conjunction with the Geotilities Mapping Program; designated for the Town's MS-4 program at a cost not to exceed \$9,995.00.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to purchase a Geodetic Rover System at a total cost of \$9,995.00 for the Rover (SD8540.2); and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #99-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Farmington Town Clerk forward copies of this Resolution to the Highway Department and the Finance and Account Specialist.

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

**RESOLUTION #100-2009:**

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

**AUTHORIZATION TO AWARD CONTRACT FOR DISPOSAL SERVICES AT THE TOWN'S ANNUAL SPRING CLEANUP**

**WHEREAS**, the Town of Farmington will be holding their Annual Town Spring Cleanup May 7, 8 & 9, 2009; and

**WHEREAS**, the Highway/Parks Superintendent has received quotes for disposal services and recommends Alpco Recycling and Regional Computer Recycling & Recovery to provide disposal services per the following quote:

Alpco:	Trash	\$ 60.00/Ton
	Tires	\$160.00/Ton
	Freon Units	\$ 10.00/Each
	Rebate on Scrap Metal	\$ 80.00/Ton
Regional Computer:	TV's:	\$ 5.00/Each
	Misc. Electronics	No Charge

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to award contract for disposal services, for the 2009 Annual Town Cleanup, to Alpco Recycling and Regional Computer Recycling & Recovery; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway/Parks Department.

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

**RESOLUTION #101-2009:**

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

**AUTHORIZING CODE ENFORCEMENT OFFICER TO ATTEND SEMINAR**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Code Enforcement Officer Phil Robinson to the Monroe County Fire Marshals and Inspectors Association 2009 Educational Seminar, May 20-21, 2009, in Webster, New York, at a total cost of \$140.00.

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

**RESOLUTION #102-2009:**

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

**REQUEST FOR REZONING PROPERTY LOCATED AT 5610 STATE ROUTE 96**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Donna and G. Roger Strelow, owners of property located at 5610 State Route 96, to rezone their property from GB General Business to A-80 Agricultural District; and

**WHEREAS**, the Town Board, as part of any request for rezoning is required, pursuant to Chapter 165, Article I, Section 6.C. of the Farmington Town Code, to refer such a request to the Town's Planning Board for an advisory report.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby refer this request for rezoning to the Town's Planning Board for said advisory report.

**BE IT FURTHER RESOLVED** that the Town Board respectfully requests the Planning Board review and advisory report be returned on or before noon on Friday, April 24, 2009 to enable the report to be placed on the Town Board's April 28, 2009 Agenda.

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

**RESOLUTION #103-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #103-2009: (Continued)**

**SETTING A PUBLIC HEARING DATE**

**RESOLVED**, the Farmington Town Board authorizes the setting of a Public Hearing, regarding the Municipal Separate Storm Sewer System Annual Report for 2008, for May 26, 2009, at 7:00 p.m. at the Farmington Town Hall; and

**BE IT FURTHER RESOLVED** that the Highway Superintendent will forward notice of Public Hearing to the newspaper; and

**BE IT FINALLY RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Department and the Supervisor's Office.

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

**RESOLUTION #104-2009:**

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

**REFERRAL TO TOWN'S PLANNING BOARD ON ESTABLISHING A PROHIBITION ON THE CONSTRUCTION AND OPERATION OF WIND ENERGY FACILITIES, WIND TURBINES AND SMALL WIND ENERGY SYSTEMS**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a draft Local Law (attached hereto and made a part hereof) (on file in the Town Clerk's office) from the Town Director of Planning and Development, which proposes the enactment of a moratorium on the construction and operation of wind energy facilities, wind turbines and small wind energy systems in the Town; and

**WHEREAS**, the Town's Director of Planning and Development and the Town's Attorney have reviewed the proposed Local Law; and

**WHEREAS**, the proposed Action is identified as a Type II Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board desires a recommendation from the Town's Planning Board, in accordance with the provisions of Chapter 165, Article I, Section 6.C. of the Town Code.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby directs the Town Clerk to provide a certified copy of this Resolution and attachment to the Town's Planning Board for their review at their meeting on Wednesday, April 15, 2009.

**BE IT FURTHER RESOLVED** that the Town Board requests a reply from the Planning Board in time for the Town Board to act upon this Action at the April 28, 2009 Town Board Meeting.

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

**RESOLUTION #105-2009:**

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

**ESTABLISH A PROGRAM TO REDUCE DIESEL FUEL EMISSIONS**

**WHEREAS**, the EPA has an ongoing program to reduce diesel emissions by supporting efforts to upgrade engines, improve exhausts, introduce idling reduction techniques and replace vehicles; and

**WHEREAS**, the Town of Farmington is in support of such efforts and, where practical, cost effective and in accordance with approved town capital plans, the Town of Farmington Highway Staff will specify vehicles and equipment that meet "Green" initiatives; and

**WHEREAS**, the EPA is sponsoring, through its Recovery Act funding, a National Clean Diesel program to provide up to 25% funding if diesel trucks are replaced and the old engines retired; and

**WHEREAS**, Ontario County has authorized the Department of Public Works to make application for this program, along with municipalities that request to be made a part of the program. Ontario County will be lead agency and is empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof, subject to the review and approval by the Office of the County Attorney.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes Ontario County's Department of Public Works to be lead agency in establishing a program to reduce diesel fuel emissions by replacing truck fleets with new diesel technology; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #105-2009: (Continued)**

**BE IT FINALLY RESOLVED** that the Town Clerk forward certified copies of this Resolution to Ontario County Department of Finance, Ontario County Commissioner of Public Works and the Highway/Parks Department.

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

**RESOLUTION #106-2009:**

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

**DECLARING HIGHWAY AND PARKS EQUIPMENT AS OBSOLETE**

**WHEREAS**, the Highway/Parks Superintendent has requested the following equipment be declared as obsolete/surplus equipment and should be disposed of at the Municipal Auction in Palmyra, New York on May 9, 2009:

1981 Model 401B John Deere Tractor – VIN #401BD370239T  
Three (3) Roadside Flail Mowers  
Five Ton Roller

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to declare equipment as obsolete and authorizes him to dispose of said equipment at the Municipal Auction in Palmyra, New York on May 9, 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Department and the Finance and Account Specialist.

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

**RESOLUTION #107-2009:**

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

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO PURCHASE EQUIPMENT**

**RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to purchase one (1) Groundsmaster 7210 mower for the Parks Department from the NYS Approved Bid List, under contract #21459-PF/Group #37000, at a cost not to exceed \$40,760.02 (Expenditure Line A7110.2); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Department and the Finance and Account Specialist.

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

**RESOLUTION #108-2009:**

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

**WASTEWATER TREATMENT PLANT OPERATOR TRAINEE POSITION**

**WHEREAS**, due to a resignation, there is now a vacancy in the Water and Sewer Department for the position of Wastewater Treatment Plant Operator Trainee; and

**WHEREAS**, Ontario County Civil Service must canvas all eligible candidates for this vacancy; and

**WHEREAS**, the Civil Service canvas must include the salary range as follows: \$12.00 to \$14.00 per hour – Trainee without New York State Department of Environmental Conservation Certification or training, \$16.00 per hour with NYSDEC Level 2 Certification, and up to \$18.00 per hour with NYSDEC Level 3 Certification.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Farmington hereby authorizes the Water and Sewer Superintendent to interview and hire, from the Civil Service list of candidates, for the position of Wastewater Treatment Plant Operator Trainee.

**BE IT FURTHER RESOLVED** that the Trainee will start at the hourly rates noted which is appropriated under the Sewer Budget line SS 8130.1.

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

**RESOLUTION #109-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #109-2009: (Continued)**

**CONSENT TO DEDICATE SPARTAN DRIVE, OPAL DRIVE AND JENBROOKE COURT IN THE AUBURN MEADOWS SUBDIVISION, PHASE TWO SOUTH**

**WHEREAS**, upon reading the Deed of Dedication, dated the 8<sup>th</sup> day of April 2009, and release dated the 14<sup>th</sup> day of April 2009, in the above entitled matter, wherein the owners of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes.

**NOW, THEREFORE BE IT RESOLVED** that consent be, and the same hereby is, given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said Dedication, dated the 8<sup>th</sup> day of April 2009, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

**Discussion:** The Board members discussed their concerns regarding the trucks/equipment using the dedicated roads. **Highway Superintendent McLaughlin** said the next phase will need a haul road. **CEO Kofahl** told the Board there would be no need for a haul road in that area but in Phase III there will be a haul road to take care of that area. Superintendents McLaughlin and Crane and CEO Kofahl were all in agreement with this Resolution.

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	ABSENT	
Michael Casale, Councilman	X	

Agenda Item #17: Resolution authorizing acceptance of easements from A&D Development for Auburn Meadows Subdivision – Section 2 South

**Discussion:** **Councilman Ingalsbe** said this paperwork came in late and some members had no time to review it. They were missing documentation from department heads. **Supervisor Fafinski** asked if they (the Board members) were satisfied with it and stated the Town’s attorney had reviewed it earlier. All were okay with it although **Highway Superintendent McLaughlin** said he had not reviewed the paperwork himself but would rely on the other’s opinions.

**Supervisor Fafinski** said, for the record, the Code Enforcement Officer has reviewed the easements and has agreed they are in order. The Water & Sewer Superintendent has also reviewed the paperwork and agrees they are in order. The Highway Superintendent has not reviewed the easement paperwork however he will rely upon the judgment of the other two staff members.

It was the decision of the Town Board that, in the future, each department head, including the Town’s attorney, give written statements of each approval instead of verbal approval.

No Motion was made regarding Agenda item #17 (accepting easements for Auburn Meadows Subdivision – Section 2 South).

**RESOLUTION #110-2009:**

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

**PAY AUDITED BILLS**

**Councilman Mickelsen** requested that voucher #643-09 be pulled. The following roll call vote to not pay voucher #643-09 was held:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	ABSENT	
Michael Casale, Councilman	X	

All voted “Aye” against paying voucher #643-09. **CARRIED**

The following claims/vouchers were audited by the Town Board and approved for payment:

<b>ABSTRACT #7-2009</b>	
General	\$32,066.21
Highway Fund	17,380.38
Storm Drainage	1,063.98

**TOWN BOARD MEETING**

**April 14, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #110-2009: (Continued)**

Payroll	511.83
Sewer District	16,448.55
Water District	281,554.06
<b>Total</b>	<b>\$349,025.01</b>

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

**DISCUSSION:**

1. Comprehensive Plan Committee – Town of Canandaigua. Consensus of opinion of the Board is that they would like Ron Brand to represent Farmington on this.
2. Farmington Fire Department Parade update. **Supervisor Fafinski** reported on this and gave Councilman van der Velden's report on his discussion with fire officials. Both spoke with co-chairman of the parade, Scott Parker. After discussion, the Town Board's decision was to participate in the fireman's parade on July 31<sup>st</sup>.
3. Rates for copies/faxes will be reviewed by the Town's Operation Committee for the next Board meeting.

**TRAINING UNDER \$100.00:**

1. David Degear at attend Annual Southern Tier West Local Government Conference, May 6, 2009, at a cost of \$35.00.
2. Jim Crane, Bill Garlock and Eric Feistel to attend Genesee Valley Chapter Spring Meeting, March 20, 2009, at a cost of \$25.00 each.
3. Floyd Kofahl, Jim Morse and Phil Robinson to attend FLBOA Meeting, April 8, 2009, at no cost.
4. Bob Kleman, Janyce Feistel, Scott Makin, Leslie O'Malley, Meg Godly and Jim Morse to attend Genesee/Finger Lakes Regional Planning Council Spring 2009 Meeting at a cost of \$40.00 each.
5. Phil Robinson and Jim Morse to attend International Association of Electrical Inspectors meeting, April 17, 2009, at a cost of \$15.00 each.
6. Paul Crandall to attend Better Construction Site Management Workshop, May 8, 2009, at the Victor Town Hall, at a cost not to exceed \$85.00.

With no further business, the meeting was adjourned, at 8:18 PM, by motion from **Councilman Casale**, seconded by **Councilman Mickelsen**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**April 28, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 28<sup>th</sup> day of April 2009, at 7:00 PM, there were:

- PRESENT:**
- Theodore Fafinski – Supervisor
  - Peter Ingalsbe – Councilman
  - Timothy P. Mickelsen – Councilman
  - Rudolf van der Velden – Councilman
  - Michael Casale – Councilman
  - Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ray Ward** – Fire Chief, **Dave Degear** – Planning Board Chairman, **Robert Kleman** – Planning Board, **John Kasper** – Conservation Board Chairman, **Michelle Finley** – Supervisor's Secretary, Steve Holtz and Dottie Mickelsen.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Casale**, (**Councilman van der Velden** abstained due to being absent) that the minutes of the April 14, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

**REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Ingalsbe** reported:  
**Water & Sewer:**

1. They are conducting interviews for the Wastewater Treatment Plant Trainee position. They had a couple of applicants drop out so the Superintendent will be getting a second list to work from.
2. Superintendent Crane informed the Committee that the Canandaigua-Farmington Annual Report is prepared and will be published in the Shopper's Guide.

**REPORTS OF STANDING COMMITTEES: (Continued)**

3. Superintendent Crane provided the Committee with an update on the billing software for the Water & Sewer Department; he is still looking for new software.
4. Superintendent Crane informed them of the meetings he has attended.
5. The Department has started fire hydrant inspections for the year.

**Highway & Parks:**

1. They have been working at Mertensia Lodge doing site work. The drywall at the Lodge is complete. Also have purchased a generator and an on demand water heater. Tile has been laid in the restrooms. Landscaping plans have been shared with the Town's Conservation Board.
2. There are Resolutions on tonight's Agenda setting fees for the Lodge, hiring summer help and equipment purchases.
3. The Highway Department is working on shoulder repairs.
4. Finger Lakes Racetrack construction on the back area will start May 4<sup>th</sup>.

**Recreation Task Force:**

1. **Councilman Casale** reported the surveys have been mailed with a few returned (undeliverable). The date to return the survey is May 7<sup>th</sup>.

**Town's Operations Committee:**

1. **Councilman Casale** said, in his opinion, there should be no charge for faxes that are requested unless there is someone who needs a large volume; that can be addressed as the situation occurs. There should be a charge for copies of \$.25 per page. **Councilman Ingalsbe** said he feels there should be no charge for faxing except for large volumes and a fee of \$.25 for copies. Everyone was in agreement.
2. **Councilman van der Velden** reported on the Firemen's Parade. He said people may walk the parade route and hand out candy; it cannot be thrown from vehicles.

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

1. Reported on sales tax; it went down 6.16%. He is not overly concerned right now; he basically budgeted from the 2007 budget on sales tax. The retirement system is what concerns him; it keeps going up. The projection for 2011 is \$217,000.00 which is about a fifty percent increase.
2. Reported on the state of the County regarding healthcare and Medicare among other issues such as nursing homes. Right now, Ontario County is looking at a seven and a half million dollar problem in 2011. We don't deal with Medicare or nursing homes but this just gives you an idea of how unstable New York State finances are. He said we are monitoring it very carefully within the Town and County.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported on the progress at Mertensia Lodge; putting second coat on the drywall, begin painting next week and furniture has been ordered. They will start boxing out the parking lot and grading along with the landscape planning and shoulder work. Communication lines need to be brought into the Lodge; he has met with Frontier and Time Warner.
2. They are painting lines in the Town's parks and getting them ready for the season.
3. **Councilman van der Velden** asked Superintendent McLaughlin about the land/drainage on the Bob Bowe (Hook Rd.) property. **Superintendent McLaughlin** said he will be redoing/cleaning out the drainage ditch.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. Reported she would like to request, from the Town Board and their committees, and all Department Heads, that anything concerning the Town Clerk's office that she be informed and be a part of the discussion/decisions/requests, etc. before any decisions are made. Twice, this has not been the case; the Water & Sewer Department and Town Board decided her office would collect sewer bills for the Town of Victor but her office was not informed of this. After turning customers away and sending them back to Victor, we were finally made aware that we were to collect some 2,225 payments. The use of the Farmbrook Park was presented to my office, along with the keys, after discussion and decision by the Town Board's Operation Committee and the Highway Superintendent. No notice to her office was given. No other offices have additional responsibilities added to them without notification/compensation.

**Water & Sewer Superintendent Jim Crane:**

1. Reported on the water quality report; it will be published in The Shopper's Guide for water customer's review. It informs the public of what is in the water, where it comes from, how it is treated, amounts of fluoride, lead, copper, etc., water rates, watermains, hydrants, how much water is for fire usage and consumed. He also does this for the Towns of Canandaigua and Manchester along with the Village of Manchester. In the public water supply, there are merging contaminants being looked at in regard to personal care products, drugs, etc. It is being monitored at the water and wastewater treatment plant. He has been attending meetings on this topic. **Supervisor Fafinski** said some of it is what is being flushed down the drains such as chemicals from drugs and due to the size of the lake (Canandaigua) and Lake Ontario, it is being diluted.
2. Reported on the Mutual Aid Agreement (regional) with the communities around us.

**REPORTS OF TOWN OFFICIALS: (Continued)**

**Code Enforcement Officer Floyd Kofahl:**

1. Reported on DEC wetland maps. He said they came out and checked those with regard to sheds/fencing. They will be working on new maps.
2. The Racetrack is working on some interior renovations so they can handle 600 people; he will work with them on this.

**Planning Board Chairman Dave Degear:**

1. Reported the senior housing project (George Mercier property) is going forward.
2. A Tim Horton's next to Aldi's is possible.

**Assessor Donna LaPlant** not present. **Supervisor Fafinski** reported on her behalf:

1. They are winding down on discussions with residents.
2. The Board of Assessment Review will be meeting at the end of the month.

**COMMUNICATIONS:**

1. Letter to Supervisor from Time Warner Cable Re: Agreements with programmers.
2. Workforce Development Personnel Requirements and application from Highway Superintendent.
3. Letter to NYS EFC from Supervisor Re: Clean Water State Revolving Fund-Quarterly Report.
4. Memo to Town Board Members from Independent Auditor Fred Kless Re: Audit Work.
5. Certificate of Final Special Franchise from NYS Board of Real Property Services.
6. Letter to Sheriff Povero from Supervisor Re: Gardner – Kyte Road accident to guard rail.
7. Memo to Town Clerk's Office, Town Board Members and Supervisor's Office from Highway Superintendent Re: Rental of Farmbrook Park.
8. Letter to MRB Group from Supervisor Re: Signed Notices to Proceed for the Kyte Road Culvert Project.
9. Letter to Town of Canandaigua from Supervisor Re: Comprehensive Plan Committee volunteer - R. Brand.
10. News Article-Daily Messenger-Recreation Surveys.
11. Letter to Planning Board from A&D Development Re: Auburn Meadows Subdivision, Section 3.
12. Memo to Town Board from Planning Board Chairman Re: Rezoning property located at 5610 Rt. 96.
13. Cancellation of Certificate of Worker's Compensation Insurance Re: Pro Construction, Inc. and Michael S. Collins (DBA C M Construction).
14. Certificate of Liability Insurance Re: Brooks Construction, Inc.; Michael C. Bagwell; Butler Fence Co., Inc. and Tri-Co Overhead Door.
15. Certificate of Workers' Compensation Insurance Re: Boomtowne Canine Center and Decks Unlimited of Western NY, Inc.

**REPORTS & MINUTES:**

1. Historic Preservation Meeting Minutes – April 2, 2009.
2. Conservation Board Meeting Minutes – March 23, 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #111-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE SUPERVISOR TO SIGN CONTRACT WITH ROCK VENTURES**

**WHEREAS**, the Farmington Summer Recreation program provides a portable rock wall for the children each year; and

**WHEREAS**, Rock Ventures requires a contract to provide the services.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the contract with Rock Ventures for the 2009 Summer Recreation Program.

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

**RESOLUTION #112-2009:**

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

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO ACCEPT BID**

**WHEREAS**, the Highway/Parks Superintendent received bids, for one Wacker RD12-A Vibratory Roller, and recommends accepting the bid from Admar Supply, Co., Inc., at a cost not to exceed \$12,013.45.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #112-2009: (Continued)**

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to accept the bid, from Admar Supply, for one (1) Wacker RD12-A Vibratory Roller, at a cost not to exceed \$12, 013.45, to be expended from DA-5130.2; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and Finance and Account Specialist.

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

**RESOLUTION #113-2009:**

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

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO ACCEPT BID**

**WHEREAS**, the Highway/Parks Superintendent recommends accepting a bid, for one (1) 2009 Ford F350 4x2 with Stahl body, from C. Basil Ford, Inc., at a cost not to exceed \$27,382.00.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to accept the bid, for a 2009 Ford F350, from C. Basil Ford, Inc., at a cost not to exceed \$27,382.00, to be expended from DA-5130.2; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and Finance and Account Specialist.

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

**RESOLUTION #114-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO ACCEPT BID**

**WHEREAS**, the Highway/Parks Superintendent recommends accepting a bid, for one (1) 2009 John Deere 6330 Cab Tractor with mower, from Lakeland Equipment, at a cost not to exceed \$74,840.12.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Highway/Parks Superintendent to accept the bid from Lakeland Equipment, for 2009 John Deere 6330 Cab Tractor with mower, at a cost not to exceed \$74,840.12, to be expended from DA-5130.2; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and Finance and Account Specialist.

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

**RESOLUTION #115-2009:**

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

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO HIRE TWO SEASONAL EMPLOYEES**

**WHEREAS**, the Highway/Parks Superintendent has budgeted to hire two (2) seasonal MEO Light positions for the Parks Department.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to fill two (2) seasonal MEO Light positions, in the Parks Department, at a rate of \$9.18 per hour, not to exceed 20 weeks, for each position commencing from the date of hire or for a period ending September 19, 2009, whichever is sooner; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent, Finance and Account Specialist and the Supervisor's Secretary.

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

**RESOLUTION #116-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**ESTABLISHING THE FEE SCHEDULE AND CLEAN UP PROCEDURES FOR MERTENSIA PARK LODGE**

**WHEREAS**, the Highway/Parks Superintendent recommends the following fee schedule and clean-up procedures for Mertensia Park Lodge:

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #116-2009: (Continued)**

FEE SCHEDULE:	\$150.00 Residents
	\$250.00 Non-residents
	\$100.00 Refundable Clean-up Deposit

CLEAN UP PROCEDURES:	1. Floors will be swept
	2. Bathrooms will be wiped down and swept
	3. Entire kitchen area - counters and sink will be wiped down
	4. Tables will be wiped down and returned to storage
	5. Chairs will be cleaned if necessary and returned to storage
	6. Garbage will be bagged and tied for disposal

FAILURE TO COMPLY WITH CLEAN UP PROCEDURES WILL RESULT IN AUTOMATIC FORFEITURE OF CLEAN UP DEPOSIT.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board establishes the above fee schedule and clean-up procedures and the Town Clerk will forward a copy of this Resolution to the Highway/Parks Superintendent.

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

**RESOLUTION #117-2009:**

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

**REFERRING DRAFT LOCAL LAW TO ONTARIO COUNTY PLANNING BOARD**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a recommendation, from the Town Planning Board, supporting the enactment of a moratorium on the construction and operation of wind energy facilities, wind turbines and small wind energy systems in the Town; and

**WHEREAS**, the Town Director of Planning and Development and the Town Attorney have reviewed the proposed Local Law; and

**WHEREAS**, the proposed Action is identified as a Type II Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board, in accordance with the provisions of Sections 239-l and -m of the New York State General Municipal Law, desires a recommendation from the Ontario County Planning Board on said draft Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby directs the Town Director of Planning and Development to prepare the necessary documentation and to submit said referral to the Ontario County Planning Board for its review at their May meeting.

**BE IT FURTHER RESOLVED** that the Town Board does hereby agree to schedule a Public Hearing on said Local Law for its meeting on Tuesday, May 26, 2009, commencing at 7:00 p.m., in the public meeting room, located in the upstairs of the Farmington Town Hall.

**BE IT FINALLY RESOLVED** that the Town Clerk is to publish a Legal Notice, in accordance with the provisions of Town Law, of said Public Hearing.

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

**RESOLUTION #118-2009:**

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

**AUTHORIZING A TEMPORARY PARTIAL REFUND OF CONNECTION FEES PAID BY U.S. HOMES AND AUTHORIZING A BUDGET AMENDMENT**

**BE IT RESOLVED**, by the Town Board of the Town of Farmington, duly assembled:

1. In connection with ongoing litigation with U.S. Homes regarding sewer connection fees, the Town shall issue a temporary partial refund, of connection fees paid by U.S. Homes, in the amount of \$45,100.00 plus 9% interest, from February 18, 2008, pending determination by the court of issues raised in this litigation.
2. Such refund shall be issued upon execution by U.S. Homes of a stipulation in a form approved by Special Counsel, Sheldon Boyce. The check shall be made payable to "Anthony Adams, as Attorney" and shall be delivered to Special Counsel; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #118-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Farmington Town Board authorizes the following budget amendment for the Sanitary Sewer Fund for the refund of connection fees paid by U.S. Homes; and

FROM:	SS 599	Appropriated Fund Balance	\$49,930.21
TO:	SS 8110.49	Sewer Admin-CE-Reimbursement	(\$49,930.21)

**BE IT FINALLY RESOLVED** that the Town Clerk forward copies of this Resolution to the Water & Sewer Superintendent and the Finance and Account Specialist.

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

**RESOLUTION #119-2009:**

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

**AUTHORIZING THE RELEASE OF PAYMENT NO. 4 TO GUDABRI, INC.**

**RESOLVED**, the Farmington Town Board authorizes the release of payment No. 4 to Gudabri, Inc., for services rendered for the Mertensia Park Lodge, for the period ending March 31, 2009, in the amount of \$83,600.00, to be expended from HP-7197.2; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and Finance and Account Specialist.

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

**RESOLUTION #120-2009:**

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

**AUTHORIZING ACCEPTANCE OF EASEMENTS FROM A&D DEVELOPMENT COMPANY**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with A&D Development Company ("Owner") regarding the Town's obtaining Sidewalk, Haul Road, Utility and Sanitary Sewer, Temporary Turn-Around, Storm/Utility and Sanitary Sewer Easements over portions of its respective properties in the Auburn Meadows Subdivision (Section 2 South), as shown on maps attached to the Easements; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owner grant to the Town these Easements over said lands of said Owner; and

**WHEREAS**, said Easements have been offered by the Owner to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered Easements on behalf of said Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said Easements to be fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the Easements, attached hereto as Exhibit 1, (on file in the Town Clerk's office) from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner; and

**BE IT FURTHER RESOLVED** that the Town Supervisor shall be, and hereby is, authorized to take any and all further action necessary to carry forth the intent of this Resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	X	
Michael Casale, Councilman	X	

**RESOLUTION #121-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #121-2009: (Continued)**

**ABSTRACT #8-2009**

General	\$124,120.09
Highway Fund	20,718.93
Mertensia Park Lodge	103,507.11
Storm Drainage	2,124.85
Lighting	6,057.90
Payroll	2,237.83
Fire Protection District	133,631.67
Sewer District	113,730.36
Water District	41,769.65
<b>Total</b>	<b>\$547,898.39</b>

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

**DISCUSSION:**

1. Rezoning request for property located at 5610 State Route 96 from GB General Business to A-80 Agricultural District. **Supervisor Fafinski** read the Town's Planning Board's recommendation to the Town Board to not consider the rezoning of this property at this time. They believe that rezoning of this land would not be in accordance with the Town's Comprehensive Plan and could be considered "spot zoning". The Planning Board recommends the applicant consider applying for a Temporary Use Permit, in accordance with the provisions in Chapter 165, Section 91 of the Farmington Town Code. If granted, the Temporary Use Permit would be valid for a period of two years and could be renewed for an additional five years. This time period would enable the Town to complete its update of the Comprehensive Plan and perhaps amend the Future Land Use Map in this area. The applicant has been mailed this information. CEO Floyd Kofahl has been in touch with them also.

**TRAINING UNDER \$100.00:**

1. Supervisor's Secretary Michelle Finley to attend Managing Human Resources issues, May 13, 2009, in West Henrietta at no cost.

With no further business, the meeting was adjourned, at 8:08 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP**

**May 12, 2009**

At a Workshop of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 12<sup>th</sup> day of May 2009, at 6:00 PM, there were:

- PRESENT:**
- |                                    |                                       |
|------------------------------------|---------------------------------------|
| Larry Potter – Deputy Supervisor   | Dan Weigert – Farmington Fire Dept.   |
| Peter Ingalsbe – Councilman        | Peg Garland– Farmington Fire Dept.    |
| Timothy P. Mickelsen – Councilman  | Lewis Martz – Farmington Fire Dept.   |
| Rudolf van der Velden – Councilman | Larry Bassett – Farmington Fire Dept. |
| Michael Casale – Councilman        | Dave Degear – Farmington Fire Dept.   |
| Rose M. Kleman – Town Clerk        | Ken Walton – Farmington Fire Dept.    |

The purpose of this Workshop is to receive information from the Fire Department's Board concerning their future goals and their five-year plan with discussion to follow.

**Peg Garland**, Treasurer for the Fire Association, went over the Association's goals and plans (five year), item by item, for Station 1 (north end) and Station 2 (Hook Rd. & Route 96). She said the Association went over the use and space, or lack of space, in Station 2. They discussed an expansion or new build due to the growth in the south end of Town. The building needs to be brought up to code along with more workable storage and truck space. Ms. Garland showed the Town Board a drawing of the present building and one of a new proposed building. She said they wanted to start a dialogue with the Town now by making everyone aware of the Department's needs and finances and the use of that building, now and in the future. OSHA requirements, possible State Police command post, if the need arises with a disaster or emergency shelter, along with the increase in fire/accident calls all show the need for a larger building. They would like support from the Town for this as they start the groundwork to search out the need for financing, loans and grants. They would like to get a loan in their own name.

**Councilman Mickelsen** asked, if they had a cost estimate? The answer was yes; two and a half million dollars. **Councilman Casale** asked about grants? The response was some grants require you to have matching funds which could be a problem and it would need to be completed within the year which would,

on a project such as this, be another problem. **Councilman Ingalsbe** asked, if they had to cut twenty-five percent because of funding, what they would cut? They did not know. **Deputy Supervisor Potter** said it might be wise to see what could be cut in case the need arises and to be prepared. **Ms. Garland** said they are working on their savings and preparing for equipment needs and a new truck. **Councilman Mickelsen** asked, how much they have right now in capital reserve? The answer was approximately \$340,000.00. It was asked what they would do with the old building? The response was to sell, rent or lease, possibly to the Post Office. If at all possible, they would like to keep the building and use it in addition to the new building.

With no further business, the Workshop was adjourned at 6:55 PM.

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**TOWN BOARD MEETING****May 12, 2009**

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At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 12<sup>th</sup> day of May 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor      **NECESSARILY ABSENT**  
Lawrence E. Potter – Deputy Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Dave Degear** – Planning Board Chairman, **Robert Kleman** – Planning Board, **Donna LaPlant** – Assessor, **Michelle Finley** – Supervisor’s Secretary, Tom Crown, Jennie Potter and approximately thirteen students.

**Deputy Supervisor Potter** reported that Supervisor Fafinski was absent due to suffering a heart attack. Supervisor Fafinski had bypass surgery on Monday, is doing well and hopes to be home in a week.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Ingalsbe**, that the minutes of the April 28, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** 1. Mike Stumpf & Kerry Boyle – Amber Drive – Shed  
2. Lehigh Valley Snow Riders – Trail  
3. Judith Wellman & Helen Kirker – Quaker Meetinghouse Update

1. **Mike Stumpf** read a letter to the Town Board regarding a shed they have been made aware they are not allowed to put up due to the 1,600 square foot property. He showed the Board pictures and tax map of their property and home. **CEO Kofahl** explained, according to Ryan Homes, they are telling buyers that they cannot have sheds or pools. **CEO Kofahl** explained there are two different types of lots in this project: patio (65’ width, 145’ depth & 10,000 sq. ft. in size) and conventional styles (100’ width, 175’ depth & 15,000 sq. ft. in size). There are some odd shaped lots that do not fully meet the square footage requirements. Some requests for sheds/fencing have been turned down.

**Councilman Ingalsbe** asked if the next phase has patio homes. The answer was no. **Councilman Ingalsbe** said it will not help Mr. Stumpf’s request tonight but maybe the Town Board should revisit the patio home lots and have the Planning Board and Code Enforcement Office revisit to see if it could be allowed by changing it. Right now we don’t want to change just one.

**Planning Board Chairman Degear** said the Planning Board was told it would be senior housing and they would not need pools and/or sheds, just smaller patio homes. **Councilman Ingalsbe** read the Resolution (#178-04) that was passed for Incentive Zoning regarding lot sizes. **Councilman Casale** said we should revisit Incentive Zoning again regarding patio homes and lot sizes.

2. **John Stafford**, President of the Snow Rider’s Club, out of the Shortsville-Manchester area, said the new trail goes from Canandaigua to the Racetrack in Farmington. What he would like is to present this additional trail mileage to the NYS Parks Dept. One of their requirements is to have municipal permission from Farmington; that is why he is here. He gave the Board a list of homeowners that it affects, a map of the trail (eight miles) and a copy of their insurance policy.

**CEO Kofahl** stated the information (description, permission from homeowners, insurance, etc.) should be put together and given to the Planning Board for their review and recommendation to the Town Board. **Councilman Ingalsbe** said he would like to see the information get to the Planning Board, Recreation Commission and Chamber of Commerce for their information and input.

**PRIVILEGE OF THE FLOOR: (Continued)**

3. **Ms. Wellman** gave an update on the Meetinghouse project. She said, in the past year, they have made significant progress in several areas:
  - a) The stabilization of the building is being worked on. Putting out bids to move it kitty corner across the road to its new site (southeast corner of County Road 8 and Allen-Padgham Road) which was donated by the Farmington Friends.
  - b) Fundraising: they have raised \$73,500.00 towards the projected cost of \$96,000.00 for stabilization and enclosing the building. Total restoration costs are estimated at \$1,019,188.00; of which they are requesting \$433,488.00 from Save America's Treasures Restoration and they are exploring matching funding from several private foundations.
  - c) Organizational structure: they have submitted an application for a not-for-profit organization called 1816 Farmington Quaker Meetinghouse.

She also provided the Board with a copy of their 2008 Annual Report (on file in the Town Clerk's office).

**REPORTS OF STANDING COMMITTEES:**

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

**Highway & Parks:**

1. Highway Superintendent McLaughlin discussed and updated the Committee on the work progress at Mertensia Lodge. Still planning on the lodge dedication taking place May 30<sup>th</sup> at 10:00 AM.
2. Work on the drainage facility at the Racetrack has restarted.
3. Clean up days event went well; a lot of electronic equipment.

**Water & Sewer:**

1. Crane-Hogan (contractor) is completely finished at the Wastewater Treatment Plant.
2. Superintendent Crane is hiring an operator trainee and he is going through the hiring process.
3. There will be discussion regarding late fees later on.

**Recreation Task Force:**

1. **Councilman Casale** reported that 830 (38%) surveys were returned. They could hold off on tabulation until next Monday. Consensus of opinion of the Board members was to hold off in order to receive all the responses they can. **Councilman Ingalsbe** said let's address this at the next Board meeting.

**REPORTS OF TOWN OFFICIALS:****Deputy Supervisor Potter:**

1. No report.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Update on Mertensia Lodge: inside walls and trim, 90% of topsoil and seed down; working on the east side. Need to move existing light pole; it is located in a bad spot in the parking lot. Waiting to hear from Frontier regarding having (or not) an outside phone.
2. Roadwork has started.
3. They will be doing drainage work on Mt. Payne Road.
4. Reported they will be mowing soon.
5. **Councilman Ingalsbe** asked Superintendent McLaughlin about park benches in Pumpkin Hook Park. **Superintendent McLaughlin** said he is working on that. **Councilman Ingalsbe** asked about a swing or two for Mertensia Park; Superintendent McLaughlin will look into that as well.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. Now that we have new Code Books, her office is cleaning up all (3) 1973 Code Books and getting them ready for disposition.

**Code Enforcement Officer Floyd Kofahl:**

1. He gave an update on the work being done at the Racetrack entrance located on Route 96. It is changing from two to four lanes. CEO Kofahl recommended the entrance be closed until the work is complete for safety purposes. It is temporarily closed and entrance is on Beaver Creek Road. He is working with them regarding other changes (code) as the construction continues.
2. Aldi's is working on safety aspects at their entrance road.
3. Reported that DiPacific's owner still wants the building demolished; they are looking at other options for the property.
4. **Councilman Mickelsen** asked about the code review. **CEO Kofahl** said Ron Brand is looking at it; such as 50' height restrictions, adult entertainment, etc. Mr. Brand will work with the attorney on these issues.
5. **Councilman Ingalsbe** asked about the Calm Lake property. **CEO Kofahl** said the property owner's attorney asked for a postponement; even though he has complied, they are contesting the wording of the variance issued by Zoning Board Resolution.

**REPORTS OF TOWN OFFICIALS: (Continued)**

**Planning Board Chairman Dave Degear:**

1. Reported on Auburn Meadows Phase 3 (there are ten phases). Phase 3 has larger lots and they are making a lot of progress.
2. Beaver Creek Estates is before the Planning Board.
3. There is a trucking company going in on Loomis Road.
4. Discussed bridge rebuilding.

**Assessor Donna LaPlant:**

1. Reported there probably will only be one evening for Grievance – Board of Assessment Review.

**COMMUNICATIONS:**

1. Letter to MRB Group from NYS Dept. of Agriculture and Markets Re: Preliminary Notice of Intent - Towns of Farmington and Canandaigua Water System Improvements
2. Letter to Town Attorney from Supervisor Re: Petition of Property Owners – proposed waterline easement to the Canandaigua-Farmington Water District.
3. Memo to Planning Board from Director of Planning & Development Re: May 6<sup>th</sup> Planning Board agenda items.
4. Letter to Edgemere Development, Inc. from Supervisor Re: Farmington Senior Apartments - Lot #2, PILOT Agreement.
5. Public Notice – Workshop-Farmington Volunteer Fire Association.
6. Certificate of Liability Insurance R: Calvary Chapel; Schimpf Construction; National Center for Missing & Exploited Children; North Central New York Conference of the United Methodist Church; New Hope Bible Church, Inc.; Zion Fellowship; Besroi Roofing & Siding Co., Inc.; T-Mobile USA, Inc.; Duro-Shed, Inc.; Villager Construction; US Dept. of Agriculture; NYS Thruway Authority; United Christian Softball and Victor Lions Club.

**REPORTS & MINUTES:**

1. Conservation Board Meeting Minutes – April 27, 2009.
2. Justice Lew Monthly Report – April 2009.
3. Justice Gligora Monthly Report – April 2009.
4. Recreation Commission Meeting Minutes – April 20, 2009.
5. Zoning Board of Appeals Meeting Minutes – March 23, 2009.
6. Detail of Expenditures – April 30, 2009.
7. Building Dept. Monthly Report – April 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #122-2009:**

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

**REAPPOINTING GARY SCRIBNER TO THE ZONING BOARD OF APPEALS**

**WHEREAS**, Zoning Board member Gary Scribner resigned from the Committee, for retirement purposes, effective close of business May 12, 2009; and

**WHEREAS**, for retirement purposes, he needs to be removed from payroll for one day and then reappointed as a member of the Zoning Board of Appeals.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board reappoints Gary Scribner to the Zoning Board of Appeals, to fill the remaining term, to expire December 31, 2010, effective May 14, 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Supervisor's Secretary.

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

**RESOLUTION #123-2009:**

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

**WAIVING CONFLICT AND APPROVING SETTLEMENT OF PENDING LITIGATION**

**WHEREAS**, there is currently tax assessment litigation pending between the Town of Farmington and Pavia Woodlawn, LLC ("Pavia Woodlawn") in Ontario County (Index number 101460) entitled *Pavia Woodlawn, LLC v. The Board of Assessors et al* relating to property owned by Pavia Woodlawn and located at 6237 State Route 96 in the Town of Farmington ("Prior Action"); and

**WHEREAS**, Boylan, Brown, Code, Vigdor & Wilson, LLP ("Boylan Brown") formerly represented Pavia Woodlawn in relation to matters unrelated to its tax assessment; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #123-2009: (Continued)**

**WHEREAS**, Boylan Brown currently represents the Town of Farmington with respect to tax assessment matters, but has not represented the Town on the Pavia Woodlawn matter; and

**WHEREAS**, the Town of Farmington's Assessor and Pavia Woodlawn have reached a settlement in the Prior Action and intends to retain Boylan Brown to prepare the settlement documents.

**THEREFORE BE IT RESOLVED** that the Town has been advised of Boylan Brown's potential conflict of interest and it chooses to waive any conflict and permit Boylan Brown to represent the Town in preparing the documents memorializing the settlement agreement made by the Town's Assessor and Pavia Woodlawn; and

**BE IT FURTHER RESOLVED** that the Town Board agrees that the Prior Action will be dismissed, with prejudice, without refund, and the 2009-2010 assessment of the property will be reduced from \$3,070,900 to \$2,800,000 and the terms of Real Property Tax Law §727 shall apply; and

**BE IT FURTHER RESOLVED** that the Town Supervisor is authorized to execute all documents to effectuate the referenced waiver and settlement; and

**BE IT FINALLY RESOLVED** that the Town Clerk forward a certified copy of this Resolution to Sheila Chalifoux, Esq. at Boylan, Brown, Code, Vigdor & Wilson, LLP and the Town's Assessor.

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

**RESOLUTION #124-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**LETTER OF CREDIT RELEASE #11 – AUBURN MEADOWS SUBDIVISION, SECTION 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated May 6, 2009, recommending that the above referenced Letter of Credit Release #11 be approved, in the total amount of \$50,779.00, for work completed in the Phase 2 portion of the Auburn Meadows 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. 11, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$353,540.27 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$302,761.27 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted on May 6, 2009, recommended the release of the requested amount, \$50,779.00.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the Deputy Town Supervisor to execute the release of the requested amount, from the above referenced Letter of Credit, in the amount specified above herein.

**BE IT FINALLY 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 #125-2009:**

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

**LETTER OF CREDIT RELEASE #12 – AUBURN MEADOWS SUBDIVISION, SECTION 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated May 6, 2009, recommending that the above referenced Letter of Credit Release #12 be approved, in the total amount of \$30,632.20, for work completed in the Phase 2 portion of the Auburn Meadows 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. 12, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$302,761.27 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$272,129.07 remaining in the Letter of Credit; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #125-2009: (Continued)**

**WHEREAS**, the Planning Board has, in a Resolution adopted on May 6, 2009, recommended the release of the requested amount, \$30,632.20.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the Deputy Town Supervisor to execute the release of the requested amount, from the above referenced Letter of Credit, in the amount specified above herein.

**BE IT FINALLY 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 #126-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING ACCEPTANCE OF EASEMENTS**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with A&D Development Company; NVR, Inc.; Francis M. Janczak and Cynthia B. Janczak; John B. Fowler and Cheryl A. Fowler; Jeffrey M. Moravec and Kimberly Moravec; John H. Boates and Darlyss J. Boates and Brent W. Bowman and Christi L. Bowman ("Owners") regarding the Town's obtaining Drainage Easements, over portions of their respective properties, in the Stonewood Subdivision, as shown on maps attached to the Easements; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owners grant to the Town these Drainage Easements over said lands of said Owners; and

**WHEREAS**, said Easements have been offered by the Owners to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered Easements on behalf of said Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said Easements to be fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the Easements, attached hereto as Exhibit 1, (on file in the Town Clerk's office) from Owners in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owners; and

**BE IT FURTHER RESOLVED** that the Town Supervisor shall be, and hereby is, authorized to take any and all further action necessary to carry forth the intent of this Resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Theodore M. Fafinski, Supervisor			X
Peter Ingalsbe, Councilman	X		
Timothy Mickelsen, Councilman	X		
Rudolf van der Velden, Councilman	X		
Michael Casale, Councilman	X		

**RESOLUTION #127-2009:**

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

**AUTHORIZING ACCEPTANCE OF EASEMENTS FROM A&D DEVELOPMENT COMPANY**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with A&D Development Company ("Owner") regarding the Town's obtaining Drainage and Sanitary Sewer Easements over portions of their respective properties in the Stonewood Subdivision (Phases Two and Three), as shown on maps attached to the Easements; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owner grant to the Town these Easements over said lands of said Owner; and

**WHEREAS**, said Easements have been offered by the Owner to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered Easements on behalf of said Town; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #127-2009: (Continued)**

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said Easements to be fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the four (4) Easements, attached hereto as Exhibit 1, 2, 3 and 4 (on file in the Town Clerk’s office) from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner; and

**BE IT FURTHER RESOLVED** that the Town Supervisor shall be, and hereby is, authorized to take any and all further action necessary to carry forth the intent of this Resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Theodore M. Fafinski, Supervisor			X
Peter Ingalsbe, Councilman	X		
Timothy Mickelsen, Councilman	X		
Rudolf van der Velden, Councilman	X		
Michael Casale, Councilman	X		

**RESOLUTION #128-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING THE REFUND OF A BUILDING PERMIT FEE TO RYAN HOMES**

**WHEREAS**, the Code Enforcement Officer received a request from Ryan Homes to refund a building permit fee, paid for the Auburn Meadows Lot 0108 permit, since the contract has since been cancelled.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the refund of a building permit fee, in the amount of \$1,370.80, to Ryan Homes.

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

**RESOLUTION #129-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

<b>ABSTRACT #9-2009</b>	
General	\$19,264.98
Highway Fund	8,139.60
Storm Drainage	697.62
Payroll	151.40
Builder Guarantee	1,370.80
Sewer Expansion	245.00
Sewer District	21,614.19
Water District	3,494.39
<b>Total</b>	<b>\$54,977.98</b>

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

**DISCUSSION:**

1. Internship. **Councilman Ingalsbe** said Jim Wagner knows a college major student who is looking to serve an internship and it was discussed with Ron Brand to utilize this service in the Zoning and Code Office for an eight week period. **CEO Kofahl** said she (the intern) could possibly help out in the review of plans and inspections. It was decided that she could come in and speak with the Deputy Supervisor. **Councilman Casale** wanted it to be discussed with Supervisor Fafinski and the Town’s insurance provider first.
2. Set Workshop to discuss procedures for Mertensia Lodge; May 19 at 3:30 PM. Michelle Finley will put notice in the newspaper.
3. Stipend for Deputy Supervisor. Deputy Supervisor Lawrence E. Potter will be filling in for Supervisor Fafinski during his recuperation (eight to ten weeks).

**WAIVER OF THE RULE:**



**TOWN BOARD WORKSHOP (Continued)**

**May 19, 2009**

Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Tom Schwarzweiler – Recreation Commission  
Ed McLaughlin – Highway & Parks Supt.

The purpose of this Workshop is to discuss reservation procedures for the Lodge at Mertensia Park. Discussion included: upcoming grand opening, reservation process, rental fee (resident, non-resident, businesses, non-profit and seniors) & \$100.00 deposit collection and return (collect at time they pick up key and how long before it can be returned), clean-up procedures/inspection and supplies provided, how to handle damage to lodge, cancellation procedures/refunds, phone usage, hours, proof of residency to reserve facility, date to start accepting reservations (first two weeks will be for Farmington residents only; then open to all). Maximum capacity at the Lodge is 98.

Michelle Finley will compose some rules and regulations from today’s comments, and from surrounding parks/lodges, for comparison/review by those involved in the lodge rental and use.

The grand opening for the lodge is Saturday, May 30<sup>th</sup> at 10:00 AM.

With no further business, the Workshop was adjourned at 4:40 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**May 26, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 26<sup>th</sup> day of May 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Lawrence E. Potter – Deputy Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

**NECESSARILY ABSENT**

**NECESSARILY ABSENT**

Also present were: **Ed McLaughlin** – Highway & Parks Superintendent, **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Jim Morse** – Code Enforcement Officer, **Robert Kleman** – Planning Board, **Michelle Finley** – Supervisor’s Secretary, Jennie Potter, D. Lichterman – The Victor Herald and two students.

- PUBLIC HEARINGS:**
1. Municipal Separate Storm System 2008 Annual Report
  2. Local Law Establishing a Prohibition on the construction and operation of wind energy facilities, wind turbines and small wind energy systems

At 7:00 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning the “Municipal Separate Storm System Annual Report for 2008.” The Town Clerk read the Legal Notice as published in the Town’s designated newspaper.

**Deputy Supervisor Potter** asked Superintendent McLaughlin to explain the annual report. **Superintendent McLaughlin** stated it is a stormwater report for DEC permit to comply with the MS4 community (coalition joint report). The report included: public outreach/education, good housekeeping, public participation, checking construction and waste management sites, storm drain marking, agricultural and residential training, distribution of educational material to libraries, soil and erosion control, septic failure, pesticide, road maintenance, salt storage, etc. He contacted the Homeowner’s Association in Farmbrook with not much of a response.

**Councilman Ingalsbe** said money was put in the budget for this. The report is on file in the Town Clerk’s office.

No one else wishing to be heard, for or against the foregoing subject matter, the Hearing was declared closed at 7:15 PM.

At 7:16 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning a “Local Law Establishing a Prohibition on the Construction and Operation of Wind Energy Facilities, Wind Turbines and Small Wind Energy Systems.” The Town Clerk read the Legal Notice as published in the Town’s designated newspaper.

Deputy Supervisor Potter opened the floor for public comments. **CEO Floyd Kofahl** stated there was nothing in the Town Code for these types of systems. Director of Planning and Development Ron Brand checked other areas where codes have been adopted to use as reference; one adopted a code allowing wind turbines, the other Town rejected them. These were studied for Farmington. **Councilman Casale** said there are advantages and a lot of disadvantages; such as roads needing to be specially built to bring the

**PUBLIC HEARINGS: (Continued)**

turbines in. **Shirley Petty**, 136 Center Street, said “do I understand this moratorium is for a year and then any proposed laws would require a Hearing; is that right?” **Councilman Ingalsbe** said this moratorium is for a year while the Town Code office and planners study this. **Councilman van der Velden** said he spoke to people in Naples who have these turbines near their homes. Everything he heard was negative; they don’t know where the power goes other than it goes to a national grid out of state; also the turbines are noisy.

No one else wishing to be heard, for or against the foregoing subject matter, the Hearing was declared closed at 7:35 PM.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman van der Velden**, that the minutes of the May 12, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** 1. Pat Pavelsky - Cornell Cooperative Extension Director  
2. Mary Ferris – Wood Library

1. **Ms. Pavelsky** said Cornell Cooperative Extension is ninety-one years in existence and open to all those in the County. The three main areas of expertise are agriculture, natural resources and economic development. She explained what these departments do for the community such as: training programs, youth 4-H/summer youth clubs/camps, well water testing, money management, cooking classes and food processing/preservation along with gardening, etc. They also offer bankruptcy classes which the law requires you take if you are going through bankruptcy. She said if you need help or have questions, do not hesitate to call the Co-op.
2. **Ms. Ferris** presented the Town Board with a Certificate of Appreciation for the Town supporting the Wood Library in Canandaigua.

**PRESENTATIONS:** Manufactured Homes Special Use Permits

**Code Enforcement Officer Jim Morse** reported on the inspection of these parks. The inspections took place from April 29, 2009 to May 12, 2009. The inspections showed improvement from prior years. All issues were addressed, everyone cooperated and, due to these inspections, **CEO Kofahl** said the Special Use Permits will be ready for the June 11<sup>th</sup> Town Board meeting.

**REPORTS OF STANDING COMMITTEES:****Public Works Committee: Councilman Ingalsbe** reported:**Water & Sewer:**

1. They are waiting for a final bill to closeout the plant project.
2. They hired a new employee who will start next Monday.
3. Received bids for water supplies; bids were split, on most supplies, from five bidders.

**Highway & Parks:**

1. Update on Mertensia Lodge; open house to be held Saturday, May 30<sup>th</sup> at 10:00 AM. The sidewalks are done, the parking lot needs to be paved and several items need to be completed. **Councilman Casale** spoke about the upcoming ribbon cutting ceremony and wanted to give Parks Superintendent McLaughlin credit and a big “thank you” for all the extra work that was done to complete the lodge.
2. They are applying for a grant to expand Farmbrook Park.

**REPORTS OF TOWN OFFICIALS:****Deputy Supervisor Potter:**

1. Gave an update on Supervisor Fafinski’s return to the hospital and his subsequent trip home for recuperation.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported there is a Resolution on tonight’s agenda regarding a grant for Farmbrook Park to expand the parking lot, etc.
2. Road projects have been on hold due to getting the lodge project finished.
3. Reported they will be putting top on Yellow Mills Road.
4. They received their GIS equipment.
5. They will be working on the O’Connell drainage issue; along with another half dozen drainage issues.

**Water & Sewer Superintendent Jim Crane:**

1. Reported what they are doing with their billing software and meter reading equipment. They are looking at getting quotes on new software (upgrade or full program). He discussed this with Town Attorney Graff regarding what type of agreement. There is quite a big difference in pricing from one vendor to another. Discussed our method of billing also.

**REPORTS OF TOWN OFFICIALS: (Continued)**

**Code Enforcement Officer Floyd Kofahl:**

1. Reported there are several lawns that are in violation. His office started this week issuing notices and one has been taken care of.
2. He stated residents need to be aware that inflatable pools need permits and fencing; there are code changes and new permits for these pools.
3. New housing is moving along the same as last year.
4. The Fire Marshall is doing fire inspections and is close to being up to date on them.
5. They expect to know what the plan is for Park Place Restaurant by the end of this week and will update the Board at the next meeting.
6. Aldi's is moving along; they will be holding a pre-construction meeting.
7. The Racetrack entrance is open again.

**Planning Board Member Bob Kleman:**

1. Reported they approved the site plan for the Hathaway House project and the preliminary and final addition plans for Cobblestone Arts & Education located on Route 332. They approved a few changes at Saratoga Crossing Subdivision.

**Assessor Donna LaPlant:**

1. Attending tonight's Grievance meeting on assessments.

**COMMUNICATIONS:**

1. Continuing Education - P. Ingalsbe, M. Casale, D. Degear, T. Fafinski and M. Finley.
2. Letter to Supervisor from Mercy Flight Central Re: 2008 Annual Report.
3. Letter to Town Clerk from Farmington Volunteer Fire Association Re: Update of current listing.
4. Amendment to Irrevocable Letter of Credit from M&T Bank Re: A&D Development (SB-911463-2000).
5. Memo to Town Hall Staff from Highway/Parks Superintendent Re: Carpet Cleaning.
6. Memo to Supervisor from Monroe County Department of Planning and Development. Re: Board Member attendance at the Spring 2009 Land Use Decision-Making Training Program.
7. Memo to Supervisor from Highway/Parks Superintendent. Re: Landscaping at Mertensia Lodge.
8. Certificate of Liability Insurance. Re: Pride Signs, Inc.; Pro Construction of Upstate New York, Inc. and Hibb's Enterprises, Inc.
9. Cancellation of Certificate of Workers' Compensation Insurance. Re: Fashion Fain Homes, Inc.
10. Certificate of Workers' Compensation Insurance. Re: Chemung Supply Corp.; Allied Sign Co.; Frank J. Marianacci, Inc.; Santelli Lumber Co. Inc. and Scott Landers.

**REPORTS & MINUTES:**

1. Supervisor's Monthly Report – April 2009.
2. Historic Preservation Committee Meeting Minutes – May 7, 2009.
3. Zoning Board of Appeals Meeting Minutes – April 27, 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #131-2009:**

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

**AUTHORIZING A RATE INCREASE FOR COURT CLERK**

**WHEREAS**, Town Justice John Gligora has recommended a \$.25 rate increase for Stephany Baldwin, Court Clerk, for completion of her probationary period.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the \$.25 rate increase for Stephany Baldwin, effective April 20, 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to Town Justice Gligora and the Supervisor's Secretary.

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

**RESOLUTION #132-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**CHANGING THE JUNE 9<sup>TH</sup> TOWN BOARD MEETING DATE TO JUNE 11, 2009**

**WHEREAS**, two Town Board members will be out of town June 9, 2009.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board changes the June 9<sup>th</sup> Town Board meeting date to June 11, 2009; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #132-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to all departments.

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

**RESOLUTION #133-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE HIGHWAY FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the Highway Fund to reflect actual CHIPS money received from NYS Department of Transportation; and

FROM:	DA 3501	Consolidated Highway Aid	\$27,615.66
TO:	DA 599	Approp. Fund Balance	( \$200.00)
TO:	DA 5112.2	Permanent Improvement-CHIPS	(\$27,415.66)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and Highway Department.

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

**RESOLUTION #134-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2009**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has tonight conducted a Public Hearing on the above referenced Local Law; and

**WHEREAS**, notice of said Public Hearing was duly advertised in the official newspaper of the Town of Farmington, on May 11, 2009, and other notices required to give by law were properly served, posted or given; and

**WHEREAS**, 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 has reviewed the Ontario County Planning Board Referral #67-2009 on said Action; and

**WHEREAS**, the Town Board has reviewed the Public Hearing record on said Action; and

**WHEREAS**, the Town Board has received and reviewed the classification of the Action to enact a moratorium as being a Type II Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board does hereby determine the proposed Action to be a Type II Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board has considered the Town Planning Board's recommendation of approval of the adoption of said Local Law; and

**WHEREAS**, the Town Board, 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 hereby adopts the Local Law enacting a moratorium which prohibits the construction and operation of wind energy facilities, wind turbines and small wind energy systems in the Town of Farmington, for a period not to exceed one (1) year from the effective date of this Local Law, and shall expire on the earlier of: (i) the date one year from the effective date, unless renewed; or (ii) the enactment by the Town Board of a Resolution adopting a new policy for said wind energy conversion system by amending the Town of Farmington Comprehensive Plan and the adoption of a Local Law which provides the criteria and standards for regulating wind energy conversion systems in the Town of Farmington.

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Clerk to complete and sign the Department of State Certification Form and to submit a final version of all documentation to the Town Attorney for signature and filing with the New York State Secretary of State.

**BE IT FINALLY RESOLVED** that this Local Law shall become effective upon filing with the Secretary of State.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #134-2009: (Continued)**

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

**Local Law No. 2 of the year 2009**

A Local Law "Establishing a Prohibition on the Construction and Operation of Wind Energy Facilities, Wind Turbines and Small Wind Energy Systems in the Town of Farmington."

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

Section 1. TITLE: This Local Law shall be known as the "Moratorium on Wind Energy Facilities."

Section 2. STATEMENT OF LEGISLATIVE INTENT

It is the intent of this Local Law to prevent serious detrimental health, adverse environmental impacts and incompatible planning effects that could be posed by the creation, erection and operation of wind energy deriving towers, wind energy conversion systems and electrical transmission facilities. It is further the intent of this Local Law to reduce a land use which could threaten the residents of the Town of Farmington by allowing degradation of its environmental features, aesthetic and agricultural resources.

Therefore, it is hereby the declared intent of the Farmington Town Board to enact regulations prohibiting the construction and operation of wind energy facilities, wind turbines and small wind energy systems, within the limits of the Town, for the purpose of securing and promoting the public health, comfort, convenience, safety and the general welfare of the Town and its inhabitants.

Section 3. STATEMENT OF PURPOSE

It is the purpose of this Local Law to enable the legislative body, and the residents of the Town of Farmington, sufficient time to draft and enact specific land use policies in the adopted Town of Farmington Comprehensive Plan; and to adopt a Local Law regulating the creation, location, size, number, construction and use of wind energy deriving towers, wind energy conversion systems and transmission facilities within the Town of Farmington.

Section 4. DEFINITIONS

Chapter 165, Article II, Terminology, Section 10 Definitions, is hereby amended to read as follows:

NACELLE – The portion of the wind energy deriving tower that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

SMALL WIND ENERGY SYSTEM – A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 250 kW and which is intended to primarily reduce on-site consumption of a public utility electricity provider.

TOWER FACILITY – A wind energy deriving structure, wind energy conversion system or transmission facilities located on a parcel, lot or site.

TRANSMISSION FACILITY – Any structure or equipment, other than a wind energy deriving tower, related to the use and purpose of deriving energy from a wind energy deriving tower or wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM – A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for agricultural, residential, commercial, industrial, utility or governmental use.

WIND ENERGY DERIVING TOWER – Any Tower Facility, pole or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of a rotor that consists of blades and hub as well as a Nacelle and generator for producing electricity.

WIND ENERGY FACILITY - An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE – A Wind Energy Conversion System that converts wind energy into electricity through the use of a Wind Turbine Generator, and includes the Nacelle, rotor, Tower and pad transformer, if any.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #134-2009: (Continued)**

Section 5. MORATORIUM

- A. The Town Board hereby enacts a moratorium which shall prohibit all Town Boards and Staff from conducting the review, approval or creation of any new Wind Energy Deriving Towers, Wind Energy Conversion Systems, Small Wind Energy Systems, Wind Turbines and Transmission Facilities anywhere in the Town of Farmington.
- B. This moratorium shall be in effect for a period not to exceed one (1) year from the effective date of this Local Law and shall expire on the earlier of: (i) the date one year from the effective date, unless renewed; or (ii) the enactment by the Town Board of a Resolution adopting new policy for said Wind Energy Conversion System by amending the Town of Farmington Comprehensive Plan and the adoption of a Local Law which provides the criteria and standards for regulating Wind Energy Conversion Systems in the Town of Farmington.
- C. This moratorium shall apply to all real property within the Town of Farmington, Ontario County, New York.

Section 6. VALIDITY.

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 7. SUPERCEDING EFFECT.

Pursuant to New York State Municipal Home Rule Law, Section 22, the provisions of this Local Law are to supersede any inconsistent provisions of state or Local Law.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York State Department of State.

**RESOLUTION #135-2009:**

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

**REQUEST TO AWARD BID FOR WATER AND SEWER SUPPLIES**

**WHEREAS**, on January 6, 2009, the Town Board authorized (Resolution Number 38-2009) the Water and Sewer Superintendent to bid for water and sewer supplies; and

**WHEREAS**, the bids were received and opened on May 19, 2009 (see attached results – on file in the Town Clerk’s office).

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington, acting on behalf of the Canandaigua-Farmington Water District, hereby authorizes the Water and Sewer Superintendent to award the items from the May 19, 2009 bid for water and sewer supplies to the lowest bidder per unit price/items based on availability and compatible components (see attached tabulation sheet – on file in the Town Clerk’s office).

**BE IT FURTHER RESOLVED** that funding for these purchases has been budgeted for in SW1-8340.4 (Transmission and Distribution-Contractual).

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

**RESOLUTION #136-2009:**

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

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN TEMPORARY LICENSE TO ENTER PREMISES (VANLARES FARM)**

**WHEREAS**, Daniel Geer has granted the Town permission to enter onto the premises located at Lot 35 of Great Lot 98, F/N as The Vanlares Farm, to do an engineering study and develop a plan to alleviate drainage problems caused from activities by previous owner.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Deputy Supervisor to sign the Temporary License to Enter Premises; and

**BE IT FURTHER RESOLVED** that the Farmington Town Clerk forward a copy of this Resolution to the Highway Department.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #136-2009: (Continued)**

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

**RESOLUTION #137-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION SUPPORTING BILL S.4080 BY SENATOR SCHNEIDERMAN AND A.7504 BY ASSEMBLYMAN WEINSTEIN**

**WHEREAS**, under current State Law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same lost future earnings; and

**WHEREAS**, there is a Bill proposed by the NYS Trial Lawyers Association now being introduced in the Legislature (S.4080-A by Senator Schneiderman/A.7504-a by M. of A. Weinstein) which, in addition to ending the unfair double recoveries against public employers, removes an impediment to the settlement of tort actions; and

**WHEREAS**, the Bill would protect all parties in the lawsuit (including public employer defendants) who settle the case from then being subjected to a claim by a health benefit provider, or other collateral source payer, for reimbursement of monies paid to the plaintiff, unless there is a statutory right to such reimbursement, thereby encouraging settlements.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board supports these bills and urges our lawmakers to vote them into law; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to Peter J. Keirnan, Counsel to the Governor; New York State Senate Majority Leader Malcolm A. Smith; New York State Assembly Speaker Sheldon Silver; Senator Elizabeth Little; Assemblywoman Janet Duprey and Barry P. Schwartz, Senior Counsel New York City Law Department.

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

**RESOLUTION #138-2009:**

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

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN ENCROACHMENT AGREEMENT**

**RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to sign an Encroachment Agreement with Kenneth and Mabelle Rieck, who reside at 204 Heather Lane, Farmington, New York; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution, along with the Agreement, to the Highway Department and Building Department.

Discussion: **Superintendent McLaughlin** explained the Agreement and he sees no issues with it.

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

**RESOLUTION #139-2009:**

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

**CRITERIA FOR DETERMINING SIGNIFICANCE ACTION**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has determined the proposed Farmbrook Park Green Innovation Parking Lot Project (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 does hereby accept, Parts 1 & 2 of the Short Environmental Assessment Form, dated May 26, 2009, prepared by Ronald L. Brand, Town of Farmington Director of Planning & Development; and

**WHEREAS**, the Town Board finds that the Short Environmental Assessment Form creates a reasoned elaboration of the impacts likely to result from the Town Board's action to approve the proposed Action; and

**WHEREAS**, the Town Board, as the designated Lead Agency under the State Environmental Quality Review (SEQR) Regulations, has given consideration to the comments received from the Involved Agency, the Town Highway & Parks Department; and

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**  
**RESOLUTION #139-2009: (Continued)**

**May 26, 2009**

**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 and 2 of the Short 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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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.

- (iii) there are no known Critical Environmental Area(s) that will be allowed to be disturbed on the Park 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 Park site will be consistent with the adopted Town Comprehensive Plan and Park & Recreation Master Plan land use recommendations;

The adopted Town of Farmington Comprehensive Plan and the adopted Town of Farmington Parks & Recreation Master Plan recommends the development of this site as planned.

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

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

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

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

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

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #139-2009: (Continued)**

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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;

The Town Board finds that there has been no identified adverse impacts associated with any two or more of the above elements of the environment that, when considered together, would likely be affected from the Action.

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

The Town Board finds that there are not two or more related identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action to rezone the site and to amend the Official PD Planned Development District Map.

**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 Short Environmental Assessment Form.

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

**RESOLUTION #140-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**ACCEPTING A RECIPROCAL EASEMENT AGREEMENT FOR SARATOGA CROSSING SUBDIVISION AND SITE PLAN PROJECT**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received, from David Degear, Chairperson, Farmington Town Planning Board, (hereinafter referred to as Planning Board) a recommendation to accept a draft Reciprocal Easement Agreement (hereinafter referred to as REA) for the above referenced Saratoga Crossing Project; and

**WHEREAS**, the Attorney to the Town and the Town Director of Planning and Development have both reviewed and accept the draft REA; and

**WHEREAS**, the Town Board understands that the REA is a condition of approval by the Town Zoning Board of Appeals, for each of the requested area variances, for the Saratoga Crossings Subdivision; and

**WHEREAS**, the Town Board has reviewed the draft REA and does hereby accept said document; and

**WHEREAS**, the Town Board desires to protect the overall site design as approved by the Planning Board.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the REA and directs it to be filed in the Office of the Ontario County Clerk within 30 days of this Action.

**BE IT FINALLY RESOLVED** that the Town Board directs the applicant to also file with the Town Clerk and the Town Development Office a certified copy of the REA which is to include the liber and page number of the filing with the County Clerk's Office.

Discussion: **Councilman Ingalsbe** stated he has watched this going along and feels it's a no brainer. **CEO Kofahl** said this has been reviewed by the Town Boards, the Town Attorney, Town Director of Planning and the applicant; so it is ready.

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

**RESOLUTION #141-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #10-2009**

**TOWN BOARD MEETING**

**May 26, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #141-2009: (Continued)**

General	\$55,459.27
Highway Fund	17,033.42
Storm Drainage	1,266.26
Lighting	6,996.24
Payroll	2,092.65
Mertensia Park Lodge	88,969.31
Sewer District	40,803.91
Water District	12,944.11
<b>Total</b>	<b>\$225,565.17</b>

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

**TRAINING UNDER \$100.00:**

1. Cori Stapleton to attend NYS Comptroller Advanced Accounting School, September 1-3, 2009, at a cost not to exceed \$85.00.

With no further business, the meeting was adjourned, at 8:05 PM, by motion from **Councilman Ingalsbe**, seconded by **Councilman van der Velden**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**June 11, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 11<sup>th</sup> day of June 2009, at 7:00 PM, there were:

- |                 |  |                           |
|-----------------|--|---------------------------|
| <b>PRESENT:</b> | Theodore Fafinski – Supervisor         | <b>NECESSARILY ABSENT</b> |
|                 | Lawrence E. Potter – Deputy Supervisor |                           |
|                 | Peter Ingalsbe – Councilman            |                           |
|                 | Timothy P. Mickelsen – Councilman      |                           |
|                 | Rudolf van der Velden – Councilman     |                           |
|                 | Michael Casale – Councilman            |                           |
|                 | Rose M. Kleman – Town Clerk            |                           |

Also present were: **Ed McLaughlin** – Highway & Parks Superintendent, **Jim Morse** – Code Enforcement Officer, **Robert Kleman** – Planning Board, Steve Holtz, Jennie Potter, Dottie Mickelsen, Shirley Petty and one student.

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, (**Councilman Mickelsen** abstained due to being absent) that the minutes of the May 26, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

**REPORTS OF STANDING COMMITTEES:**

**Public Works Committee:** **Councilman Ingalsbe** reported on their meeting held Tuesday, June 9<sup>th</sup>:

**Highway & Parks:**

1. The Highway Superintendent discussed his MS4 Report.
2. Grant work is being processed for Farmbrook Park.
3. The Kyte Road bridge construction meeting was held and there is a little concern regarding the precast concrete.
4. Superintendent McLaughlin has met with three property owners regarding the stormwater project. It has progressed so far that MRB can draft easements and they hope to get that project started this fall.
5. Discussed Yellow Mills Road drainage issues.
6. There has been communication regarding the lodge (at Mertensia Park).
7. They are behind on mowing.

**Water & Sewer:**

1. By the next Town Board meeting, they should have a \$37,000 closeout bill with Crane-Hogan.
2. The new trainee has started.
3. They will be hiring seasonal employees.
4. Superintendent Crane gave an update on software and meter reading equipment software; most quotes were \$25,000 and up. They could stay with the software currently used at \$17,000 with lower monthly maintenance fees than he is paying now.

**REPORTS OF STANDING COMMITTEES: (Continued)****Councilman Casale** reported:

1. The dedication of the Mertensia Park lodge was very nice; everyone enjoyed the service and the turnout was good. Senator Nozzolio was surprised by the building and **Councilman Casale** thanked Deputy Supervisor Potter for his part in the service.
2. Regarding the survey that was sent out to residents: we should get some results by the end of the month in time for the next Town Board meeting; they had some late additions.

**REPORTS OF TOWN OFFICIALS:****Deputy Supervisor Potter:**

1. Thanked everyone who turned out for the Mertensia Lodge service and he thanked Councilman Casale for being the MC.

**Highway & Parks Superintendent Ed McLaughlin:**

1. He did a walk-through of the lodge; there are still a few items to be taken care of. **Councilman Casale** asked about a crack in the concrete. **Superintendent McLaughlin** said he did not think about it, but will mention it to them (the contractors). There are still some finishing touches needed such as painting doors, etc. **Councilman Casale** asked about a rail for the handicapped walk. **Superintendent McLaughlin** said someone had looked at that.
2. He reported that their mower will be delivered tomorrow.
3. They are mowing roadsides.
4. They are edging along Fox and Yellow Mills Roads in preparation for the overlay. They also edged along Herendeen Road, County Road 28, on over to Route 96 and Sand Hill Road to Latting Road and also Collett Road. He explained the edging procedure and purpose.
5. Need to address the reservation procedure for the lodge at Mertensia Park. **Deputy Supervisor Potter** asked about the lodge and what has to be done before a Certificate of Occupancy can be issued; the Recreation program will be starting soon. **Superintendent McLaughlin** said he had spoken with the Recreation Director about that. There are still some key issues including security plus the communication system. He hopes by June 22<sup>nd</sup> he will be ready for the Certificate of Occupancy.

**Town Clerk Rose M. Kleman:**

1. Reported there will be a price increase in Conservation licenses. We will continue to sell lifetime licenses; they also will be increasing in price. The age limit for senior licenses is going from 65 to 70.
2. Have new laws and some new birth certificates to work with also.

**Code Enforcement Officer Jim Morse:**

1. He said there are about 10 to 12 lawns that are overgrown and the owners have been notified. They have until Friday then the Town will proceed, at the next Board meeting, to hire a contractor to mow it and the cost will be added to the property owner's taxes with a 50% surcharge.
2. Aldi's is under construction and the Town has received a Letter of Credit.
3. This year, the mobile home parks have cooperated and their office is supporting the Resolutions for the permits.
4. The office is being kept busy.

**Planning Board Member Bob Kleman:**

1. At the last Planning Board meeting, held June 3<sup>rd</sup>, there were six applicants for Special Use Permits. One presented a site plan for the Ultra Care Facility (Griffin Building – Route 96). They showed a proposed layout and the Board have their comments regarding parking, etc.

**COMMUNICATIONS:**

1. Letter to Supervisor from Time Warner Cable Re: New Interactive Technology.
2. Sewer District Serial Bonds 142-145, from U.S. Department of Agriculture.
3. Notice Soliciting Comments from NYS Public Service Commission Re: To evaluate a standardized facility and equipment transfer program.
4. Fact sheet from NYS DEC Re: Former Griffin Technology Site Approval of Final Engineering Report and certifying remediation requirements achieved.
5. Letter to Supervisor's Secretary from Associates in Employee Assistance Re: Utilization Report.
6. Alloway Housing Development Fund Corporation Auditor's Report - Alloway Manor.
7. Letter to Supervisor from Geico Re: C. Walton – loss date 2/18/2009.
8. Letter to Deputy Supervisor from Farmington Historical Society Re: update.
9. Letter to Supervisor from Assemblyman Errigo Re: Mertensia Park Lodge.
10. Letters to Assemblyman Errigo, Highway Superintendent and Senator Nozzolio from Deputy Supervisor Re: Thank you for support – Mertensia Park Lodge project.
11. Certificate of Liability Insurance Re: Williamson Hardware, Inc.; Meyers, Co., Inc.; Victor Band Boosters; L.A. Johnson Construction Co. Inc. and RG&E.
12. Certificate of Workers' Compensation Insurance Re: Sign & Lighting Services LLC, Lydon Contracting and Pride Signs, Inc.
13. Cancellation of Certificate of Workers' Compensation Insurance Re: Troy A. Breakingbury and Justice Construction.

**REPORTS & MINUTES:**

1. Building Dept. Monthly Reports – May 2009.
2. Justice Gligora Monthly Report – May 2009.
3. Monthly Report of Supervisor – May 2009.
4. Detail of Expenditures – May 31, 2009.
5. Recreation Commission Meeting Minutes – May 18, 2009.
6. Conservation Commission Meeting Minutes – May 19, 2009.
7. Conservation Board Meeting Minutes – April 27, 2009.
8. Justice Lew Monthly Report – May 2008.

**ORDER OF BUSINESS:**

**RESOLUTION #142-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**CONFIRMING THE AUTHORIZATION FOR THE SUPERVISOR TO SIGN THE MS4 ANNUAL REPORT**

**WHEREAS**, a Public Hearing was held on May 26, 2009; and

**WHEREAS**, the Highway Superintendent reviewed the Report for the Town Board; and

**WHEREAS**, the Supervisor needed to sign the Report prior to June 1, 2009.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorized the Town Supervisor to sign the report, prior to this Town Board meeting, to ensure it was received by the deadline; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent.

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

**RESOLUTION #143-2009:**

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

**CONFIRMING THE AUTHORIZATION FOR THE DEPUTY SUPERVISOR TO SIGN THE APPLICATION FOR THE GREEN INNOVATION GRANT PROGRAM**

**WHEREAS**, the Highway/Parks Superintendent has completed the application for the Green Innovation Grant Program; and

**WHEREAS**, the Report needed to be signed and postmarked by May 29, 2009.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorized the Deputy Town Supervisor to sign the Application, prior to this Town Board meeting, to ensure it was received by the deadline; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent.

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

**RESOLUTION #144-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE RETURN OF A BUILDER GUARANTEE FEE TO PHOENIX BUILDERS**

**WHEREAS**, the Code Enforcement Officer received a letter, from Phoenix Builders, requesting the return of the \$250.00 Builder Guarantee Fee, for property located at 351 Cline Road, Farmington, New York; and

**WHEREAS**, the Code Enforcement Officer has approved the return of the Builder Guarantee fee.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the return of the Builder Guarantee fee, to Phoenix Builders, in the amount of \$250.00.

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

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

**June 11, 2009**

**RESOLUTION #145-2009:**

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

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN AGREEMENT**

**WHEREAS**, the Farmington Recreation Commission will be hosting the annual Farmington Independence Day fireworks on July 3, 2009; and

**WHEREAS**, Royal Purdy has agreed to allow the Town the use of his land as long as there is an Agreement.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to sign the Agreement to use property, along with the Indemnity Agreement, with Royal Purdy for the July 3, 2009 fireworks display; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution, along with the Agreement, to Royal Purdy, the Highway/Parks Superintendent and the Chairman of the Recreation Commission.

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

**RESOLUTION #146-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**WAIVING FEE FOR FIREWORKS PERMIT**

**WHEREAS**, the Town of Farmington Recreation Commission will be hosting the annual Independence Day fireworks display, at the Farmington Town Park, on July 3, 2009; and

**WHEREAS**, the Town of Farmington has contracted with Young Explosives Corporation, a contractor who specializes in this function, for a Fireworks Exhibition.

**BE IT RESOLVED** that the Town Board of the Town of Farmington hereby waives all fees associated with the issuance of a Fireworks Permit and authorizes the Town Clerk to issue a fireworks permit in accordance with the requirements set forth for the issuance of such permits. A copy of this Resolution, along with the fireworks permit, should be furnished to: Young Explosives Corporation, PO Box 18653, Rochester, NY 14618 and Thomas Schwarzweiler, Chairperson of the Farmington Recreation Commission and the Town of Farmington Code Enforcement Officer.

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

**RESOLUTION #147-2009:**

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

**REAPPOINTING DR. MARC ZARFES AS THE HEALTH OFFICER**

**WHEREAS**, the Town received a notice, from NYS Dept. of Health, regarding the appointment of the Health Officer, Dr. Marc Zarfes; and

**WHEREAS**, it stated that his term will expire on June 30, 2009.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board reappoints Dr. Marc Zarfes, as the Town Health Officer, for a four-year term, expiring June 30, 2013; and

**BE IT FURTHER RESOLVED**, the Town Board authorizes the Deputy Supervisor to sign the Notification of Appointment of Local Health Officer; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward one duly executed copy of the Notification of Appointment of Local Health Officer directly to NYS Dept. of Health and a copy to Dr. Marc Zarfes and the Supervisor's Secretary.

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

**RESOLUTION #148-2009:**

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

**AUTHORIZING A BUDGET CORRECTION FOR THE HIGHWAY FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget correction to decrease CHIPS rollover budget, for two MRB Group vouchers paid in 2008, out of two accounts prior to December 31, 2008; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #148-2009: (Continued)**

FROM:	DA 5112.22	Capital Improvement-CHIPS-rollover	\$3,319.00
TO:	DA599	Appropriated Fund Balance	(\$3,319.00)

FROM:	DA 5112.22	Capital Improvement-CHIPS-rollover	\$12,891.00
TO:	DA 599	Appropriated Fund Balance	(\$12,891.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and the Finance and Account Specialist.

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

**RESOLUTION #149-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN SEABREEZE ARRANGEMENT FORM**

**WHEREAS**, the Town of Farmington Summer Recreation program attendees attend Seabreeze Park as one of their field trips; and

**WHEREAS**, Seabreeze Park requires that an Arrangement Form be signed to reserve the date.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Deputy Supervisor to sign the Arrangement Form with Seabreeze Park for the 2009 Summer Recreation Program; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Recreation Commission for their records.

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

**RESOLUTION #150-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

**AUTHORIZING THE HIGHWAY SUPERINTENDENT TO ATTEND CLASS**

**RESOLVED**, the Farmington Town Board authorizes the attendance of the Highway Superintendent to the Pervious Concrete Certification class, given by Northrup Materials in Brockport, NY, on June 11, 2009, at a cost not to exceed \$150.00 (to be expended out of DA5010.4); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway Department.

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

**RESOLUTION #151-2009:**

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

**APPROVAL FOR ADDITIONAL 2009 SEASONAL EMPLOYEES**

**WHEREAS**, with the I & I and manhole rehab work, the Wastewater Treatment Plant construction and the fact that the Water and Sewer Department will be starting various projects; and

**WHEREAS**, additional manpower will be needed for this additional work and projects.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Water & Sewer Superintendent to hire three (3) Seasonal Public Work Maintenance Assistant employees to work on the various projects, at a rate of \$8.50 to \$9.00 per hour, for a period not to exceed June 11, 2009 thru October 31, 2009; and

**BE IT FURTHER RESOLVED** that the persons hired for this seasonal position will report to the Supervisor's Office, in advance of this scheduled start date, for processing.

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

**RESOLUTION #152-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

**CRITERIA FOR DETERMINING SIGNIFICANCE ACTION**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #152-2009: (Continued)**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a Short Environmental Assessment Form (hereinafter referred to as Form), prepared by James S. Peet, P.E., Senior Engineer, MRB Group, P.C., the Town's Engineering Firm, for the Action identified as Stonehedge Stormwater Management Facility; and

**WHEREAS**, the Form has been reviewed by, and accepted by, Ronald L. Brand, Town of Farmington Director of Planning & Development; and

**WHEREAS**, the Town Board has reviewed, and does hereby accept, the supplemental information provided with the Form, including sign-off letters from the NYSDEC, the NYSOPRHP and the design plan prepared by MRB Group, P.C.; and

**WHEREAS**, the Town Board finds that the Form, and supporting information, creates a reasoned elaboration of the impacts likely to result from the Town Board's action to approve the proposed Stonehedge Stormwater Management Facility and to authorize the start of construction for this facility; and

**WHEREAS**, the Town Board finds that none of the Involved Agencies, as identified under the State Environmental Quality Review (SEQR) Regulations, has any objections to the Town Board being designated as the Lead Agency to insure compliance with the SEQR procedures; and

**WHEREAS**, the Town Board does hereby designate itself as the Lead Agency under the SEQR procedures; and

**WHEREAS**, the Town Board has given consideration to the comments received, from the above mentioned Involved and Interested Agencies; 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 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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action. The Town Board finds that the replacement of the old stormwater detention pond will likely result in positive impacts upon the adjacent sites and other lands located within the headwaters of the east branch of Beaver Creek.

- (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 described herein.

- (iii) there are no known Critical Environmental Area(s) that will be allowed to be disturbed on the Planned Development (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 this project to enhance the long-term solution to stormwater runoff within this watershed area.

- (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;

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #152-2009: (Continued)**

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

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

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

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

The Town Board finds that there have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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 have been no identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

- (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;

The Town Board finds that there has been no identified adverse impacts associated with any two or more of the above elements of the environment that, when considered together, would likely be affected from the Action.

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

The Town Board finds that there are not two or more related identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action.

**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; and

**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 Short Environmental Assessment Form, as prepared by the Town Engineer and reviewed and accepted by the Town Director of Planning & Development.

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

**RESOLUTION #153-2009:**

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

**LETTER OF CREDIT RELEASE #13 – AUBURN MEADOWS SUBDIVISION, SECTION 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairman, dated June 3, 2009, recommending that the above referenced Letter of Credit Release #13 be approved in the total amount of \$47,847.62 for work completed in the Phase 2 portion of the Auburn Meadows 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. 13 for the Auburn Meadows Project signed by all department heads; and

**WHEREAS**, there is currently a total of \$272,129.07 remaining in this Letter of Credit; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #153-2009: (Continued)**

**WHEREAS**, there will be a total of \$224,281.45 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted June 3, 2009, recommended the release of the requested amount; \$47,847.62.

**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; and

**BE IT FINALLY 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 #154-2009:**

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

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN AGREEMENT WITH FRONTIER**

**WHEREAS**, the Supervisor's Secretary has contacted Time Warner and Frontier to obtain quotes for telephone and internet services at the Mertensia Park Lodge; and

**WHEREAS**, Frontier was the most cost efficient at \$133.92 per month, 12<sup>th</sup> month free, for 2 years, for four lines.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to sign Agreement with Frontier for telephone and internet services at Mertensia Park Lodge; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and the Supervisor's Secretary.

Discussion: **Councilman Ingalsbe** reported on rates and telephone lines (to be installed) received from Time Warner and Frontier. The cost was much lower from Frontier. **Councilman Ingalsbe** brought Councilman Mickelsen up to date due to his absence at the last meeting. Consensus of opinion of the Board members was that, cost wise, this is a good Agreement with Frontier.

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

**RESOLUTION #155-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN LETTER FROM ONTARIO COUNTY SOIL & WATER CONSERVATION DISTRICT FOR MS4**

**RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the letter from Ontario County Soil & Water Conservation District to request that the Water Quality Improvement Program, Round 8 & 9 Work Plan, include all nine MS4s of the Ontario-Wayne Stormwater Coalition and that they be combined into one Work Plan; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution, along with the original signed letter, to the Highway Department for their execution.

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

**RESOLUTION #156-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**RESOLUTION OF SYMPATHY – EVERETT H. PITTINGER**

**WHEREAS**, the Town Board has learned of the untimely death of Everett H. Pittenger, who worked in the Parks Department years ago.

**THEREFORE BE IT RESOLVED** that this Resolution of Sympathy be a part of the minutes of this meeting and his memory be preserved in our records; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the family of Everett H. Pittenger to apprise them of our deepest sympathy.

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

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

**June 11, 2009**

**RESOLUTION #157-2009:**

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

**RESOLUTION OF SYMPATHY – JAMES HERENDEEN**

**WHEREAS**, the Town Board has learned of the untimely death of James Herendeen, who served as a Judge for the Town.

**THEREFORE BE IT RESOLVED** that this Resolution of Sympathy be a part of the minutes of this meeting and his memory be preserved in our records; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the family of James Herendeen to apprise them of our deepest sympathy.

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

**RESOLUTION #158-2009:**

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

**RENEWAL OF SPECIAL USE PERMIT FOR HUNT’S MOBILE HOME PARK**

**WHEREAS**, as outlined in the Farmington Town Code, Chapter 165, Article VI, 165-76, Mr. Dale Hunt is requesting the renewal of their Special Use Permit for the Hunt’s Mobile Home Park and, as required by Section 165-76C (4), when violations have been cited during the year immediately preceding the application, the applicant must appear before the Town Board for a decision on said application; and

**WHEREAS**, violations, cited in our recent inspection, have been corrected and the Code Enforcement Officer is recommending approval of the renewal application.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the renewal of the Special Use Permit for the Hunt’s Mobile Home Park, for a period of one year, and that the Town Clerk furnish the Code Enforcement Officer and Hunt’s Mobile Home Park with a certified copy of this Resolution.

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

**RESOLUTION #159-2008:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Mickelsen**:

**RENEWAL OF SPECIAL USE PERMIT FOR FARMINGTON MOBILE HOME PARK**

**WHEREAS**, as outlined in the Farmington Town Code, Chapter 165, Article VI, 165-76, Newbury Management Company is requesting the renewal of their Special Use Permit for the Farmington Mobile Home Park and, as required by Section 165-76C (4), when violations have been cited during the year immediately preceding the application, the applicant must appear before the Town Board for a decision on said application; and

**WHEREAS**, violations, cited in our recent inspection, have been corrected and the Code Enforcement Officer is recommending approval of the renewal application.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the renewal of the Special Use Permit for the Farmington Mobile Home Park, for a period of one year, and that the Town Clerk furnish the Code Enforcement Officer and Farmington Mobile Home Park with a certified copy of this Resolution.

Discussion: **CEO Jim Morse** said Hunts Park had two minor issues that were taken care of. Farmington Mobile Home Park now has someone on call 24/7 and it’s working out much better; they are very cooperative. Woodlawn Court had one issue and it has been taken care of. **CEO Morse** said each one (Park) has set-up something similar to our spring clean-up; they get roll-offs and it helps keep the Parks cleaned up.

**Mrs. Shirley Petty** said she is a resident of Farmington Mobile Home Park. She said, “We really appreciate the effort the Town Board has made to work with the management; they have gone through a tough couple of years with changing of management. Last year, I know you had to get tough but that was good because they responded well, so I just wanted to thank you all”.

**Councilman Mickelsen** said we need to thank the Building Department because they do the follow-up.

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #160-2008:**

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

**RENEWAL OF SPECIAL USE PERMIT FOR WOODLAWN COURT MOBILE HOME PARK**

**WHEREAS**, as outlined in the Farmington Town Code, Chapter 165, Article VI, 165-76, Mr. Mark J. Pavia is requesting the renewal of their Special Use Permit for the Woodlawn Court Mobile Home Park and, as required by Section 165-76C (4), when violations have been cited during the year immediately preceding the application, the applicant must appear before the Town Board for a decision on said application; and

**WHEREAS**, violations, cited in our recent inspection, have been corrected and the Code Enforcement Officer is recommending approval of the renewal application.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the renewal of the Special Use Permit for the Woodlawn Court Mobile Home Park, for a period of one year, and that the Town Clerk furnish the Code Enforcement Officer and Woodlawn Court Mobile Home Park with a certified copy of this Resolution.

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

**RESOLUTION #161-2008:**

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

**AUTHORIZING THE CODE ENFORCEMENT OFFICER TO PROVIDE SUMMER INTERNSHIP**

**WHEREAS**, Nicole Nguyen has expressed an interest in doing a summer internship in the Code Enforcement Office; and

**WHEREAS**, she would like to work 2-3 days per week, 10-15 hours.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Code Enforcement Officer to provide summer internship to Nicole Nguyen, for a period from June 25, 2009, to August 7, 2009, at no cost to the Town.

Discussion: **Councilman Ingalsbe**, speaking as resident of the Town of Farmington, brought up that he knows a resident who is available (for internship), and a freshman in college at Texas A&M, who is leaning towards an architectural degree when she graduates. He said he spoke to Ron Brand and Floyd Kofahl; they thought it would be a good idea. It would be at no cost to the Town. However, we learned today that the individual would only be available about 10 maybe 15 hours per week and in a week or two she would be going on vacation for two weeks then she would only be around for a few more weeks as she has to go back to college early. CEO Kofahl questioned (prior to the meeting) if it's worth it; by the time she gets trained to know the Town's Code and to do plan reviews. **Councilman Mickelsen** said he spoke to CEO Kofahl who said it probably would not be worthwhile. **CEO Morse** gave a rundown on their Department's schedule; Mondays and Wednesdays are busy days now and she would want to work her schedule Monday to Wednesday. Consensus of opinion of the Board members was to send Ms. Nicole Nguyen a letter of 'thank you' but, schedule wise, it just cannot work out this year.

All voting "Nay", the Resolution was **DEFEATED**.

**RESOLUTION #162-2008:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #11-2009**

General	\$38,449.28
Highway Fund	33,343.85
Storm Drainage	88.49
Builder Guarantee	250.00
Payroll	156.92
Sewer Plant Expansion	1,450.00
Sewer District	22,534.38
Water District	15,157.01
<b>Total</b>	<b>\$111,429.93</b>

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

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

**June 11, 2009**

**EXECUTIVE SESSION:**

At 7:45 PM, a motion was made by **Councilman Mickelsen**, seconded by **Councilman Casale**, that the Town Board go into Executive Session to discuss a matter pertaining to the employment of a particular person. The motion was **CARRIED**.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman van der Velden**, to return to regular session at 8:00 PM. The motion was **CARRIED**.

**TRAINING UNDER \$100.00:**

1. Assessor to attend Office of Real Property Version 4 Valuation Class in Batavia, September 24-25, 2009, at no cost.

With no further business, the meeting was adjourned, at 8:05 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD WORKSHOP**

**June 23, 2009**

At 6:00 PM, on June 23, 2009, the Town Board met in Workshop Session, with representatives of the Farmington Recreation Committee, to discuss where they are with the upcoming parks and programs. Those present were:

<b>PRESENT:</b>	Larry Potter – Deputy Supervisor	Rose M. Kleman – Town Clerk
	Peter Ingalsbe – Councilman	Tom Schwarzweller – Recreation Commission
	Timothy P. Mickelsen – Councilman	Mark Cain – Recreation Director
	Rudolf van der Velden – Councilman	Floyd Kofahl – Code Enforcement Officer
	Michael Casale – Councilman	

**Recreation Director Cain** gave the Town Board a status report on this years Summer Recreation program regarding the number of children signed up and the use of the new Mertensia Park. With four days of registration, and a lot of interest in Mertensia Park, after the first night of pre-registration, he closed it out to non-residents to make sure Farmington residents have a spot within Mertensia Park. We now have a waiting list of twenty non-resident children for Mertensia Park and are now waiting to see what we are going to do. Right now, the preliminary number for Mertensia Park is approximately 189 of which 113 are from Farmington. We do have a large number of Victor residents due to the location of the park. **Mr. Schwarzweller** stated there has never been issues on how many kids have signed up for any of the parks; it's usually an issue of how to get more kids to attend.

Last year, we started a supervised lunch period where the kids bring their lunch; people were trying (offering) to hire the staff to watch their kids during lunch period.

Weather was discussed, i.e. thunder, rain, etc. and how this is handled by the staff and to make parents aware they need to pick up their children.

The consensus of opinion, of the Town Board members, was to try to fit the twenty kids on the waiting list into the other parks. **Mr. Schwarzweller** said maybe they could use buses to get them to other locations (parks). **Mr. Cain** said he does not want to get into that. **Mr. Cain** said he will contact the ones on the waiting list to let them know Mertensia Park is closed for further registration and recommend the other parks.

**CEO Kofahl** asked, during the recreation program, what time will the lodge be allowed to be rented out (reserved); 5:00 PM? **Mr. Cain** said the program is done at 4:00 PM. **CEO Kofahl** said it will need to be cleaned and chairs and tables picked up; who will make sure that is done? **Mr. Cain** said it will not be that much of an issue; in this case, the program could start closing down at 3:00 and the Parks employees can come in and start to clean it up along with the recreation staff members.

**CEO Kofahl** went over code issues, i.e. hand rail, smoke and fire systems and fire extinguishers are not done or completed. The electrician was there today but CEO Kofahl still needs a copy of his final report and the generator certification. Also needs certification on the fire and smoke systems. **Mr. Cain** stated he has rented a 25' x 40' tent to accommodate 125 to 130 kids. **CEO Kofahl** said it should be twelve square foot per child; 6 to 8 kids per table and a Class C, or better, tent; the building accommodates 98. **CEO Kofahl** questioned if it could be classified as daycare. **Mr. Cain** said no, it's called a Day Camp by the State Department of Health. CEO Kofahl will check the code. It was noted that Farmbrook Park has 30 to 40 kids; Pumpkin Hook Park and the Town Park have about the same number of kids as last year. **CEO Kofahl** said, next week, the lodge should be ready; could see a Certificate of Occupancy by Thursday.

**TOWN BOARD WORKSHOP (Continued)**

**June 23, 2009**

**Mr. Schwarzweller** said the July 3<sup>rd</sup> celebration is coming along; there should be 4 to 5 food vendors, they have people to park cars, etc., all seems to be coming along and should be okay.

**Councilman Casale** said an email should be sent out soon for a Workshop to be held July 29<sup>th</sup> to have the survey response presented. The Recreation Task Force and Recreation Commission should be there.

With no further business, the Workshop was adjourned at 6:50 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**June 23, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 23<sup>rd</sup> day of June 2009, at 7:00 PM, there were:

- |                 |  |                           |
|-----------------|--|---------------------------|
| <b>PRESENT:</b> | Theodore Fafinski – Supervisor         | <b>NECESSARILY ABSENT</b> |
|                 | Lawrence E. Potter – Deputy Supervisor |                           |
|                 | Peter Ingalsbe – Councilman            |                           |
|                 | Timothy P. Mickelsen – Councilman      |                           |
|                 | Rudolf van der Velden – Councilman     |                           |
|                 | Michael Casale – Councilman            |                           |
|                 | Rose M. Kleman – Town Clerk            |                           |

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Robert Kleman** – Planning Board, **Donna LaPlant** – Assessor, **Michelle Finley** – Supervisor’s Secretary, Chad Flansburg, Steve Holtz, Jennie Potter and Tom Crown.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Casale**, that the minutes of the June 11, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Mickelsen** reported on their meeting held earlier today:  
**Water & Sewer:**

1. Superintendent Crane is getting the closeout documents on the Wastewater Treatment Plant project.
2. Discussed wage adjustments and the hiring of seasonal employees.
3. Discussed software updates and the cost associated with them.
4. Also discussed projects that have been submitted for stimulus dollars.

**Highway & Parks:**

1. The wrong phone cable was installed, and has since been corrected, at Mertensia Park Lodge.
2. Discussed the use of the Lodge which tied into the Town Board’s Workshop held before tonight’s Town Board meeting with the Recreation Commission.
3. Looking at different areas of road improvements and drainage; one area is over at the Park & Ride and the chip seal which is being done July 5<sup>th</sup> thru the 12<sup>th</sup>.
4. Discussed drainage issues on Yellow Mills Road.
5. Farmbrook Park reconstruction will take place late summer, early fall.

**Recreation Task Force: Councilman Casale** reported:

1. There will be a Workshop July 29<sup>th</sup> to discuss the recreation survey. There will be an email to confirm the date and time.

**REPORTS OF TOWN OFFICIALS:**

**Deputy Supervisor Potter:**

1. Reported that Supervisor Fafinski is doing well and wandering around; he has been in the office a few times.
2. Stated that Highway/Parks Superintendent McLaughlin was excused tonight due to having out of town company.

**Town Clerk Rose M. Kleman:**

1. Mrs. James Herendeen was in and said to “thank” the Town Board for the Resolution of Sympathy for Jim.
2. We are working on filing (records management).

**Water & Sewer Superintendent Jim Crane:**

1. He was successful in getting the annual software maintenance cost reduced; new proposals are being mailed out.
2. Had a problem with a water valve on Hook and Willis Roads; had to shut the water off for awhile to get it repaired.

**REPORTS OF TOWN OFFICIALS: (Continued)****Code Enforcement Officer Floyd Kofahl:**

1. The Snowmobile Club has submitted copies of documents, as required, such as insurance forms, sign-off sheets from all property owners for the trail from Canandaigua to the Racetrack including Shortsville. It is a very nice setup; they did a good job and he was impressed with them.
2. Reported on lawn issues. His office sent out notices of order to correct and a couple did not comply; so his office obtained pricing on mowing. **CEO Kofahl** said he thought some prices were too high so he obtained additional quotes. The first price was \$500 per the two lots and the Town adds a surcharge which makes it \$750.00; that goes on the taxes so the Town is reimbursed. The second quote was \$1,100 and the other was \$626. His office sent out another letter saying "you are now in violation, here is what you are looking at" and gave them the amounts and there was going to be a meeting Thursday night to discuss this issue. They needed to contact his office prior to that if they wanted to work this out; we received no response. He said he wanted to bring this to the Town Board's attention for their input; the Code allows him to do this; it's not an issue for him. **Councilman Mickelsen** said CEO Kofahl has done his due diligence in contacting the owners, etc; this seems to be the only option at this point. **Councilman Ingalsbe** said he suggested sending a second letter out and getting a second quote; the letters went out June 19<sup>th</sup>. **Councilman van der Velden** noted that his neighbors grass is terribly high and it looks awful. **CEO Kofahl** explained the Code for mowing these properties that are in violation. **Councilman Ingalsbe** said, at this point, I think we have done more than enough and the Board gives CEO Kofahl the okay to call the contractor tomorrow. We know the contractor will not get to it until next week anyway; that still gives the Town residents a few days to call him or mow it. **Councilman Ingalsbe** said he knows we have done this in the past and wanted to know if we have contacted the Sheriff's Department. **CEO Kofahl** said, in the past, he had one homeowner in Farmbrook come out and stop the contractor. He was there at the time and discussed it and did end up calling the Sheriff's Department. **Deputy Supervisor Potter** asked CEO Kofahl what happens if you go ahead and schedule the contractor to mow and they get there and it has already been mowed the day before; is there a charge against them? **CEO Kofahl** said he spoke to the contractor about this and, if it happens, they will address it at that time. CEO Kofahl will check with the Town Attorney regarding this.
3. CEO Kofahl was asked to give numbers for housing (construction costs) in the Town. The average construction cost per new homes built was \$213,000 – that's not the sales cost; that cost would be \$130 to \$140 per square foot.

**Planning Board Member Bob Kleman:**

1. At their last meeting they had: a Preliminary Site Plan approval for an 88 unit senior complex located off Route 332, a home occupation special use permit and A&D Development's project on Townline Road was tabled due to checking on historical land.

**Assessor Donna LaPlant:**

1. They had 28 total grievances on Grievance Day. Eighteen came in for appointments so it was held only one night.
2. There have been a lot of sales.
3. They are gearing up for mailing income and expense requests to commercial properties.

**COMMUNICATIONS:**

1. Letter to Supervisor from NYS Office of Real Property Services Re: 2009 State Equalization Rates - Rate Complaints.
2. Letter to Town Clerk from State of New York Executive Chamber Re: Collateral Source legislation.
3. Letter to Supervisor from Time Warner Cable Re: Agreements with programmers update.
4. Continuing Education – L. O'Malley.
5. Letter to Building Department from Aldi's Re: Surety Bond - \$104,233.00 - 1302 State Rte. 332 store.
6. Letter to Farmington Volunteer Fire Department from Deputy Supervisor Re: July 3<sup>rd</sup> Fireworks Celebration.
7. Letter to Victor-Farmington Volunteer Ambulance Corps. from Supervisor Re: July 3<sup>rd</sup> Fireworks Celebration.
8. Memo to N. Nguyen from Deputy Supervisor Re: Summer Internship.
9. Letter to Town Clerk from Farmington Volunteer Fire Association, Inc. Re: Membership Changes.
10. Letter to Town Clerk from Delaware North Companies Gaming & Entertainment Re: Renewal Application Notice Form – Finger Lakes Foodservice, Inc.
11. Amendment to irrevocable Letter of Credit from M&T Bank Re: A&D Development - SB911463-2000.
12. Letter to Town Clerk from NYS Office of the State Comptroller Re: Reservation Confirmation for Board Room.
13. Certificate of Insurance coverage under the NYS Disability Benefits Re: Frank J. Marianacci, Inc.
14. Certificate of Workers' Compensation Insurance Re: Justice Construction, Scott M. Sommerschuh, and Troy A Breakingbury.
15. Certificate of Liability Insurance Re: American Plumbing, Inc. and Townsend Oil Corp.
16. Letter to Town Board from Board of Assessment Review Chairman Re: Grievance Day summary.
17. Letters to FLCC Spring 2009 Dean List students from Supervisor Re: Spring 2009 Dean's List.

**REPORTS & MINUTES:**

1. Conservation Commission Meeting Minutes – May 19, 2009.
2. Recreation Commission Meeting Minutes – May 18, 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #163-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**RECALLING AND AMENDING RESOLUTION #151-2009**

**WHEREAS**, the Farmington Town Board adopted Resolution #151-2009 approving additional seasonal employees in the Water & Sewer Department; and

**WHEREAS**, after contacting Ontario County Human Resources, we do not have the positions created that were approved; and

**WHEREAS**, the positions will be changed to two (2) M.E.O. lights and one (1) Laborer.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board recalls and amends Resolution #151-2009 to amend the titles per the above; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Water & Sewer Department and the Supervisor’s Secretary.

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

**RESOLUTION #164-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for the Town Historian expenditure line; and

FROM:	A 7510.2	Historian EQ	\$250.00
TO:	A 7510.4	Historian Contractual	(\$250.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #165-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**LETTER OF CREDIT ESTIMATE – AUBURNS MEADOW SUBDIVISION, PHASE 3 - IN THE TOTAL AMOUNT OF \$973,187.08**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Ron Brand, Director of Planning and Development (hereinafter referred to as Director), to establish a Letter of Credit, for required improvements within Phase 3 of the Auburn Meadows Subdivision; and

**WHEREAS**, the Director’s recommendation is based upon the recommendations from both Jack Henehan, Construction Inspector and James R. Gresens, P.E., MRB Group, P.C., the Town’s Engineer; and

**WHEREAS**, these recommendations are accompanied with detailed contractor pricing for each item; and

**WHEREAS**, the quantities and unit prices identified are consistent with the plans and private contractor pricing respectively.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby accepts the recommendations and directs the Letter of Credit (or Cash Deposit) be established; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to, tomorrow, notify by U.S. Mail, certified copies of this Resolution to: A&D Development, attention Ernie Ackerman and to the applicant’s engineers, DSB Engineers, attention Walter Baker, to establish the above referenced Letter of Credit, in the amount specified above herein; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #165-2009: (Continued)**

**BE IT FURTHER RESOLVED** that certified copies of this Resolution are to be provided to the Town Finance and Account Specialist, the Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

**BE IT FINALLY RESOLVED** that the Letter of Credit (or Cash Deposit) must be delivered to the Town no later than twelve noon on the 8<sup>th</sup> business day following the adoption of this Resolution.

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

**RESOLUTION #166-2009:**

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

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #12-2009**

General	\$81,828.12
Highway Fund	58,395.80
Storm Drainage	2,032.91
Lighting	5,839.17
Racetrack Drainage Pond	49,098.29
Mertensia Park Lodge	19,176.00
Payroll	2,075.07
Sewer Plant Expansion	2,506.55
Sewer District	29,841.48
Water District	32,435.06
<b>Total</b>	<b>\$283,228.45</b>

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

**WAIVER OF THE RULE:**

**Councilman Mickelsen** requests a Waiver of the Rule to add Resolution #167-2009. All Town Board Members in agreement.

**RESOLUTION #167-2009:**

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

**AUTHORIZING THE RELEASE OF PAYMENT NO. 4 TO D.C. ALLEN CONTRACTORS**

**WHEREAS**, MRB Group has reviewed Statement No. 4, for the Racetrack Stormwater Management Facility project, by D.C. Allen Contractors, in the amount of \$45,773.37; and

**WHEREAS**, MRB Group has no objection to the release of payment No. 4.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes payment No. 4 to D.C. Allen Contractors, in the amount of \$45,773.37, for services rendered in connection with the Racetrack Stormwater Management Facility; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution, along with the attachments, to the Highway/Parks Superintendent.

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

**EXECUTIVE SESSION:**

At 7:25 PM, a motion was made by **Councilman Mickelsen**, seconded by **Councilman van der Velden**, that the Town Board go into Executive Session to discuss a matter of pending litigation. The motion was **CARRIED**.

A motion was made by **Councilman van der Velden**, seconded by **Councilman Mickelsen**, to return to regular session at 8:00 PM. The motion was **CARRIED**.

**TRAINING UNDER \$100.00:**

1. Bill Garlock and Eric Feistel to attend NY Water Environment Association Workshop, July 22, 2009, at a cost of \$50.00 each.
2. Sheree Hooper to attend Office of the State Comptroller Advanced Accounting School, September 1-3, 2009, in Canandaigua, at no cost.

**TOWN BOARD MEETING**

**June 23, 2009**

With no further business, the meeting was adjourned, at 8:03 PM, by motion from **Councilman Casale**, seconded by **Councilman Ingalsbe**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD WORKSHOP**

**June 30, 2009**

At 3:30 PM, on June 30, 2009, the Town Board met in Workshop Session to discuss the Mertensia Park Lodge procedures and reservation policy. Those present were:

<b>PRESENT:</b>	Larry Potter – Deputy Supervisor	Jennifer Grattan – Deputy Town Clerk
	Peter Ingalsbe – Councilman	Edward McLaughlin – Highway/Parks Supt.
	Timothy P. Mickelsen – Councilman	Floyd Kofahl – Code Enforcement Officer
	Michael Casale – Councilman	Michelle Finley – Supervisor’s Secretary
	Rose M. Kleman – Town Clerk	Sheree Hooper – Finance & Account Specialist

Discussed when the reservation fee should be paid. Consensus of opinion was five (5) business days from date of making the reservation. If payment is not received within the period mentioned, the reservation is automatically cancelled. Once payment has been received and resident calls to cancel, the Town shall retain 20% of fee (cancellation fee). Reservation forms will consist of a three part form; one each for the Clerk’s office, Parks Superintendent and the person making reservation.

Cleanup deposit was discussed as to refund and when to return; approximately 3-4 weeks from the event date to allow for approval by Town Board via voucher payment; everyone was in agreement. The \$100.00 clean up/key deposit will be turned over to Sheree Hooper each day as this is refundable (by voucher).

Discussed the summer Recreation program beginning to clean up at 3:00 PM; usually, the program ends daily at 4:00 PM. Lodge reservations start at 5:00 PM. They may hire a part-time maintenance person.

Keys to the lodge will be numbered and are to be picked up the day before the event. The key needs to be returned the first business day after the event or person reserving will be subject to a \$10.00 per day late fee until returned (to be deducted from the \$100.00 deposit fee). There is a separate \$25.00 lost key fee.

We will begin taking reservations @ 8:15 AM, Monday, July 6, 2009; Michelle Finely will notify the news media.

Changes to the Procedures & Policies and Reservation forms will be made by Michelle Finley and emailed to the above individuals for approval.

With no further business, the Workshop was adjourned at 4:40 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD MEETING**

**July 14, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 14<sup>th</sup> day of July 2009, at 7:00 PM, there were:

<b>PRESENT:</b>	Theodore Fafinski – Supervisor	<b>NECESSARILY ABSENT</b>
	Lawrence E. Potter – Deputy Supervisor	
	Peter Ingalsbe – Councilman	
	Timothy P. Mickelsen – Councilman	
	Rudolf van der Velden – Councilman	
	Michael Casale – Councilman	
	Rose M. Kleman – Town Clerk	

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway and Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Robert Kleman** – Planning Board, **Michelle Finley** – Supervisor’s Secretary, **Ray Wolf** – Fire Chief, Chad Flansburg, Steve Holtz, Jennie Potter and four residents.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Ingalsbe**, that the minutes of the June 23, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

**PRESENTATIONS:** Attorney General’s Office Update by Deborah Martin from the Rochester Office (covering a seven county region).

**PRESENTATIONS: (Continued)**

**Ms. Martin** will be speaking to Town, Village and County Boards to make them aware of what her office does in regard to consumer-oriented problems. She said there are many things going on with identity theft, home improvement contractors, internet safety, Smart Seniors and student loans, among other things, and told of a few things that have happened in this area. Ms. Martin handed out packets of information, to those present, and said she will speak before groups on consumer education.

**REPORTS OF STANDING COMMITTEES:**

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

**Highway & Parks:**

1. They were able to chip seal fourteen miles of road which is up from the normal seven to eight miles of road.
2. Stonehedge easement is moving forward (part of the MS4 program).
3. Farmbrook Park parking lot needs some special engineering data; still working on that.
4. Discussed 6197 Fawn Meadow; the Committee gave Ed some special guidance regarding this issue.
5. Superintendent McLaughlin received a request for additional equipment for our parks; i.e. picnic tables, swing sets, bike racks, etc. He will get back to the Committee with prices so we can get them this year.

**Water & Sewer:**

1. They have two resolutions on tonight's agenda.
2. Discussed the voucher for Crane-Hogan (sewer plant project close-out).
3. The lowest cost for billing software is \$16,000 with annual maintenance costing \$5,733. Superintendent Crane was able to save us just under \$6,000 in current annual maintenance fees; which is very nice to hear.

**Recreation Task Force: Councilman Casale** reported:

1. They heard from Dr. Gutenberg. Friday, we will receive the report on the final survey. The plan is to have a report meeting on July 29<sup>th</sup>.
2. **Councilman Casale** asked Superintendent McLaughlin about the Lodge and how everything is going with the Recreation Program, etc. **Councilman Casale** felt they need some kind of shelving for supplies. **Councilman Mickelsen** reported he had checked with the Clerk's office; so far, they have received fifteen reservations.

**REPORTS OF TOWN OFFICIALS:**

**Deputy Supervisor Potter:**

1. Reported Supervisor Fafinski has been in a few times; he's on the road to recovery and looks good. He, hopefully, will be back to his office soon.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Finished the overlay on Yellow Mills Road this morning; will do Shortsville Road tomorrow.
2. The Kyte Road Bridge project is moving along; the wing walls and footers are set and the panels came in yesterday.
3. He will call tomorrow on the pipeline follow-up. **Councilman van der Velden** asked about the gas line sniffing the main lines. **Superintendent McLaughlin** said they have some new rules and regulations; they have to go around and check all the guide lines and voltage - that could be what they are doing.

**Town Clerk & Receiver of Taxes Rose M. Kleman:**

1. There are fifteen lodge reservations and they are all paid for. Saturday and Sunday reservations went well; keys were turned in and vouchers were submitted for their clean up/key deposit (\$100.00) to be returned; all went well.
2. Reported on the upcoming Enumeration; contract with the Humane Society.

**Water & Sewer Superintendent Jim Crane:**

1. Reported the close-out of the sewer plant project went really well; Crane-Hogan is a good contractor.
2. Received a letter, from EFC, that at least one of our projects is on the IUP (Intended Use Plan). Superintendent Crane has asked Ron Brand to do the SEQR and Environmental Impact Statements for this. He has also contacted Chuck Bastian regarding this. May have the paperwork ready for the next meeting; we have to move forward with it. He will keep the Board informed and we will discuss it at the next Public Works meeting.
3. He was asked to attend a meeting with Supervisor Eddinger, of Manchester, to go over the fact Manchester has some pipe left over from a project they just finished and they are looking for a home for the pipe. After discussing different areas, they came to a consensus that the best place for it would be to make a loop connection on Stafford Road from Hosey Road to Hackett Road. Dave Doyle, from MRB, was at the meeting; his service has been requested, by Supervisor Eddinger, to put it all together and once Superintendent Crane gets all the information, he will funnel it through the Public Works Committee and the Town Board.

**REPORTS OF TOWN OFFICIALS: (Continued)****Code Enforcement Officer Floyd Kofahl:**

1. There are a couple of projects coming up this month: Saratoga Crossing will get its final approval and possibly, in two months, break ground. Route 332 Senior Housing has preliminary approval and will get final approval this month as well.
2. He received a consumer product safety alert and it involves one project application. There is a recall on composite deck material (48 million linear feet); it is not holding up. The names are Weather Best, Atco and Veranda. He had an application in for Weather Best and he made them (the applicants) aware of this recall; they have changed the type of material.
3. Gave an update on where Farmington stands on permits/building vs. other towns who are at 50%; Farmington is good and very fortunate.
4. QQ Restaurant was sold and the statement was made that it will be a restaurant with a bar.
5. He has a couple of applications that are being worked on; one is the medical emergency care facility and the other is Loomis Road truck facility repair shop.

**Fire Chief Ray Wolf:**

1. They have been busy. He just signed an Agreement with Manchester for a box system mutual aid and Victor will start with a box system next month; they will work with the County Coordinator on all of that.
2. They are all (Farmington and neighboring fire departments) short volunteers.

**Planning Board Member Bob Kleman:**

1. Reported that, July 1<sup>st</sup>, they had a very light agenda; only three applications. Two were tabled and the other was Route 96 mini-storage wants to put up an office building; he received a preliminary okay for that.

**COMMUNICATIONS:**

1. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply - Saratoga Crossing.
2. Letter to Supervisor from American Tower Corp. Re: Lump-sum/Sale Information packet.
3. Letters to Assemblyman Errigo, Senator Skelos and Senator Nozzolio from Deputy Supervisor Re: Collateral Source Legislations.
4. Letter to Ontario County Youth Bureau from Deputy Supervisor Re: NYS Office of Children and Family Services - 2010 Waiver Form.
5. Memo to Supervisor from NYS Unified Court System Re: Justice Court Assistance Program.
6. Letter to Supervisor from Time Warner Cable Re: Programmer's Agreements.
7. Letter to Water & Sewer Superintendent from NYS EFC Re: I & I Pump Station Improvements.
8. Letter to Supervisor from NYS Department of Health Re: Public Water Supply - Mertensia Park Pavilion.
9. Letter to Supervisor from Assemblyman Errigo Re: Acknowledging receipt of Resolution No. 137-2009 – supporting Senate & Assembly Bills.
10. Certificate of Liability Insurance Re: Empire Pipeline, Inc.; Posella's Pizzeria; Sunbeam Pools and Spas and Verizon Wireless.
11. Certificate of Workers' Compensation Coverage Re: Farmington Canine Center, Inc. and Cobblestone Arts Center.
12. Cancellation of Certificate of Workers' Compensation Insurance Re: TSC Construction LLC and Norbut Construction, Inc.
13. Letter to Town Board from Mr. & Mrs. Neil Scheer Re: Concerns with traffic volume and noise – County Road 41/New Michigan Road.

**REPORTS & MINUTES:**

1. Historic Preservation Meeting Minutes – June 18, 2009.
2. Zoning Board of Appeals Meeting Minutes – April 27, 2009.
3. Zoning Board of Appeals Meeting Minutes – May 18, 2009.
4. Justice Gligora Monthly Report – June 2009.
5. Detail of Expenditures – June 30, 2009.
6. Justice Lew Monthly Report – June 2009.
7. Monthly Report of Supervisor – June 2009.

**ORDER OF BUSINESS:****RESOLUTION #168-2009:**

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

**MID-YEAR INCREASES AND PERMANENT APPOINTMENTS**

**WHEREAS**, the Water and Sewer Superintendent has, as requested by the Town Board, put together a Step Program for wage increases as part of its Asset Management Program instituted; and

**WHEREAS**, this Step Plan timetable calls for wage increases, for newly hired employees, within a 5-year duration; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #168-2009: (Continued)**

**WHEREAS**, the positions of Water & Sewer Maintenance Assistants, currently on probation, which are held by Josh Fagner and Matthew Curran, will become permanent.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Farmington, acting on behalf of the Water & Sewer Districts, hereby authorizes the Supervisor's office, and the Water and Sewer Superintendent, to increase the hourly wages, by \$0.50 per hour, for the following employees: 1) Eric Feistal 2) Josh Fagner 3) Matt Curran; and a \$0.25 per hour increase for Cori Stapleton, effective starting July 26<sup>th</sup> 2009; and

**BE IT FURTHER RESOLVED** that this increase will be from budget lines SS-8120.1, SS-8130.1 and SW1-8340.1.

**Councilman Mickelsen** voting "Nay", all others voting "Aye", the Resolution was **CARRIED**.

**RESOLUTION #169-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO MAKE PURCHASE**

**WHEREAS**, the Highway/Parks Superintendent has reviewed the Ontario County bid sheets for SBICPP Corrugated Plastic Pipe, with End Sections, to be used for the Yellow Mills Road drainage mitigation; and

**WHEREAS**, the Highway/Parks Superintendent recommends purchasing 600 feet, from Chemung Supply, at a cost not to exceed \$3,100.00; and

**WHEREAS**, the Public Works Committee has met and agreed to the purchase; not to exceed \$3,100.00.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the purchase, of 600 feet of SBICPP Corrugated Plastic Pipe with End Sections, from Chemung Supply, for Yellow Mills Road drainage mitigation, at a cost not to exceed \$3,100.00 (DA 5110.4); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and the Finance and Account Specialist.

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

**RESOLUTION #170-2009:**

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

**AUTHORIZING THE TRANSFER OF FUNDS FOR THE HIGHWAY DEPARTMENT**

**RESOLVED**, the Town Board authorizes the Supervisor's Office to transfer \$5,130.00 unbudgeted revenue, for Highway Equipment, sold from DA2665 "Sales of Equipment" revenue line to DA232 Highway Equipment Capital Reserve, for future equipment expenditures; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and to the Highway Department for their records.

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

**RESOLUTION #171-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN AGREEMENT**

**RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to sign a Microfilm Equipment Maintenance Agreement, with Biel's Information Technology Systems, at a cost not to exceed \$745.00, for the period beginning August 18, 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Building Department.

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

**RESOLUTION #172-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #172-2009: (Continued)**

**WHEREAS**, there were two properties within the Town that were in violation of Farmington Town Code, Chapter 112; and

**WHEREAS**, the Code Enforcement Officer has taken the necessary action to bring said properties within the Town to compliance per Town Code, Chapter 112; and

**WHEREAS**, a budget amendment is needed to transfer money to the Code Enforcement Officer's expenditure line to cover the fees for mowing.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the following budget amendment for lawn care services; and

FROM:	A1990.4	Contingency	\$1,000.00
TO:	A3620.4	Code Enforcement CE	(\$1,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #173-2009:**

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

**AUTHORIZING THE WATER/SEWER SUPERINTENDENT TO ENTER INTO A SERVICE AGREEMENT**

**WHEREAS**, the Farmington Town Board, in 1998, authorized the purchase of billing software for the Canandaigua/Farmington Water and Sewer Districts; and

**WHEREAS**, in approximately 2006, the original system installer (CSI) was purchased by Harris Computer; and

**WHEREAS**, Harris Computer has offered an upgrade, with a new software package and a more user friendly system; and

**WHEREAS**, the Water and Sewer Department has interviewed, reviewed and screened various other firms to make an equal comparison in quality and price, which varied from \$50,000 to \$21,808.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Farmington, acting on behalf of the Water and Sewer Districts, hereby authorizes the Water and Sewer Superintendent to enter into a Professional Services Agreement, with Harris Computer Systems, the Buffalo, New York branch, for Water/Sewer Utility Billing (FlexiBill) System, for a total install cost not to exceed \$16,075.00 and an annual maintenance fee of \$5,733.00; and

**BE IT FURTHER RESOLVED** that this expenditure is budgeted in lines SW1 8340.4 and SS 8110.4.

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

**RESOLUTION #174-2009:**

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

**AUTHORIZING RETURN OF PERMIT APPLICATION FEE PAID BY RYAN HOMES**

**WHEREAS**, the Code Enforcement Officer has received notification, from Ryan Homes, requesting the return of a Permit Application fee, due to cancellation of the contract to build a house; and

**WHEREAS**, the Code Enforcement Officer has recommended the return of fees paid.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the return of the Permit Application fee to Ryan Homes, in the amount of \$1,514.04; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Building Department.

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

**RESOLUTION #175-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #175-2009: (Continued)**

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN AGREEMENT**

**WHEREAS**, the Town Board budgeted for a Dog Enumeration in the 2009 budget; and

**WHEREAS**, Ontario County Humane Society submitted an Agreement to complete the Enumeration, at a cost of \$3.50 per dog.

**THEREFORE BE IT RESOLVED** that the Deputy Town Supervisor is authorized to sign the Agreement, with Ontario County Humane Society, for enumeration of dogs; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Agreement to Ontario County Humane Society.

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

**RESOLUTION #176-2009:**

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

**AUTHORIZING THE RETURN OF SUMMER RECREATION REGISTRATION FEE**

**WHEREAS**, Kim Russo registered her children in the Summer Recreation Program and paid the \$110.00 fee; and

**WHEREAS**, her son broke his ankle the first week of Recreation, and will no longer be able to attend, and has requested the return of her Registration Fee since all children will not be able to attend.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the return of the Summer Recreation Registration Fee, to Kim Russo, in the amount of \$110.00.

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

**RESOLUTION #177-2009:**

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

**CONFIRMING AUTHORIZATION FOR THE TOWN CLERK TO PURCHASE A NEW COMPUTER**

**WHEREAS**, one of the computer hard drives in the Town Clerk's office is going; and

**WHEREAS**, the Supervisor's Secretary obtained two quotes; one from Keyser Computer Services and the other from Microworx Direct, Inc. Both quotes were close in price but Microworx could have the computer here in four business days versus Keyser Computer Services taking at least two weeks.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board confirms the authorization for the Town Clerk to purchase a computer, from Microworx, at a cost not to exceed \$1,100.00 plus the cost associated with installation and migration of data from the old computer to the new computer.

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

**RESOLUTION #178-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE DEPUTY SUPERVISOR TO SIGN GRANT APPLICATION**

**WHEREAS**, Town Court is requesting support in obtaining a Justice Court Action Plan to help maintain their level of efficiency and decorum; and

**WHEREAS**, they are seeking to upgrade the electrical supply to the Court office, for safety reasons, and obtain office equipment and furniture through a Grant; and

**WHEREAS**, the Court is seeking a Grant, in the amount of \$8,300.00; and

**WHEREAS**, the application must be certified by the Town Supervisor in order for it to be mailed.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to sign the Grant Application, for the Town Court Office; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward the original application to the Town Court Office for submission to the Justice Court Assistance Program; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #178-2009: (Continued)**

**BE IT FINALLY RESOLVED**, the Town Clerk forward a copy of this Resolution, and all attachments, to the Finance and Account Specialist.

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

**RESOLUTION #179-2009:**

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

**AUTHORIZING DISTRIBUTION OF PILOT MONIES RECEIVED FROM ALLOWAY ESTATES**

**WHEREAS**, the Town entered into a PILOT Agreement with Alloway Estates, in August 2005, which states they must pay a percentage of rents, minus utilities, to be distributed between the Town, County and School District; and

**WHEREAS**, the Town has received the apportionment from Alloway Estates and have allocated the monies as follows:

Total Amount Received:	\$7,628.57
69% to Victor Central School District:	\$5,263.71
26% to Ontario County Treasurer:	\$1,983.43
5% the Town obtains:	\$ 381.43

**THEREFORE BE IT RESOLVED**, the Farmington Town Board approves, of the above allocations, of the PILOT monies received from Alloway Estates; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Supervisor's Secretary and the Finance and Account Specialist.

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

**RESOLUTION #180-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING DEPUTY TOWN SUPERVISOR TO TAKE ACTION TO APPLY MOWING CHARGES TO THE TAX ROLL**

**WHEREAS**, the Code Enforcement Officer has taken the necessary action to bring property, within the Town, to compliance per Town Code, Chapter 112.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to take appropriate action to apply mowing charges, along with a 50% service charge, to the Town's property tax roll for the address listed below; and

1. 250 Hook Road – Tax Map No. 08.00-1-31.120 - \$750.00

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Supervisor's Secretary and the Code Enforcement Officer.

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

**RESOLUTION #181-2009:**

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

**AUTHORIZING DEPUTY TOWN SUPERVISOR TO TAKE ACTION TO APPLY MOWING CHARGES TO THE TAX ROLL**

**WHEREAS**, the Code Enforcement Officer has taken the necessary action to bring property, within the Town, to compliance per Town Code, Chapter 112.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Deputy Supervisor to take appropriate action to apply mowing charges, along with a 50% service charge, to the Town's property tax roll for the address listed below; and

1. 1191 Hook Road – Tax Map No. 29.07-3-18.200 - \$750.00

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Supervisor's Secretary and the Code Enforcement Officer.

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

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

**July 14, 2009**

**RESOLUTION #182-2009:**

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

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #13-2009**

General	\$30,232.27
Highway Fund	45,999.90
Storm Drainage	15,005.01
Payroll	19,646.02
Sewer Plant Expansion	37,910.00
Sewer District	42,260.44
Water District	418,947.35
<b>Total</b>	<b>\$610,000.99</b>

**Discussion:** **Councilman Mickelsen** stated, while going over the vouchers, one included a shipping charge that looked unreasonable to him. There was also another unidentified charge. He had Michelle call the vendor. They stated they had used the wrong shipping charge and said they would waive that charge. The other unidentified charge was a STC charge (restocking fee); they also waived that which saved the Town \$175.00. He said, in the future, check the vouchers and feel free to question them on what is being charged.

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

**TRAINING UNDER \$100.00:**

1. Two employees from the Town Clerk's office to attend County Clerk's Meeting, July 15, 2009, in Canandaigua, at no cost.

With no further business, the meeting was adjourned, at 7:55 PM, by motion from **Councilman Casale**, seconded by **Councilman van der Velden**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD MEETING**

**July 28, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 28<sup>th</sup> day of July 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman      **NECESSARILY ABSENT**  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway and Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Robert Kleman** – Planning Board, **Michelle Finley** – Supervisor's Secretary, **Ray Wolf** – Fire Chief, Chad Flansburg, Steve Holtz, Jennie Potter and four residents.

The Town Board welcomed Supervisor Fafinski back from medical leave.

A motion was made by **Councilman Casale**, seconded by **Councilman Mickelsen**, (**Supervisor Fafinski** abstained due to being absent) that the minutes of the July 14, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

**REPORTS OF STANDING COMMITTEES:**

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

1. The Committee met with Victor Arsenault, owner of KOA Kampground, regarding his petition for sewer. They discussed easements and the Town of Canandaigua's involvement.

**Water & Sewer:**

1. Superintendent Crane showed them a picture of a piece of equipment he is interested in getting to help with the I&I study.

**Highway & Parks:**

1. Bill Wright, County Commissioner of Public Works, attended the meeting to discuss the County Road 8 & County Road 41 traffic study.
2. The Highway Department has a new truck.
3. Empire Pipeline is cleaning up their job site.

**REPORTS OF STANDING COMMITTEES: (Continued)**

4. MS-4 is due in October; we are not receiving any funding for this; so we will be opting out of it.
5. The Contractors working on the lodge will be getting their final payment; there is still a punch list to finish up.
6. Discussed using VLT monies for budgeting repairs on roads due to declining sales tax and revenue.

**Recreation Task Force: Councilman Casale reported:**

1. There will be a Workshop at 6:00 PM tomorrow, July 29<sup>th</sup>. Dr. Gutenberg will review the survey results; the Workshop is open to the public.
2. **Councilman Casale** asked Superintendent McLaughlin about problems with the windows, thresholds for the doors and keying issues at the lodge. **Superintendent McLaughlin** said they knew the windows came in wrong and had to be replaced. The stress crack was discussed; there are no issues with that; if there are they will be taken care of.

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

1. Reported he is glad to be back. He thanked Deputy Supervisor Potter for all the time and effort he put in; he also thanked the Town Board and Department Heads. He said he and Deputy Supervisor Potter talked on the phone at least once a week. Deputy Supervisor Potter said he was amazed with the administrative support from the Supervisor's office; knowing all things pending and the Town Board members knowing how the committee system works; each and everyone knows certain areas of the Town and he felt all the spaces got filled in. The Public Works and Town Operations Committees meet regularly and the Town Board members spend at least four to six hours every week, outside of the Town Board meetings, involved with the departments. The system works and Larry Potter did an excellent job of stepping up and handling things.
2. Has a concern in reference to sales tax revenue. He had the Finance and Account Specialist run an analysis and, right now, it appears it will probably be 10% less. He reported on the County sales tax percentage and any difference it will make. Another concern is interest income on money on deposit - one half of one percent; these are some of the things we will be facing in 2010. Another one is the State Retirement and its' investments; we have to make it up. He has heard of two numbers from the Association of Counties: initial one is about a 50% increase and that would be about a \$70,000 increase. Recently, it was revisited and it looks like now it is between one hundred and three hundred percent; we could be looking at a quarter million dollar increase over what we are already paying which is \$180,000 - \$190,000. Association of Counties said they are working on legislation at the Comptroller's office to allow Towns to bond, for up to 20 years, to make up the pension fund loss. None of these numbers are certain yet. These are the concerns he has going into the 2010 budget process, which he is starting now. He is not in favor of raising taxes; we may have to flatline our expenses.
3. Stated the recreation survey shows 25% of the people in this Town are retired; that shocked him. The 40% response rate to the survey shows that residents want commercial development to stay on Routes 96 & 332 and limit the number of apartment houses.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported they are working on shoulders; milling is scheduled for the week of August 10<sup>th</sup> (Elizabeth Way, Carriage Court & Elmwood Drive).
2. They are mowing parks.
3. No projects scheduled; just keeping up.

**Town Clerk & Receiver of Taxes Rose M. Kleman:**

1. Has received a couple of phone calls and a few residents of Doe Haven, near Mertensia Road, asked if the speed limit on Mertensia Road could be lowered due to Mertensia Park now being used by more children attending the recreation program; the speed limit is currently 40 MPH. There have been a couple of close calls. They said cars usually travel more than the 40 MPH speed limit and there is a curve right by the park entrance. **Highway Superintendent McLaughlin** said he could ask the County to include it in the County Road 41 and County Road 8 traffic study. The Town Board discussed having the Sheriff's Department made aware of the problem also.
2. Lodge reservations are going well; there has been one reservation for a non-resident.

**Water & Sewer Superintendent Jim Crane:**

1. Reported on the KOA petition for sewer. He has given it to the Town Attorney and Assessor.

**Code Enforcement Officer Floyd Kofahl:**

1. Reported that the tower landscaping has been taken care of.
2. He inspected the Firemen's Carnival set-up, food service and beer tent.
3. He met with KFC and they are going to stay open with a change in building design; their revenues were up 25% from 2008.
4. **Supervisor Fafinski** asked CEO Kofahl about Aldi's road cuts. **CEO Kofahl** said he would check on it; they are re-graveling and graveling fill this week.

**REPORTS OF STANDING COMMITTEES: (Continued)****Planning Board Member Bob Kleman:**

1. There were three agenda items; one was the Healthcare Center - they are trying to purchase property to the east so it was put on hold. Final approval was given for the 88 unit Senior Housing on Route 332 and the other applicant was a "no show".

**Assessor Donna LaPlant:** Report read by **Supervisor Fafinski** as follows:

1. For the 2009 Tax Roll year, her office received two certioraris for commercial properties and one small claim for a residential property. The Final Assessment Roll notice was published July 1<sup>st</sup> and they have until July 31<sup>st</sup> to file petitions.
2. Received notification from the Real property Tax office that the Town's ratio is 100%. That is due to how accurate her assessment process is.
3. On July 15<sup>th</sup>, the Victor School Board agreed to share the costs for certiorari proceedings. Supervisor Fafinski asked for the signed Agreement, which he will present to the Town Board at the next Board meeting. After review, the Board must approve and authorize the Supervisor to sign said Agreement and then it will be forwarded to the County for signing and they also will be sharing some of the costs for the certiorari proceedings. Although not finalized, it will be in effect for the 2009 Tax Roll year.

**COMMUNICATIONS:**

1. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply - Auburn Meadows Subdivision, Section 3.
2. Notice of Petition – Iron Mountain Properties against Town of Farmington Board of Assessment Review.
3. Letter to Supervisor from NYS DEC Re: Approval of Plans - Sanitary Sewer Extension - Auburn Meadows Subdivision, Section 3.
4. Notice of Petition – REROB LLC vs. Farmington Assessor.
5. Letter to NYS EFC from Deputy Supervisor Re: Clean Water State Revolving Fund.
6. Town Hall, Highway Department and Parks Department General Inventory for 2009.
7. Notice of Issuance of Magazine Certificate from NYS Dept. of Labor Re: Liberty Gun Shop.
8. Letter to Supervisor from RG&E Re: House Numbers – Auburn Meadows.
9. Letter to Supervisor from Ontario County Public Works Re: Intersection Improvements – CR 8/CR41 and Shortsville Road intersection.
10. E-mail from Louie Schafer to Supervisor Re: Pleased with Summer Recreation Program.
11. Letter to Supervisor from NYS DOT Re: Three color signal at Route 96 and County Road 28 approved.
12. Letter to Highway Superintendent from NRMCA Re: Notification informing completion of Pervious Concrete Contractor Exam.
13. Accident Report – Highway Department – B. Foster-Shortsville Road.
14. Accident Report – Highway Department – N. Mincer-Shortsville Road.
15. Certificate of Workers' Compensation Insurance Re: Cutri Construction, Inc. and Triou's Custom Homes, Inc.
16. Certificate of Liability Insurance Re: Penfield Plumbing & Heating, Inc.; John W. Curran; Young Explosives Corp.; Meyers, Co., Inc.; Jim Biltucci Contracting, Inc.; Townsend Oil Corp. and Farmington Historical Society.
17. Notice of Claim from Selective Insurance Re: N. Mincer.
18. Letter to Senators Schumer & Gillibrand from Supervisor Re: Rehabilitation of Allen-Padgham Road Bridge over Ganargua Creek.

**REPORTS & MINUTES:**

1. Building Department Monthly Reports – June 2009.
2. Conservation Board Meeting Minutes – June 22, 2009.
3. Audit Report of the Farmington Town Clerk – June 16, 2009.
4. Audit Report of the Farmington Town Court – July 15, 2009.
5. Historic Preservation Meeting Minutes – July 9, 2009.

**ORDER OF BUSINESS:****RESOLUTION #183-2009:**

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

**REQUEST TO AMEND LOCAL LAW #4 OF 1988 AND INITIATE THE FORMAL AMENDMENT PROCESS**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a Farmington Town Planning Board (hereinafter referred to as Planning Board) Resolution for Planning Board File #0705-09, which is made and submitted in accordance with the provisions of Chapter 165, Section 31. E. (6) (b); and

**WHEREAS**, said Resolution determines that the Planning Board finds that the three lot subdivision application, pending before said Board, is not identical to the original approved final site plan

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #183-2009: (Continued)**

for the Planned Development (PD) District for this property since there are now proposed two residential lots and one commercial lot; and

**WHEREAS**, the Attorney to the Town and the Town Director of Planning and Development have both reviewed the Planning Board Resolution and have met with Mr. James Crane (hereinafter referred to as Applicant) to explain the process involved with a formal amendment to the original PD approval, done in 1988 (Local Law #4 of 1988), which pertains to the subject site; and

**WHEREAS**, the Town Board has received a written request from the Applicant, dated July 24, 2009, to initiate a formal amendment to the provisions of Local Law #4 of 1988, which is entitled "A local Law amending Crane Land from A-40 to P.D."; and

**WHEREAS**, said proposed amendment requests specification of the allowed development within the boundaries of the mapped PD District for Mr. Crane's site; and

**WHEREAS**, the Town Board has given consideration to Farmington Town Code (hereinafter referred to as Town Code) Procedures for PD amendments set forth in Chapter 165, Section 31. E. (1); and

**WHEREAS**, the Town Board desires to initiate formal procedures to amend the provisions contained in Local Law #4 of 1988.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Applicant's request and does hereby initiate the formal amendment process set forth in the above referenced Section of the Town Code; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Planning Board to consider this formal request, in accordance with the provisions set forth in Chapter 165, Section 31. E (1), (2), (3) and (4), at their next meeting, August 5, 2009; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Planning Board to provide a written recommendation to the Town Supervisor on the requested PD amendment as proposed, approval conditioned upon specific stated modifications, or disapproval, with reasons recorded therefore, on or before noon on Friday, August 7, 2009; and

**BE IT FINALLY RESOLVED** that the Town Board directs the Town Supervisor to place said recommendation on the August 11, 2009 Town Board agenda for consideration and action.

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

**RESOLUTION #184-2009:**

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

**LETTER OF CREDIT RELEASE #14 – AUBURN MEADOWS SUBDIVISION, PHASE 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated July 16, 2009, recommending that the above referenced Letter of Credit Release #14 be approved, in the total amount of \$48,822.00, for work completed in the Phase 2 portion of the Auburn Meadows 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. 14, for the Auburn Meadows Project signed by all department heads; and

**WHEREAS**, there is currently a total of \$224,281.45 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$175,459.45 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted July 15, 2009, recommended the release of the requested amount, \$48,822.00.

**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; and

**BE IT FINALLY 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**.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #185-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for the purchase of portable shelving at the Mertensia Park Lodge Recreation Office; and

FROM:	A1990.4	Contingency	\$102.76
TO:	A7310.4	Youth CE	(\$102.76)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #186-2009:**

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

**AUTHORIZING ASSESSOR TO ATTEND 2009 NEW YORK STATE ASSESSORS ASSOCIATION SEMINAR**

**WHEREAS**, Assessor Donna LaPlant wishes to attend the New York State Seminar on Assessment Administration from Sunday, September 27, 2009 thru Wednesday, September 30, 2009, in Saratoga Springs, New York; and

**WHEREAS**, related costs to attend this seminar are reimbursable by the New York State Office of Real Property Services.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes Assessor Donna LaPlant to attend the 2009 New York State Assessors Association Seminar on Assessment Administration, at a cost not to exceed \$711.00 for hotel, \$175 for the seminar and reimbursable expenses.

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

**RESOLUTION #187-2009:**

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

**AUTHORIZING MID-YEAR INCREASES FOR HIGHWAY DEPARTMENT EMPLOYEES**

**WHEREAS**, the Highway Superintendent has requested a Step Program, for wage increases, for newly hired employees within a 5-year duration.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes a \$1.00 per hour rate increase for the following employees: Paul Crandall, Eric VanCaesele and Loren LaPlant, effective August 9, 2009, as part of the Step Program for the Highway Department; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and the Supervisor's Secretary.

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

**RESOLUTION #188-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN MAINTENANCE AGREEMENT**

**WHEREAS**, the Highway Superintendent has received the Maintenance Agreement for the generator system at the Mertensia Park Lodge; and

**WHEREAS**, the Agreement is for three years (6 trips), at a cost not to exceed \$749.00 (A7110.4).

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Maintenance Agreement, for the generator system at Mertensia Park Lodge, at a cost not to exceed \$749.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and the Highway Department.

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #189-2009:**

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

**AUTHORIZING THE RELEASE OF FINAL PAYMENT NO. 5 TO D.C. ALLEN CONTRACTORS**

**WHEREAS**, MRB Group has reviewed Statement No. 5-Final for the Racetrack Stormwater Management Facility and have no objection to the release of payment No. 5, in the amount of \$7,989.13, as the Contractor has completed all punch list items; and

**WHEREAS**, the Contractor's Application, for Payment No. 5, reflects a Change Order amount of \$2,600.00, bringing the total contract price to \$159,782.50.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the release of final payment No. 5, in the amount of \$7,989.13, which includes the \$2,600.00 Change Order amount to D.C. Allen Contractors; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and Finance and Account Specialist.

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

**RESOLUTION #190-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND AND HP CAPITAL PROJECT**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the General Fund and HP Capital Project to complete capital project expenditures at Mertensia Lodge; and

FROM:	A599	Approp. Fund Balance	\$200,000.00
TO:	A9950.9	Transfers to Capital Projects	(\$200,000.00)
FROM:	HP5031	Interfund Transfer	\$200,000.00
TO:	HP7197.2	Recreation Transfer Equip & Capital Outlay	(\$200,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and Highway Department.

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

**RESOLUTION #191-2009:**

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

**APPOINTING CANDY BURSON AS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION**

**WHEREAS**, there are two open vacancies on the Historic Preservation Commission; and

**WHEREAS**, the Historic Preservation Commission interviewed Candy Burson and recommends her appointment as a member.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board appoints Candy Burson as a member of the Historic Preservation Commission to fill the remaining term of a vacancy expiring December 31, 2012; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Historic Preservation Commission, the Supervisor's Secretary and to Candy Burson.

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

**RESOLUTION #192-2009:**

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

**AUTHORIZING THE RELEASE OF PAYMENT NO. 6 TO GUDABRI, INC.**

**WHEREAS**, MRB Group has reviewed Statement No. 6, for services rendered for the Mertensia Park Lodge, and have no objection to the release of payment No. 6, in the amount of \$168,562.78; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #192-2009: (Continued)**

**WHEREAS**, the Contractor’s Application for Payment No. 6 reflects three Change Orders totaling \$19,239.67 bringing the total contract price to \$515,364.28.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the release of payment No. 6, in the amount of \$168,562.78, which includes the \$19,239.67 from three Change Orders, to Gudabri, Inc.; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and Finance and Account Specialist.

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

**RESOLUTION #193-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for the Generator Maintenance Agreement and a portable toilet for employee use at the lodge in June; and

FROM:	A1990.4	Contingency	\$874.00
TO:	A7110.4	Parks CE	(\$749.00)
TO:	A7110.4	Parks CE	(\$125.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and Highway Department.

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

**RESOLUTION #194-2009:**

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

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #14-2009**

General	\$144,790.08
Highway Fund	213,653.17
Storm Drainage	2,367.75
Racetrack Drainage Pond	14,536.07
Mertensia Park Lodge	172,685.50
Fire Protection District	15,000.00
Lighting	5,764.39
Payroll	2,146.86
Builder Guarantee	50.00
Sewer Plant Expansion	245.00
Sewer District	60,076.90
Water District	16,728.62
<b>Total</b>	<b>\$648,044.34</b>

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

**WAIVER OF THE RULE:**

**Supervisor Fafinski** requests a Waiver of the Rule to add Resolution #'s 195-2009 & 196-2009. All Town Board Members in agreement.

**RESOLUTION #195-2009:**

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

**SUPPORT FOR TRAFFIC IMPROVEMENT AT THE COUNTY ROAD 8, COUNTY ROAD 41 AND SHORTSVILLE ROAD INTERSECTION**

**WHEREAS**, the County Road 8/County Road 41/Shortsville Road intersection is identified by Ontario County Public Works Staff studies to have an accident rate over twelve (12) times the State average; and

**WHEREAS**, Ontario County will be seeking federal transportation program assistance in identifying ways to improve safety conditions at this intersection.

**ORDER OF BUSINESS: (Continued)****RESOLUTION #195-2009: (Continued)**

**THEREFORE BE IT RESOLVED** that the Town of Farmington supports effort by Ontario County to identify problems with the County Road 8/County Road 41/Shortsville Road intersection and to offer alternatives and solutions to reduce accident rates at this intersection; and

**BE IT FURTHER RESOLVED** that the Town Clerk send a certified copy of this Resolution to the Ontario County Public Works Commissioner and the Town Highway Superintendent.

**Discussion: Councilman Casale** asked if this is just for a study. **Supervisor Fafinski** said this is just to get the grant; they cannot do the study until the grant is received. They are looking to the Town to support it.

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

**RESOLUTION #196-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN MAINTENANCE AGREEMENT**

**RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Maintenance Agreement with Victor Liberator Time Systems, for the time clock at the Highway Garage, at a cost not to exceed \$161.55 for a term of one year; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway Department.

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

**TRAINING UNDER \$100.00:**

1. Jim Crane, Paul Fleig, Tom Simonds, Josh Fagner, Matt Curran and Mike Abraham to attend FLWWC Summer Meeting, August 13, 2009, in Penn Yan, at a cost of \$30.00 - \$35.00 each.

With no further business, the meeting was adjourned, at 7:55 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP****July 29, 2009**

At 6:00 PM, on July 29, 2009, the Town Board met in Workshop Session to discuss the results of the Farmington Recreation Survey. Those present were:

<b>PRESENT:</b>	Theodore Fafinski – Supervisor	Scott Makin – Planning Board Member
	Peter Ingalsbe – Councilman	Tom Schwarzweiler – Recreation Comm. Chair.
	Timothy P. Mickelsen – Councilman	Tom Adams – Recreation Commission Member & Task Force Member
	Michael Casale – Councilman	Karen Guidarelli – Recreation Comm. Member
	Ronald Brand – Director of Dev.	Denee Martin – Recreation Comm. Member
	Dave Degear – Planning Board Chair.	Dr. Jeffrey Gutenberg PhD, Pres. of BRX Global Services, Inc.
	Bonnie Lew – Recreation Task Force	Rosalie Fafinski – Recreation Task Force
	Dan Healy – Recreation Task Force	
	Rose M. Kleman – Town Clerk	
	(Not in Attendance)	

Also present were: Residents Art and Amy Ferg, Chad Flansburg, Steve Holtz and Democrat & Chronicle Reporter Jim Goodman.

According to Councilman Casale, approximately 2,200 Farmington households received the survey and over 870 responded. The survey was authorized by the Town Board as a result of the study, by Passero Associates, of recreation activities currently conducted in neighboring communities as well as Farmington. In addition, the survey included questions to update the Comprehensive Plan for future growth in Farmington. That study was released and discussed in a public Workshop in 2008. It recommended a survey of the residents be conducted and taxpayer costs associated for expanding and/or changing the recreation program to guide the Town Board in adopting the future budgets for the Town. **Councilman Casale** said, "...this has been a comprehensive study that has evaluated and looked at many aspects of Recreation as well as getting informal input from residents at public informational meetings, as well as the formal input in the form of the survey".

Councilman Casale, Chairman of the Recreation Task Force, introduced Dr. Jeffrey Gutenberg PhD, President of BRX Global Research Services, Inc., who was retained to develop and administer the Recreation and Planning survey. Dr. Gutenberg, in his opening remarks, noted that the cost of the survey, from BRX Global Research's perspective, was considerably less than anticipated, in the \$8,000 range, because BRX got a great postage rate and the Town had the surveys printed and purchased their own envelopes. Dr. Gutenberg presented the results of that survey at this Town Board Workshop.

**Executive Summary:**

1. A survey was distributed, by mail, to 2,172 residents of the Town of Farmington in April 2009 with 875 responses received in time to be included in this report.
2. The survey concerned recreational activities and the Town's Comprehensive Plan.
3. Main findings regarding recreation include:
  - Participation in sports and recreation activities not including those sponsored by the Town were highest for soccer and baseball/softball leagues.
  - Satisfaction with activities was fairly high; dissatisfaction was low.
  - Among Town sponsored activities, Town parks and playgrounds, hiking trails and the July 3<sup>rd</sup> event were the most used.
  - Town Hall Park and Mertensia Road Park were the most used facilities.
  - Satisfaction with most of the Town's existing activities is high.
  - Residents are interested in additional programs being offered by the Town but the willingness to pay for them is more limited.
  - More respondents were against the hiring of a full-time Recreation Director than were for it.
4. It was concluded that a case could be made for either maintaining the status quo or for aggressive sponsorship of more recreational activities by the Town. However, efforts should probably focus first on strengthening current activities by the Town. However, efforts should probably focus first on strengthening current activities (e.g. acquisition of trails) rather than offering new ones.

**Main findings regarding the Comprehensive Plan include:**

1. Most respondents were not aware of the update in 2003, nor are they familiar with the Plan.
2. Full service (chain) restaurants are the more desired addition to Route 332.
3. There is strong support for acquiring the abandoned railroad bed for trail purposes.
4. Respondents preferred that the Town center stay in its current location
5. It was concluded that there is mixed feeling regarding future development, but probably the Town should (continue to) support the concepts of more businesses along the Route 332/96 corridors, and maintenance of open spaces, while also supporting the concept of more senior housing.

**Conclusions - Recreation:**

1. It was concluded that a case could be made for either maintenance of the current level of effort, or for more aggressive support of Town sponsored activities.
2. The idea of continuing at the current level is supported by the following findings:
  - The percentage of residents involved with recreational leagues, and other organized sports, is fairly small. We found that only 20% of households had any participation in non-Farmington sports leagues and the highest percentage of participation in any one sport was no more than 11%.
  - There is not a large amount of dissatisfaction by current participants in their sports leagues.
  - Only 9% support the Town expanding programs entirely on its own.
  - There is a strong feeling that funding for more recreational programs should come from user fees.
  - Town Parks and hiking trails have both high usage and satisfaction.
3. However, a case could be made for more aggressive efforts:
  - More than half said that they want to see more Town sponsorship of youth sport leagues.
  - Almost half say they want to see more support of Town sponsored sports and recreational efforts.
  - About one third is in favor of hiring a full-time Recreation Director.
  - One fourth said they would pay a property tax increase.

**Conclusions – Development:**

1. There is mixed feeling regarding future development, but highly supported concepts include more senior housing, more businesses along the Routes 332/96 corridors, maintenance of open spaces and fewer new apartment units.

With no further business, the Workshop was adjourned.

Rose M. Kleman, Town Clerk (absent from Workshop): \_\_\_\_\_

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 11<sup>th</sup> day of August 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
 Peter Ingalsbe – Councilman  
 Timothy P. Mickelsen – Councilman

Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ron Brand** – Director of Planning & Development, **Robert Kleman** – Planning Board, **Michelle Finley** – Supervisor’s Secretary, **Donna LaPlant** – Assessor, Steve Holtz, Rosalie Fafinski, Dottie Mickelsen and Matt Tempest.

A motion was made by **Councilman van der Velden**, seconded by **Councilman Casale**, that the minutes of the July 28, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** 1. Mert Bartels, Trustee & Bill Moore, President – Macedon Public Library Budgetary Matter  
2. Neil Scheer – Traffic Concerns at New Michigan Rd. & Cty. Rd. 41

1. Mr. Moore gave the Town Board a letter, with graphs, showing the service Macedon Public Library provides to Farmington residents. He explained the library card system and the numbers from the circulation/transaction data gathered by the Pioneer Library System. It is tracked by the barcode on the library cards which tells where the individual (or family) pays property taxes. Using the data retained, it shows the number of items checked out of the Macedon Library, by Farmington taxpayers in 2008, was 13,706. It is reasonable to say that Farmington taxpayers consumed 11.85% of library resources in 2008. Thus, 11.85% of the operational cost for the library should come from Farmington, which should be about \$30,000; the actual support from Farmington taxpayers in 2009 is \$8,557. **Supervisor Fafinski** asked if the Pioneer Library System could give the Town Board that same data, on their letterhead, for Wood Library and Victor Free Library. He would also like the total number of items checked out by Farmington Resident taxpayers and he would like it by next week.
2. **Neil Scheer** of 6197 Fawn Meadow said he wrote a letter concerning his and his neighbor’s traffic and safety concerns in this area and he received a very limited response to the letter. He was told by residents in the area he was wasting his time coming before the Board but, tonight, he is representing many of the residents. He said, “I guess when the bridge on Route 96 was closed and the traffic was sent in different directions, one was County Road 41 and they continue to use that route. The posted speed limit is 40 MPH and the traffic exceeds that”. He understands this is a growing community with building going on. With this extra volume of traffic, there are safety issues. He and his wife are walkers and they have to dodge cars and walk single file due to speeding vehicles along with construction trucks, etc. He would like to know what can be done about the speed limit. Another factor is that it is a noise pollution problem. Could the State come out and check it? He is appealing to the Town Board to take a look at this problem and see what can be done; it is becoming an increasing issue, it will not stabilize.

**Supervisor Fafinski** said it will increase. Victor has also noticed more traffic. We could ask the Sheriff’s Department to do additional enforcement such as radar; if trucks keep getting stopped for speeding, they may get additional safety checks on them and those checks can get very costly. They will slow down or find another route. They may do the traffic strips and study the area. **Supervisor Fafinski** said, “He did not get a copy of his letter sent to the Highway Superintendent and asked Mr. Scheer to summarize his observations in an e-mail and send it to him as it would facilitate transmitting it to the sheriff and he could copy him on the e-mail so he would know how it is progressing.”

**PRESENTATIONS:** ESL Federal Credit Union – ATM on Collett Road and Route 332  
Representing ESL: Attorney Paul Sylvestri of Harter, Secrest & Emery; John Stapleton, Engineer & Joe Burkhardt, ESL Representative

**Supervisor Fafinski** said Mr. Sylvestri will give some background on the proposed ATM as there is a Resolution on tonight’s Agenda to be acted upon.

**Mr. Sylvestri** said they were initiating the formal amendment process for the proposed ESL Federal Credit Union Automated Drive-thru Teller Facility; modifying the Planned Industrial District known as Farmington Industrial Park. They were before the Planning Board last night with a sketch plan review. They decided there was a need for PD (Planned Development). **Mr. Sylvestri** said he felt it would be a good idea to make the Town Board aware of what the project is. Mr. Stapleton, Engineer, showed pictures of what is proposed: an ESL stand-alone, open structure ATM, with lighting and site light poles. They will also include landscaping, telecommunications and security cameras. The facility is to be located at the corner of Collett Road and Route 332.

**Councilman Mickelsen** wanted to disclose that he did use Harter Secrest Attorneys for his business incorporation and **Supervisor Fafinski** disclosed that he is a depositor of ESL and would abstain on tonight’s Resolution.

**Councilman Ingalsbe** said he attended the Planning Board meeting and it was well received by that Board; they have some great ideas for the site.

Supervisor Fafinski thanked the representatives for their presentation.

**REPORTS OF STANDING COMMITTEES:**

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

**Highway & Parks:**

1. There is no report for the Highway Department as the Highway Superintendent is on vacation.

**Water & Sewer:**

1. Superintendent Crane reported to the Committee that, the last week in July, our drinking water received a positive result (for bacteria) from a sample taken. Superintendent Crane will expand on that, and the public notice that was sent out, in his report to the Town Board.
2. They upgraded their phone system with Frontier.
3. The billing software and meter reading equipment, that was approved, is on order. The bills will be larger than the postcards that are currently sent out.
4. The RG&E program is a \$2,000 revenue item. We have reached the 250kw level of power at the Sewer Treatment Plant. We discussed joining the RG&E program. Superintendent Crane said it's a group of providers. We would be required to get off the Grid for about one hour, twice a year. We could receive \$2,000 for the time we are disconnected. The program is run by New York State.
5. Discussed a backhoe part needed costing approximately \$7,000.00.

**Councilman Ingalsbe** reported there will be a second meeting, August 25<sup>th</sup>, with Department Heads regarding the Town's website. Department Heads are to provide five frequently asked questions they receive to be added to the website. When asked these questions, people can be referred to the website or if they visit the website prior to calling, they may find the answer and not need to call. At the next Town Board meeting, there will be a Resolution to consider one vendor to work with.

**Recreation Task Force: Councilman Casale reported:**

1. The July 29<sup>th</sup> Workshop meeting went very well. Some interesting findings included the interest shown in trails and hiking. Good things came out of this survey; there was a high level of satisfaction with the Recreation programs. He reported on some of the more interesting results of the survey. Before the end of the year, we will have a plan. He said the survey gave the Board a good amount of valuable information.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. Reported he did some preliminary work on the 2010 Budget (revenue sources). If the sales tax revenue stays at 10%, we will be okay. The bigger issue we have is with interest income, which is a source of revenue that is put back into the budget. This year's interest income has not increased so we can cut expenses plus there are some other options. "If it cost more this year than last year a tax increase, it's not going to happen."

**Town Clerk & Receiver of Taxes Rose M. Kleman:**

1. Deputy Mary Thompson attended a meeting in Greece with BAS software representatives; they provide our clerk and tax software. They also gave a presentation on credit/debit card use. Our office is checking what two other companies offer along these lines. We have been working on this since the 2008 tax year. Whatever company we go with, there are complications that need to be ironed out with the Supervisor's office; such as water and sewer bill payments.
2. **Councilman van der Velden** asked about the new vault and how it is working out. He requested a written report on the humidity, etc. in the vault and how it is running.

**Water & Sewer Superintendent Jim Crane:**

1. Reported on the positive (for bacteria) water sample we received. He does not know why we had positive results; after the second round of testing, it was back to normal. Public notices were posted and published. There are no health concerns whatsoever.
2. Reported on the SEQR for I&I project; they are low on the IUP list.

**Director of Development Ron Brand:**

1. Reported that Public Hearings, for two proposed local laws, will be on the September Agenda.
2. Reported on the SHPO Report for Beaver Creek Subdivision; we can be very proud of the wooded area, parkland and sidewalks. Town zoning law will cover some of these issues such as landscaping, etc.
3. He gave an update on the Urgent Care Facility that is proposed; the building will be remodeled.
4. Reported on the letter he sent to the Rochester Theatre League making them aware of Farmington and a number of large areas the Town has available for parking (we are among three sites being considered).
5. **Councilman Mickelsen** asked about the code review. Ron and Floyd both answered. The Town Recreation survey was a part of it, among other things.

**REPORTS OF TOWN OFFICIALS: (Continued)****Planning Board Member Bob Kleman:**

1. Reported on the last Planning Board meeting. Ryan Homes received final site plan approval for three homes in Auburn Meadows. They approved an additional antenna for the tower on Kyte Road for Bell Atlantic. Had a presentation by ESL regarding their ATM drive-thru which they felt would be an asset to the area but it was put on hold.

**Assessor Donna LaPlant:**

1. Reported she has one Small Claims Hearing on Monday at the Town Hall. There are ten certioraris she is reviewing.
2. Her Assessor's Aide, Donna Ciardi, is working on a report for Jean Bresnan, in the Water and Sewer Department, providing lot numbers and house addresses.

**COMMUNICATIONS:**

1. Notice of Verified Petition – Finger Lakes Racing Association.
2. Letter to Supervisor from Moody's Investors Service Re: Financial Reports.
3. Letter to Supervisor from Ontario County Public Health Re: County Road 41 Rehabilitation – NY 332 to County Road 8.
4. Certificate of Final State Equalization Rate from NYS Real Property Services.
5. Letter to Town Board from NYS Dept. of Public Health Re: Canandaigua-Farmington Water District – Unsatisfactory Sample Results - July 2009.
6. Letter to Supervisor from Time Warner Cable Re: Agreements with programmers.
7. Stipulation of Settlement and Order Re: Pavia Woodlawn LLC.
8. Accident Information Exchange form Re: Robinson.
9. Memo to Highway Department from Supervisor Re: Ink Cartridges.
10. Notice of Verified Petition – RC McCarthy Holdings.
11. Notice of Petition – I. Gordon Corporation.
12. Notice of Petition – 1133 Corporate Drive LLC.
13. Certificate of Appreciation from Wood Library.
14. Letter to Rochester Broadway Theatre League from Director of Planning & Development Re: Consideration to re-locate facility.
15. Notice of Petition – Farmington Storage LLC.
16. Letter to NYS Office of Parks, Recreation and Historic Preservation from Director of Planning & Development Re: Project review – Farmbrook Park Green Innovation Parking Lot Project.
17. Continuing Education – D. Giroux.
18. Continuing Education – T. Fafinski.
19. Certificate of Insurance Re: Triou's Custom Homes, Inc.; Chemung Supply Corp.; Irondequoit Garden Center, Inc.; Cutri Construction, Inc. and New York State Fence, Inc.
20. Memo to Town Board from Independent Audit Re: Tax Collector Audit 2009.
21. Acknowledgement of recent claim from Selective Insurance Re: P. Robinson.

**REPORTS & MINUTES:**

1. Building Department Monthly Reports – July 2009.
2. Zoning Board of Appeals Meeting Minutes – June 22, 2009.
3. Recreation Meeting Minutes – June 8, 2009.
4. Justice Gligora Monthly Report – July 2009.
5. Justice Lew Monthly Report – July 2009.
6. Detail of Expenditures – July 31, 2009.
7. Recreation Meeting Minutes – July 27, 2009.
8. Conservation Board Meeting Minutes – July 20, 2009.
9. Monthly Report of Supervisor – July 2009.

**ORDER OF BUSINESS:****RESOLUTION #197-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN RG&E PROPOSAL**

**WHEREAS**, RG&E has submitted a proposal for a street lighting circuit charge estimate, for Coral Drive and Spartan Drive, in the Auburn Meadows Subdivision; and

**WHEREAS**, the Town of Farmington approves the installation of these street light facilities.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Proposal with RG&E, for street lighting on Coral Drive and Spartan Drive, in the Auburn Meadows Subdivision; and

**BE IT FURTHER RESOLVED**, the Town Clerk is directed to forward copies of this Resolution, along with the attachments, to the Assessor, Highway Department, Water & Sewer Department and RG&E.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #197-2009: (Continued)**

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

**RESOLUTION #198-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN INTER-MUNICIPAL COOPERATION AGREEMENT**

**WHEREAS**, the Town received an Inter-municipal Cooperation Agreement between the Town, the County and the Victor Central School District; and

**WHEREAS**, the attached Agreement is made a part of this Resolution.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Supervisor to sign the Inter-municipal Cooperative Agreement; and

**BE IT FURTHER RESOLVED**, the Farmington Town Clerk is directed to forward copies of this Agreement, along with the attachments, to the Assessor and the Ontario County Administrator.

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

**INTERMUNICIPAL COOPERATION AGREEMENT**

Made this \_\_\_\_ day of June 2009, by and between

**THE COUNTY OF ONTARIO**, a municipal corporation of the State of New York, having an office and place of business at Ontario County Courthouse, 27 North Main Street, Canandaigua, New York 14424, (hereinafter referred to as the "County"), and

**THE TOWN OF FARMINGTON**, a municipal corporation of the State of New York, having an office and place of business at 1000 County Road 8, Farmington, New York 14425 (hereinafter referred to as the "Town"), and

**THE VICTOR CENTRAL SCHOOL DISTRICT**, a School District of the State of New York, having an office and place of business at 953 High Street, Victor, New York, 14564 (hereinafter referred to as the "School District").

**WHEREAS**, The Ontario County Board of Supervisors, pursuant to Resolution No. 285-2007, established a policy and program for the County to share in the costs of defending legal challenges to real property tax assessments; and

**WHEREAS**, Pursuant to said program, the Town requested that the County share in the cost of defending certain certiorari proceedings pending in the Town of Farmington; and

**WHEREAS**, The County Board of Supervisors, pursuant to Resolution No. 99 -2009, authorized the County to share in the cost of defending fourteen certiorari cases involving twenty-two parcels, and authorized the County Attorney to join with the Towns and Cities to defend the cases, and pay 25% of defense costs, including professional appraisal and legal fees, subject to total funding available and to be made available by this Board of Supervisors; and

**WHEREAS**, the Town of Farmington requested that the School District also share in the cost of defending the certiorari cases and pay 25% of defense costs, including professional appraisal and legal fees,

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties agree as follows:

**FIRST:** The Town shall retain Boylan, Brown, Code, Vigdor & Wilson LLP as attorneys to defend two certiorari proceeding described as:

**Filing Index #101456 – Iron Mountain Records Management Inc, petitioner**

**Filing Index #101460 – Pavia Woodlawn LLC, petitioner**

including subsequent year(s) filings while the listed action is pending, and shall vigorously pursue the defense of such matters. The Town, and its attorneys, shall take all reasonable steps to obtain or preserve intervenor status for the County and the School District in said proceedings.

**SECOND:** For the services rendered pursuant to Paragraph "FIRST", the County shall reimburse the Town 25% (twenty-five percent) of the costs of defending those two proceedings, including attorney's fees, filing fees and litigation costs billed by BoylanBrown and any necessary real estate professional appraisal fees.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #198-2009: (Continued)**

**THIRD:** For the services rendered pursuant to Paragraph "FIRST", the School District shall reimburse the Town 25% (twenty-five percent) of the costs of defending those two proceedings, including attorney's fees, filing fees and litigation costs billed by BoylanBrown, and real estate professional appraisal fees.

**FOURTH:** Requests for payment shall be submitted to the County and School District by the Town and include copies of appropriate invoices submitted by BoylanBrown. Prior to the making of any payments hereunder, the County or the School District may audit such books and records of the Town as are reasonably pertinent to this Agreement to substantiate the basis for payment.

**FIFTH:** The term of this Agreement shall commence upon final execution of this agreement and shall continue until completion of the certiorari proceedings.

**SIXTH:** The Town shall keep the County and School District apprised of the status of the litigation and shall provide the County and the School District with periodic reports from counsel. The Town shall not, without prior written authorization of the County and the School District, settle, compromise or otherwise agree to resolve the certiorari cases.

IN WITNESS WHEREOF, The County of Ontario, the Town of Farmington and the Victor Central School District have executed this Agreement in triplicate.

THE COUNTY OF ONTARIO

By:

\_\_\_\_\_  
Geoff Astles, County Administrator

THE TOWN OF FARMINGTON

By:

\_\_\_\_\_  
(Name and Title)

VICTOR CENTRAL SCHOOL DISTRICT

By:

\_\_\_\_\_  
(Name and Title)

**RESOLUTION #199-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**REQUEST TO AMEND LOCAL LAW #3 OF 1983**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a Farmington Town Planning Board (hereinafter referred to as Planning Board) Resolution, for Planning Board File #0805-09, which is made and submitted in accordance with the provisions of Chapter 165, Section 31. E. (6) (b); and

**WHEREAS**, said Resolution determines that the Planning Board finds that the proposed site plan application, for an ESL Federal Credit Union Automated Drive-Through Teller, (hereinafter referred to as ATM) facility pending before said Board, is not identical to the original approved final site plan for this Planned Development (PD) District property; and

**WHEREAS**, the Attorney to the Town, and the Town Director of Planning and Development, have reviewed the Planning Board Resolution, and discussed with the applicant's attorney, Paul Sylvestri, Harter, Secrest & Emery, to explain the process involved with a formal amendment to the original PD approval in 1983 (Local Law #3 of 1983), which pertains to the subject site; and

**WHEREAS**, the Town Board has received a written request from the Applicant, dated August 6, 2009, to initiate a formal amendment to the provisions of Local Law # 3 of 1983, which is entitled "A local law rezoning a parcel from Limited Industrial District to Planned Development District"; and

**WHEREAS**, said proposed amendment is to provide for the proposed ATM device on the ESL Site; and

**WHEREAS**, the Town Board has given consideration to Farmington Town Code (hereinafter referred to as Town Code) Procedures for PD amendments, set forth in Chapter 165, Section 31. E. (1); and

**WHEREAS**, the Town Board desires to initiate formal procedures to amend the provisions contained in Local Law #3 of 1983.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #199-2009: (Continued)**

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Applicant's request and does hereby initiate the formal amendment process set forth in the above referenced Section of the Town Code; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Planning Board to consider this formal request, in accordance with the provisions set forth in Chapter 165, Section 31. E (1), (2), (3) and (4), at their next meeting on August 19, 2009; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Planning Board to provide a written recommendation to the Town Board, on the requested PD amendment, as proposed, approval conditioned upon specific stated modifications, or disapproval, with reasons recorded therefore, on or before noon on Friday, August 21, 2009; and

**BE IT FINALLY RESOLVED** that the Town Board directs the Town Supervisor to place said recommendation on the August 25, 2009 Town Board agenda for consideration and action.

**Supervisor Fafinski** abstained; all others voting "Aye", the Resolution was **CARRIED**.

**RESOLUTION #200-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**RECOMMENDATION FROM THE TOWN PLANNING BOARD TO AMEND LOCAL LAW #4 OF 1988**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a Farmington Town Planning Board (hereinafter referred to as Planning Board) Resolution for Planning Board File #0705-09, which is made and submitted in accordance with the provisions of Chapter 165, Section 31. E. (4) (a) and (b); and

**WHEREAS**, said Resolution determines that the Planning Board finds that the three lot subdivision application, pending before said Board, is desirable provided that development will be restricted to the specific modifications shown on the PD (Planned Development) District Amendment Map, prepared by Venezia Associates, identified as Job No. 9026, for Tax Map Number 43.00-01-6.0, with a last revised date of 7/29/09; and

**WHEREAS**, said Resolution requests the drafting of a local law, to amend Local Law #4 of 1988, containing details to effect the desired final site plan for the Crane PD Site; and

**WHEREAS**, the Town Board has given consideration to Farmington Town Code (hereinafter referred to as Town Code) Procedures for PD amendments, set forth in Chapter 165, Section 31. E. (1); and

**WHEREAS**, the Town Board desires to initiate formal procedures to amend the provisions contained in Local Law #4 of 1988.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Planning Board's recommendation, and does hereby direct the Town Director of Planning and Development to prepare a draft local law, coordinate said local law with the Attorney to the Town and then submit copies thereof to the Planning Board, for review and recommendation, at their meeting on Wednesday, August 19, 2009; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Planning Board to consider this formal request, in accordance with the provisions set forth in Chapter 165, Section 31. E (1), (2), (3) and (4), at their next meeting on August 19, 2009; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Planning Board to provide a written recommendation to the Town Board, on the adequacy of the proposed local law amendment, to provide specific stated details for the development of this PD zoned site, on or before noon on Friday, August 21, 2009; and

**BE IT FINALLY RESOLVED** that the Town Board directs the Town Supervisor to place said recommendation on the August 25, 2009 Town Board agenda for consideration and action.

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

**WAIVER OF THE RULE:**

**Supervisor Fafinski** requests a Waiver of the Rule to add Resolution #201-2009. All Town Board Members in agreement.

**TOWN BOARD MEETING**

**August 11, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #201-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE RETURN OF A SUMMER RECREATION REGISTRATION FEE**

**WHEREAS**, Tammy Carter registered her child in the Summer Recreation Program and paid the \$95.00 fee; and

**WHEREAS**, her daughter became ill the first week of Recreation and was no longer able to attend so she has requested the return of her Registration Fee.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the return, of the Summer Recreation Registration Fee, to Tammy Carter, in the amount of \$95.00.

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #202-2009:**

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

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #15-2009**

General	\$ 34,450.05
Highway Fund	197,517.83
Storm Drainage	1,569.98
Payroll	162.44
Builder Guarantee	25.00
Sewer District	230,191.19
Water District	3,039.07
<b>Total</b>	<b>\$466,955.56</b>

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

**EXECUTIVE SESSION:**

At 8:15 PM, a motion was made by **Councilman Mickelsen**, seconded by **Councilman Casale**, that the Town Board go into Executive Session to discuss a matter pertaining to the employment of a particular person and a matter of pending litigation. The motion was **CARRIED**.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman van der Velden**, to return to regular session at 8:40 PM. The motion was **CARRIED**.

With no further business, the meeting was adjourned, at 8:45 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**August 25, 2009**

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 August 2009, at 7:00 PM, there were:

- PRESENT:**
- Theodore Fafinski – Supervisor
  - Peter Ingalsbe – Councilman
  - Timothy P. Mickelsen – Councilman
  - Rudolf van der Velden – Councilman
  - Michael Casale – Councilman
  - Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway & Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ron Brand** – Director of Planning & Development, **Dave Degear** – Planning Board Chairman, **Robert Kleman** – Planning Board, Dottie Mickelsen, Diana van der Velden and Lori Benson, along with her Mother Barbara Flora, from Cobblestone Arts Center.

A motion was made by **Councilman van der Velden**, seconded by **Councilman Casale**, that the minutes of the August 11, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:**

**Diana van der Velden** reported on a book she is putting together, to include pictures and service history, of servicemen from Farmington. She asked that the word be spread to contact her or the Historical Society. Also, the Historical Society Craft Sale will be held November 14<sup>th</sup>.

**REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. Discussed a flow module, meter change outs (how it's progressing, not progressing), billing software second week in September.
2. Funding doesn't look very good for I&I improvements.
3. Looking into updating engineering services for water projects (looking at multiple firms).
4. Possibility of water over on the east side of Town; S. Stafford Road and Kyte Road.
5. Continuing to review purchase of a vibratory tamper attachment to be mounted on a backhoe.
6. Attorney will be reviewing the KOA sewer connection.
7. Discussed the possibility of bringing sewer to the Town Hall from Loomis Road; approximately 7,000 feet.

**Highway & Parks:**

1. Highway to start paving next week.
2. Resolution, on tonight's agenda, to extend seasonal workers into the Fall.
3. Design for culvert replacement on Mertensia Road.
4. Replacement of pipes on New Michigan Road.
5. Easement for a pond in Stone Hedge.
6. Looking at Farmbrook parking lot project - late September or October.

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

1. The Rochester Broadway Theatre League is looking at locating in Farmington. Ron Brand has contacted the Racetrack to see if there is interest in having something like that located on their property.
2. As a result of the survey, they (the Committee) started looking into the development of the trails to connect them to Canandaigua, etc.

**Website Committee: Councilman Ingalsbe** reported:

1. The committee met today, with all department heads, to discuss the five most frequently asked questions they receive. He had also asked them to look at other Town's websites for ideas. He said he received good cooperation from everyone with a lot of ideas exchanged. As of yet, another meeting has not been set; but everyone should get their ideas to him or Michelle over the next two weeks.

**Supervisor Fafinski** thanked Councilman Ingalsbe for taking his time to do this (since January).

**Councilman Ingalsbe** said he also met with the Planning, Zoning and Conservation Boards and said he would get back with them sometime after the first of the year to see if they would want their own pages.

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

1. Read the Receiver of Taxes and the Town Clerk's audits completed, this year, by Fred Kless. He requested they be read into the record (see below). He asked if the Court's audit had been read into the minutes. The answer was that it had not; it was only put in Communications or Reports & Minutes. The Town Clerk/Receiver of Taxes, **Rose Kleman**, asked if she could comment on the audits. She said she discussed the completed audit with Auditor Fred Kless, and also with the State Audit and Control office, as she had a couple of questions. She stated she has complied (since June) with the recommendations of Fred Kless regarding daily deposits, as this will make it easier to audit in the future. She stated she has been audited by the State, and Fred Kless, many times in the past thirty-six years and there have been no problems with the way it is being done until this year. The Auditor's recommendations are being complied with as of June.

**AUDIT REPORT OF THE FARMINGTON TOWN CLERK**

An audit of the Office of the Town Clerk of the Town of Farmington, New York for the year 2008 was completed June 16, 2009.

Scope of the audit: This audit encompassed a review of the daily cash receipts that occur within the office of the Town Clerk. This audit does not include the collection of property taxes.

General Audit Procedures Used:

**REPORTS OF TOWN OFFICIALS: (Continued)**

- The months of May and November were selected as test months for review with understanding that additional months would be reviewed if discrepancies were noted during these months.
- The daily cash reports for the two months were reviewed and tabulated by items each day and agreed to the monthly report.
- Receipts issued for Building Permits, Building Guaranties, Drainage Districts, Parkland Fees, Zoning Board of Appeals Fees, and Planning Board Fees were compared to the daily cash report each day of the month for both May and November.
- Monthly report of cash collected was compared to the total of deposit slips for the month and the deposit slips to the Bank Statements.
- Monthly disbursements to the following agencies were compared and reconciled to the monthly Report, the Bank Statements and cancelled checks.
  - Monthly report of Licenses Issued
  - Department of Agriculture and Markets (Dog License Monthly Report).
  - Department of Conservation (Decals Import Transaction Monthly Report)

The Town Clerk does not deposit funds daily, but when check amounts are significant enough, a deposit is made and during the month a group of days' receipts are compared to a group of deposit slips. I recommend if possible the Town Clerk make deposits associated to specific days' activities. This would enable reconciliation of a number of daily activities to each deposit.

It appears that the monies collected were properly accounted for and that adequate controls are in effect.

Fred Kless

To: Farmington Town Board  
From: Fred Kless, Auditor  
Date: July 21, 2009  
Re: Tax Collector Audit 2009  
Cc: Town Clerk

Like last year, I found slight variances from the Tax Collection procedures as outlined by the Office of the State Controller for auditing towns, in the timing of payments to the town and county.

The State guidelines call for weekly remittances to the Town Supervisor until the entire town budget is satisfied. Remittances were made during January satisfying the town budget on January 28<sup>th</sup>.

The guidelines say the additional taxes collected should be remitted to the County Treasurer by the 15<sup>th</sup> of the following month. During February a million and a half dollars were put into an interest bearing account. On February 4, 2009 the first payment to the County Treasurer of \$1,000,000 was made with a second of \$575,000 on February 24<sup>th</sup>. During March \$1,200,000 was paid to the County, using \$1,000,000 from savings. During early April the remaining \$500,000 in savings was returned to the checking account and settlement with the Treasurer was made April 7<sup>th</sup> in the amount of \$765,808.85.

The guidelines also call for the penalties and interest be paid to supervisor by the 15<sup>th</sup> of the month following collection. This was done April 9<sup>th</sup>.

I reviewed the cash book entries and traced them to the Bank Statements for the period December 2008 through April 2009 finding no discrepancies. I recapped the activity and traced it to the tax settlement balancing worksheet and the Collector's Settlement 2009 which balances collections to the allocations of funds.

I believe the Tax Collector's procedures provided the desired collections and allocation to both the Town and County. By utilizing the savings account until payments were required and settlement made, the Town earned interest this year of \$1,336 which was transferred to the Property tax savings in June. The checking account and saving account remain open and dormant until next year with minimal balances of \$50 and \$100.

**REPORTS OF TOWN OFFICIALS: (Continued)**

2. Reported that Agenda item #9 (setting guidelines for provision of health insurance coverage to the unmarried child of an insured through the age of 29) has been pulled. **Discussion:** On July 29, 2009, three bills on healthcare were signed into law which would make health insurance more affordable and improve access to it for New Yorkers. He explained the laws and how they could affect the contract holder. He will charge the Personnel Committee with reviewing the new insurance laws and report back to the Supervisor how they will impact the Town; the enrollment and deadlines need to be reviewed. It would not require employers to contribute to the cost of coverage. The terms and payment schedule need to be reviewed; there are many unanswered questions. We'll probably have a Resolution to establish the policy and how it will be handled.

**Highway & Parks Superintendent Ed McLaughlin:**

1. They are working on culvert pipes on New Michigan Road for recycling next year. There are eight pipes under the road that are all rotted, so we are changing them out this year.
2. Kyte Road Bridge is in limbo right now.
3. All set for paving but pavers are in Victor; the County will be doing the paving for us.
4. Mowing road sides; this is the third mowing. They have mowed the Route 332 corridor with no contract; he explained why he and Canandaigua Highway Superintendent Jim Hecker have no contract. **Supervisor Fafinski** said, the way it is, you're using taxpayer's dollars to mow State roads. **Lori Benson** chimed in and thanked Superintendent McLaughlin for mowing Route 332 as the Cobblestone Arts Center finds it very hard for people walking with the grass so high, it is a safety issue. **Supervisor Fafinski** asked Superintendent McLaughlin to send a letter to Assemblyman Joe Errigo regarding the contract, and a general rundown on why there is no contract, and the State's reply, along with how much we have spent to date, with no reimbursement, and he suggests Jim Hecker write to Assemblyman Brian Kolb as well.
5. The Parks Department is moving along with the mowing of grass.
6. The United Soccer League wants to use Mertensia Park for their travel league.
7. Supervisor Fafinski reported on an incident that happened last night, at 2:00 AM, in Farmington Grove Park. The Sheriff's Department had an undercover operation. They apprehended four individuals, two were illegal aliens, and they have been turned over to US Immigration to be deported. They were doing drugs. There were two others who he assumes were minors that had alcohol and were purchasing drugs; all were charged with trespassing and/or possession of drugs. Two of the aliens worked at a local mexican restaurant.

**Town Clerk & Receiver of Taxes Rose M. Kleman:**

1. She has two proposals, from BAS and MuniPay, for using credit cards. The Town Board should review the proposals so she can set up meetings with them, the Water & Sewer Department and the Finance and Account Specialist, regarding the payment of water and sewer bills. The Attorney needs to review and then a Board Resolution will need to be passed. Discussion followed. Supervisor Fafinski has charged the Town's Operation Committee, Councilmen Casale and van der Velden, with going over the proposals and making recommendations to the Board and referring to the Town's Attorney. She will send proposals to the Councilmen for review.
2. At the last meeting, Councilman van der Velden asked for a report on the humidity control in the records vault. Rose gave him a daily report sheet, which was discussed, and Councilman van der Velden requested continuation of the daily log sheet and to keep on top of it in case there is a problem.
3. We received the new, updated highway maps and we need to get twelve, plus small ones, ready for the election districts with all the election districts marked on them.
4. She said she wanted to make the Board aware that, seven months ago, she was asked to serve on the Ontario County Mass Fatality Committee as Registrar and Advisor for Death Certificates; the County Guide should be completed soon. She will continue to work with the hospitals and the coroners in case of swine flu pandemic.
5. Received a letter, today, from the State Archives Regional Advisory Officer commending the Clerk's office for the strong records management program that Farmington has. We have received a total of \$150,349 with our office writing fourteen grants and receiving the most money of any Town in Ontario County. The Clerk's office did all of the work on each grant.

**Water & Sewer Superintendent Jim Crane:**

1. He wanted to make the Board aware of ACH; it is a direct debit paying process for water & sewer bills. It is currently offered to Victor customers; the customer signs up for it with Canandaigua National Bank – it is a customer service we can offer. **Town Clerk Kleman** asked Superintendent Crane to follow through with offering this service to all the customers (will need Town Board Resolution).

**Code Enforcement Officer Floyd Kofahl:**

1. There are three properties that need the lawns mowed. He has not been able to make contact with the property owners; some are empty, so the Town will have to mow them. **Supervisor Fafinski** asked if he had tried contacting the mortgage holder. **CEO Kofahl** said he is working on that and he has discussed this with the Town's Attorney.
2. Aldi's is well underway; they hope to be open before Thanksgiving and start stocking the store by the first week in November.
3. Park Place Restaurant will be demolished.

**REPORTS OF TOWN OFFICIALS: (Continued)**

- 4. The owner of Sledgehammer’s will be meeting with Ruby Tuesday’s in September; some changes will be made at that location.
- 5. 332 LLC project will be bringing in building plans; they would like to get a building permit in four weeks. They still have a few permits and other paperwork to get to him for review.
- 6. Saratoga Crossing has the same things to do, i.e. permits, letter of credit, etc. **CEO Kofahl** said we should see ground breaking on both of those projects within a month.

**Director of Development Ron Brand:**

- 1. The State Office of Historic Preservation has given the Highway Superintendent the okay on the Farmbrook parking lot project.
- 2. Farmington LLC is asking the Town to serve as the pass through for the eight million dollar grant funding for the senior project. He asked about the administrative cost that they are proposing for the Town; they said they will put it all together for him to look at. This is a project where you can be reimbursed out of the grant. He will be discussing this with Attorney Graff and the Government Operations Committee.
- 3. He will be doing a follow-up on the survey regarding the trails. He met with representatives of the State Regional DOT office and the State Transportation Council. There are things in progress; first, Congress is going to be asking, in September, to remove the Transportation Safety Law, which governs the trails and bike ways. He proposed this to Congressman Massa to support this and to know we support it also. In January, GPC will be having the transportation improvement plan okayed which will give us the opportunity to seek some design for the trail itself. There is also a ‘healthy trail, healthy people’ program which helps create trails and the grant funding for that is October 2<sup>nd</sup>. He will submit a grant application.
- 4. Discussed a Farmland Protection Plan; he spoke with the Agriculture Committee some months ago, but has not heard from them since.
- 5. He said he wanted to bring the Board up to date regarding the Rochester Broadway Theatre League. They are looking for a new site with 25+ acres. He explained that they wanted to be able to park buses, 1,500 cars and an area needed for twenty trailers, among other things. He contacted Chris Riegle, at the Racetrack, to see if they would have space over there for a project such as this. Mr. Riegle seemed to be interested and offered to speak with Ron about it. Supervisor Fafinski feels we are a good contender for a project such as this due to the location, utilities, tax rates and other advantages we can offer. **Mr. Brand** said there were many interested communities, at the meeting in Rochester, including Canandaigua, Victor and Pittsford among others.

**COMMUNICATIONS:**

- 1. Claim Information from Progressive Insurance Re: P. Robinson.
- 2. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply - Aldi Watermain.
- 3. Letter to New York State Housing Finance Agency from Supervisor Re: Farmington Senior Apartments.
- 4. Memo to Code Enforcement Officer and Water & Sewer Superintendent from Supervisor Re: USDA Home Ownership/Repair Programs.
- 5. Letter to RG&E from Supervisor Re: Installation of Street Lighting – Coral Drive and Spartan Drive – Auburn Meadows Subdivision.
- 6. Letter to Town Clerk from Farmington Volunteer Fire Association Re: Update current listing.
- 7. Certificate of Liability Insurance Re: Rochester RBC, LLC; Arena Construction Co. LLC; Gerber Homes, Inc. and David C. Smith Carpentry.
- 8. Certificate of Workers’ Compensation Insurance. Re: Arena Construction Co., LLC.

**REPORTS & MINUTES:**

- 1. Ontario County Humane Society Monthly Report – July 2009.
- 2. Historic Preservation Meeting Minutes – August 6, 2009.
- 3. Recreation Commission Meeting Minutes – August 10, 2009.
- 4. Website Meeting – August 11, 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #203-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for the balance of BRX invoices of resident surveys; and

FROM:	A1990.4	Contingency	\$51.82
TO:	A8020.42	Planning & Development	(\$51.82)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #203-2009: (Continued)**

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

**RESOLUTION #204-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, to cover uniform expense through year end; and

FROM:	A7110.4	Parks CE	\$280.00
TO:	A7110.42	Parks CE Uniforms	(\$280.00)
FROM:	A5132.4	Garage CE	\$195.00
TO:	A5132.41	Garage CE Uniforms	(\$195.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and the Highway Department.

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

**RESOLUTION #205-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**APPROVAL TO PURCHASE FLOW MONITORING EQUIPMENT**

**WHEREAS**, the Water and Sewer (W&S) Department budgeted for a Flow Monitoring Equipment replacement in lines SS 8120.21 (Collection System-Equipment) and SS 8130.2 (WWTP-Equipment); and

**WHEREAS**, the scheduling of this purchase is in accordance with the W&S Department's Capital replacement program; and

**WHEREAS**, the equipment will be unitized in the W&S Department, I & I Program, to measure and help locate areas of infiltration into the Sanitary Sewer System; also used for Capacity Assessment and Sanitary Sewer Evaluations.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase one new Teledyne Isco Flow Module, model #2150, from Teledyne Isco, with Software & Training by Burgh Schoenenberger, of Pavilion, New York, at a cost not to exceed \$7,092.00; and

**BE IT FURTHER RESOLVED** that this purchase will be expended from Sanitary Sewer Budget lines SS-8120.2 and SS8130.2.

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

**RESOLUTION #206-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN APPLICATION FOR PAYMENT**

**RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the application for payment, for \$108,800.00, and Change Order No. 1, for minus \$10,000, from Crane Hogan Structural Systems, Inc., for the Kyte Road Bridge Project – 2008-2009 "CHIPS" project (Expenditure Lines DA5112.22 & DA5112.2); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department with originals to forward to Crane Hogan.

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

**RESOLUTION #207-2009:**

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

**RECALLING AND AMENDING RESOLUTION NO. 115-2009**

**WHEREAS**, the Highway Superintendent would like to extend the time-frame, of the seasonal position, from September 20, 2009 to October 17, 2009.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #207-2009: (Continued)**

**THEREFORE BE IT RESOLVED**, the Farmington Town Board recalls and amends Resolution No. 115-2009 to extend the position until October 17, 2009; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Department and to the Supervisor's Secretary.

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

**RESOLUTION #208-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**LETTER OF CREDIT RELEASE #1 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) received a request from David Degear, Town Planning Board Chairperson, dated August 19, 2009, recommending that the above referenced Letter of Credit Release #1 be approved in the total amount of \$54,172.85, for work completed in the Phase 3 portion of the Auburn Meadows 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 Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$973,187.08 on this Letter of Credit; and

**WHEREAS**, there will be a total of \$919,014.23 remaining on the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted on August 19, 2009, recommended the release of the requested amount, \$54,172.85.

**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; and

**BE IT FINALLY 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 #209-2009:**

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

**RECOMMENDATION TO AMEND LOCAL LAW #3 OF 1983, SUBMITTING TO THE ONTARIO COUNTY PLANNING BOARD AND ESTABLISHING A PUBLIC HEARING DATE**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a Farmington Town Planning Board (hereinafter referred to as Planning Board) Resolution for Planning Board File #0805-09, which is made and submitted in accordance with the provisions of Chapter 165, Section 31. E. (4) (a) and (b); and

**WHEREAS**, said Resolution determines that the Planning Board finds that the draft local law amendment is desirable to achieve the specific modifications shown on the ESL Preliminary Site Plan Amendment Map, a part of Planning Board File #0806-09; and

**WHEREAS**, the Town Board has reviewed, and has given consideration to, the merits of adopting said draft local law amending Local Law #3 of 1983; and

**WHEREAS**, the Town Board desires to conduct a Public Hearing on said local law amendment; and

**WHEREAS**, the Town Board has given consideration to the Farmington Town Code (hereinafter referred to as Town Code) procedures, for PD amendments set forth in Chapter 165, Section 31. E. (1).

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Planning Board's recommendation and does hereby direct the Town Director of Planning and Development to submit the draft local law to the Ontario County Planning Board for its' review at the September 9<sup>th</sup> County Planning Board Meeting; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Director of Planning and Development to prepare the environmental record on said Action, to amend Local Law #3 of 1983, and to submit evidence thereof to the Ontario County Planning Board; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #209-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Town Board does hereby establish a Public Hearing, to be held on said local law amendment, for Tuesday, September 22, 2009, commencing at 7:05 p.m., in the public meeting room, main level, of the Farmington Town Hall, 1000 County Road 8, Farmington, New York; and

**BE IT FINALLY RESOLVED** that the Town Board directs the Town Clerk to provide public notice, of said Public Hearing, in accordance with the procedures set forth in New York State Town Law.

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

**RESOLUTION #210-2009:**

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

**RECOMMENDATION TO AMEND LOCAL LAW #4 OF 1988, SUBMITTING TO THE ONTARIO COUNTY PLANNING BOARD AND ESTABLISHING A PUBLIC HEARING DATE**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of a Farmington Town Planning Board (hereinafter referred to as Planning Board) Resolution for Planning Board File #0705-09, which is made and submitted in accordance with the provisions of Chapter 165, Section 31. E. (4) (a) and (b); and

**WHEREAS**, said Resolution determines that the Planning Board finds that the draft local law amendment is desirable to achieve the specific modifications to the original James & Frances Crane, 1380 County Road 28, PD Planned Development District Site Plan Map, a part of Planning Board File #0705-09; and

**WHEREAS**, the Town Board has reviewed and has given consideration to the merits of adopting said draft local law amending Local Law #4 of 1988; and

**WHEREAS**, the Town Board desires to conduct a Public Hearing on said local law amendment; and

**WHEREAS**, the Town Board has given consideration to the Farmington Town Code (hereinafter referred to as Town Code) procedures, for PD amendments, set forth in Chapter 165, Section 31. E. (1).

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Planning Board's recommendation and does hereby direct the Town Director of Planning and Development to submit the draft local law to the Ontario County Planning Board for its review at the September 9<sup>th</sup> County Planning Board Meeting; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Director of Planning and Development to prepare the environmental record on said action, to amend Local Law #4 of 1988, and to submit evidence thereof to the Ontario County Planning Board; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby establish a Public Hearing to be held on said local law amendment, for Tuesday, September 22, 2009, commencing at 7:05 p.m., in the public meeting room, main level, of the Farmington Town Hall, 1000 County Road 8, Farmington, New York; and

**BE IT FINALLY RESOLVED** that the Town Board directs the Town Clerk to provide public notice, of said Public Hearing, in accordance with the procedures set forth in New York State Town Law.

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

**RESOLUTION #211-2009:**

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

**DIRECTOR OF PLANNING AND DEVELOPMENT TO PREPARE A FORMAL RESPONSE**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) received information, at tonight's Town Board Meeting, from the Town Director of Planning and Development, regarding a Request For Proposal from the Rochester Broadway Theatre League (hereinafter referred to as RBTL) for a specific site for a new RBTL facility; and

**WHEREAS**, the Town Board understands that Chris Riegel, Executive Director, Finger Lakes Racing and Gaming Facility, (hereinafter referred to as FLRG) has expressed an interest in the Town submitting a specific proposal, for the use of a portion of the land, now owned by FLRG, for a future RBTL Facility, for the RBTL Board of Director's consideration; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #211-2009: (Continued)**

**WHEREAS**, the Town Board desires to promote the economic benefits, to the Town of Farmington and the County of Ontario, by having the Finger Lakes Broadway Theatre League Facility located within this strategic center of the Finger Lakes Region.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby direct the Town Director of Planning and Development to prepare a specific response to the Board of Directors, of the RBTL, for the Town Supervisor’s signature.

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

**RESOLUTION #212-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #16-2009**

General	\$ 52,336.00
Highway Fund	133,209.82
Storm Drainage	6,929.91
Payroll	2,105.49
Lighting	5,833.21
Racetrack Drainage	595.48
Mertensia Lodge	1,693.75
Fire Protection District	133,631.67
Sewer District	48,209.88
Water District	11,934.18
<b>Total</b>	<b>\$396,479.39</b>

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

**WAIVER OF THE RULE:**

**Supervisor Fafinski** requests a Waiver of the Rule to add Resolution #213-2009. All Town Board Members in agreement.

**RESOLUTION #213-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**SET POLICY FOR TOWN BOARD MEETING ROOM ON TOWN BOARD MEETING DAYS**

**WHEREAS**, the Town Board meeting room, in the Town Hall, is used on Town Board meeting days, for the Town Board Public Works Advisory Committee to meet. Town Board Members are required to audit all invoices and vouchers, presented for payment, at various times during the day and use the meeting room for this purpose. The staff must set-up the room for the evening board meeting and, occasionally, a Workshop is scheduled before a Board meeting.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board meeting room shall not be reserved, for any purpose, other than for the Town Board on Town Board meeting days to facilitate the orderly preparation for the Board meeting. A copy of this Resolution shall be furnished to the Town Clerk and all department heads.

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

**DISCUSSION:**

1. Set workshop date for meeting with Farmington Fire Association – September 8, 2009 at 6:00 p.m.
2. Computers for Building Department. **Councilman Mickelsen** reported on vendors; Microworx at \$5,660 and Keyser Computer Services at \$5,396. After discussion, **Councilman Mickelsen** recommends Keyser Computer Service. **Councilman van der Velden** proposes they have a Resolution ready for the next Board meeting for Keyser Computer Service.

**Supervisor Fafinski** said, “I would like the record to reflect, it has come to my attention, that someone had made some comments at a public, not a public meeting, a private meeting of a public organization, that the actual cost of the town wide survey was \$70,000. I have here a copy of (the) General Fund Account Ledger that shows the cost of that survey to be \$8,500.00; the total cost is \$8,551.82. Let the record reflect that, lest there be some intentional or unintentional statements. I will give the Clerk a copy of these figures to enter into the record”.

**TOWN BOARD MEETING**  
**DISCUSSION: (Continued)**

**August 25, 2009**

**TOWN OF FARMINGTON – GENERAL FUND – TOWNWIDE**  
**2009 ACCOUNT LEDGER**

Account#: A8020.42  
Title: Planning & Development – Comprehensive

Expenditures: 6,753.71  
Modified Budget: 8,500.00  
Outstanding Enc: 0.00

Date	Desc	Ref	Debit	Credit	Unencumb Balance
01/01	To Record Budget	BJ120		8,500.00	8,500.00
01/28	BRX Global Research Svs Inc 18991/V119 ½ Prof Svcs-Rec Survey	CD001101	5,510.50		2,989.50
04/29	Ontario County Printing 19572/V818 2200 Recreation Surveys	CD004134	56.39		2,933.11
04/29	Sentry Business Products 19592/V832 2500 6x9 Envelopes-Rec Surveys	CD004151	131.52		2,801.59
07/15	Ontario County Printing 20000/V1446 2,200 Residen Rec Surveys	CD007076	612.50		2,189.09
07/29	Carges Enterprises at CDGA 20058/V1551 Recreation Surveys	CD007132	442.80		1,746.29
			6,753.71	8,500.00	

(Handwritten notes on Ledger sheet: 8/11/09 – BRX \$1,798.11. In circle on sheet - \$8,551.82 total)

**Councilman Casale** asked Councilman Mickelsen if he was at that meeting; the answer was yes. **Councilman Casale** asked if he (Councilman Mickelsen) felt it was a statement to discredit the Town Board or not. **Councilman Mickelsen** said, “I’m not going to judge the intent of the person who made the statement. In my opinion, it was extremely inaccurate information, not even close to being on target”.

**TRAINING UNDER \$100.00**

1. Planning Board Member Bob Kleman to attend Ontario County Available Land Use Training on October 6, 2009, in Hopewell, at no cost.

With no further business, the meeting was adjourned, at 8:35 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Ingalsbe**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP**

**September 8, 2009**

At 6:00 PM, on September 8, 2009, the Town Board met in Workshop Session with the Farmington Volunteer Fire Association. The purpose of the Workshop is to receive additional information from the Fire Department Board concerning their future goals and plans and their five-year plan with discussion to follow. Those present were:

**PRESENT:**

Ted Fafinski – Supervisor	Rose M. Kleman – Town Clerk
Peter Ingalsbe – Councilman	Ken Walton – President, Fire Dept.
Timothy P. Mickelsen – Councilman	Ray Wolfe – Fire Chief
Michael Casale – Councilman	Peg Garland – Treasurer, Fire Dept.
Rudy van der Velden – Councilman	Dan Weigert – Fire Dept. Board

**Peg Garland** said, due to the fact Supervisor Fafinski was not present at the first presentation to the Town Board, they wanted to review with everyone, including Supervisor Fafinski. She presented an updated plan and picture of a new proposed fire hall at the corner of Route 96 and Hook Road. She said it is now zoned residential and they would need it rezoned commercial. She explained what they are planning for the building they are using now; there are several ideas such as sell, rent, lease or continue to use it for trucks, etc., it is still in the thought process. They have been pursuing possible loans which, currently, come in at 10% (that was the best rate provided by Bernard Donegan). Canandaigua National could give them a loan at 6%.

**Supervisor Fafinski** said the Fire Department is a separate district, such as lighting or water districts, with a separate tax levy; you can’t take money from other funds. Right now, the Town has two other major projects to do: we need to build a new highway garage and salt shed and we need to purchase more land to make room. Sales tax revenue is now down 10% more and that’s the major source of revenue for these

projects. We are looking at a deficit of \$250,000 this year and next year's budget will be lowered; it's another quarter of a million on the revenue side.

The other issue is the State Retirement Fund; their losses get pushed off to municipalities, cities, counties, etc. to make up. The 2008 fire rate was \$.68 per thousand, the general and highway funds were \$1.19 per thousand. **Peg** asked if there is an issue if they ask for an increase in taxes. Consensus of opinion of the Town Board was residents do not want an increase in taxes. **Supervisor Fafinski** said take what it is you'd like to have against what is needed for public safety. He asked about adding on to the building. **Dan Weigert** said they can't extend (the building) out; he's already spoken to Floyd Kofahl about it. They need more room for the trucks and the new truck is too large for this building.

**Peg** said they are working with Bernie Donegan/Chuck Bastian to try and find money and lower interest rates. The cost of the new building could be from 2.5 to 5 million dollars. Right now, they have \$325,000 for capital reserve.

**Ray Wolfe**, Fire Chief, said that, in 2010-2011, the Department needs to buy new radios at about \$1,000/each.

Further discussion was held on what could be done with the original building; i.e.: sell, rent, etc. Also discussed was using the fire houses for voting and a disaster housing area. **Mr. Walton** said they need more members to answer calls and volunteers come and go; active members are hard to get and keep. The fire tax rate was discussed in regard to a possible increase. **Supervisor Fafinski** said informational meetings would be a start so residents would know why the increase is necessary for safety, etc. **Peg** said they could do it in the spring for the 2011 budget.

With no further business, the Workshop was adjourned at 7:00 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD MEETING****September 8, 2009**

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At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 8<sup>th</sup> day of September 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Jim Morse** – Code Enforcement Officer, **Robert Kleman** – Planning Board, **Donna LaPlant** – Assessor, Brandon LaPlant and Victor Arsenault – KOA Campgrounds.

A motion was made by **Councilman Mickelsen**, seconded by **Councilman Ingalsbe**, that the minutes of the August 25, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRESENTATION:**

**Supervisor Fafinski** presented Water & Sewer Superintendent Crane with a Certificate of Appreciation for his twenty-five years of service.

**REPORTS OF STANDING COMMITTEES:**

**Town Operations Committee:** **Councilman van der Velden** reported:

1. He and Councilman Casale were reviewing the information on the set-up for credit/debit card use in the Town Clerk's office. So far, they have nothing to report and have more information coming for review.

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

**Water & Sewer:**

1. Discussed watermain damage on County Road 41.
2. Discussed KOA sewer connection fees and number of units needed.
3. They purchased a mobile reading device (replacement) at a cost of \$17,000.00.
4. Discussed engineering services for a watermain project.

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

1. On September 21<sup>st</sup> he will file, with the Town Clerk, the Tentative 2010 Budget. The Town Clerk will then present it to the Town Board members at the September 22<sup>nd</sup> Town Board meeting. The Board will hold budget workshops, with department heads, beginning the 29<sup>th</sup> of September at 1:00 PM (more dates to follow). He hopes to have the Preliminary Budget ready by October 9<sup>th</sup> and set a Public Hearing possibly for the 27<sup>th</sup> of October with possible adoption on November 10<sup>th</sup> (still working on definite dates). We are trying not to have any tax increase in the Highway or General, etc. Funds. There will be some fluctuations in some districts; we will need to crunch numbers and assess valuation increases overall. Sales tax revenue will be figured somewhere in the neighborhood of the 2007 actual because anything greater than that is extremely risky. The County is looking at an 8% decrease over the 2008 sales tax revenue for 2010. It is figured for municipalities on the assessed valuation and we have had two major assessments in the Town in the last couple of years so it depends on how many other Towns in the County had those; there were some. It is how the percentage breakout is going to be; it's different every quarter; actually every year.

**Highway & Parks:** No report.

**Town Clerk & Receiver of Taxes Rose M. Kleman:**

1. She gave Councilman van der Velden an update on the new vault's humidity situation. He suggested a log book to follow up and/or keep track. We are keeping Ed McLaughlin in the loop on this also.
2. We received new highway maps with new roads identified. CEO Kofahl went over them and approved the updates. **Councilman Ingalsbe** said he checked them and, on the indexing side, there are a couple of streets that need to be added; they are on the map though. Currently, I am trying to update the election districts on them (the new maps).

**Water & Sewer Superintendent Jim Crane:**

1. Today is water shut-off (delinquent bills). He said the billing office and Clerk's office have been busy today due to people rushing in to pay their bills (on our overtime). **Supervisor Fafinski** asked if there were more this quarter; **Superintendent Crane** said there were. **Supervisor Fafinski** said economy wise, that's serious when they can't pay their water bill. **Superintendent Crane** said, when they started this morning, there were 115 shut-off bills; then we deducted the payments left in the night drop box which cut it almost in half; usually there are about 35-45.
2. He reported there will be seven sewer units for the KOA. The Public Hearing will be held at the September 22, 2009 Town Board meeting.

**Code Enforcement Officer Jim Morse:**

1. Park Place Restaurant will be demolished; they are optimistic that, if everything goes well, it will then be under construction and could be open by the end of the year.
2. Lawn mowing taking place at 250 & 793 Hook Road and 30 Gannett Road; the Town will be mowing.
3. The site work has begun at Saratoga Crossing townhouses and building permit information is in; they are working on the building permits.
4. He said they have no new information on Cassidy's Restaurant.

**Planning Board Member Bob Kleman:**

1. They had a light agenda; they approved the site plan for a three lot subdivision on Crowley Road.
2. Reported nothing formal from the Urgent Care project (Route 96); only a few changes made.
3. Auburn Meadows made some changes.
4. Roadway change for the 63 homes in Beaver Creek Estates.

**Assessor Donna LaPlant:**

1. She is working on a residential ratio report to give to the State; that has to be done by October 2<sup>nd</sup>.
2. Donna Ciardi has been working on mobile home exemptions; sending letters.
3. Sales have been relatively strong; values high, no big decrease.
4. Had one small claims hearing on an assessment; we won it.

**COMMUNICATIONS:**

1. Letter to Mr. & Mrs. Ernest Dinardo from Supreme and County Courts of the State of New York Re: Small Claims Assessment Review – 4539 Kyte Road.
2. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply – Farmington 332 LLC main.
3. Letter to Water & Sewer Superintendent from MRB Group Re: Purdy Road Watermain Replacement.
4. Letter to Congressman Massa from Supervisor Re: Town Hall Meeting.
5. Letter to Town Clerk from New York State Archives Re: Offer of on-going support – grant history.
6. Email from Judith Wellman Re: 1816 Farmington Quaker Meetinghouse.
7. Fax from NYS Office of General Services – Flags to be flown at half-staff – Senator Edward M. Kennedy.
8. Memo to Supervisor from Bookkeeper Re: Inventory/Fixed Assets/Infrastructure/Land/Improvements.
9. Memo to Water & Sewer Superintendent and Highway Superintendent from Bookkeeper Re: Capital Projects.

**COMMUNICATIONS: (Continued)**

10. Letter to Barbara Brooks from Assessor Re: Dissolution of Farmbrook Homeowners Association and Tax Increases.
11. Letter to Rochester Broadway Theatre League from Supervisor Re: Rochester Broadway Theater League Phoenix Project.
12. Memo to Highway Superintendent from Supervisor Re: Request from Town Resident I. Cook, 5856 Canandaigua-Farmington Townline Road.
13. Public Notice – Workshop – September 8, 2009, with Farmington Volunteer Fire Department Board.
14. Letter to Supervisor from Time Warner Cable Re: Agreements with programmers expire.
15. Memo to All Town Boards, Committees and Commissions from Supervisor Re: Conflict of Interest of Municipal Officers and Employees.
16. Notice from Ontario County Department of Public Works – Road Closing.
17. Certificate of Liability Insurance – Chemung Supply Corp.

**REPORTS & MINUTES:**

1. Zoning Board of Appeals Meeting Minutes – July 27, 2009.
2. Justice Gligora Monthly Report – August 2009.
3. Building Department Monthly Reports – August 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #214-2009:**

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

**AUTHORIZING THE BUILDING DEPARTMENT TO PURCHASE NEW COMPUTERS**

**RESOLVED**, the Farmington Town Board authorizes the Building Department to purchase four new computers, from Keyser Computers, at a cost not to exceed \$6,000.00.

**Discussion:** **Councilman Mickelsen** wanted to disclose, for the record, that he has worked with both vendors himself; it is not an influence for him either way we go as they are both good vendors.

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

**RESOLUTION #215-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**RESOLUTION OF SUPPORT – GENERAL EFFICIENCY PLANNING GRANT**

**WHEREAS**, the County of Ontario wishes to pursue grant funding to support an improvement to the real property tax administration; and

**WHEREAS**, the Ontario County Real Property Tax Services Agency supports the various municipalities in the administration of assessment programs; and

**WHEREAS**, the Town of Farmington is interested in exploring a more efficient and consistent system to value commercial, industrial and complex agricultural properties; and the Assessor of the Town views this as a valuable enhancement in the assessment process.

**THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington supports the further study of the Centralized Commercial Property Valuation Project; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Robin Johnson, Director, Ontario County Real Property Tax Services, 20 Ontario Street, Canandaigua, NY 14424.

**Discussion:** **Supervisor Fafinski** said Ontario County Real Property is seeking a grant to support an improvement to Real Property Tax Administration. If they get the grant, it would allow them to do a study in exploring a more efficient and consistent system to value commercial, industrial and complex agricultural properties and the Town Assessor views this as a valuable enhancement in the assessment process; that is the Assessor can get consulting services from the County for the complex properties. The Assessor said she thinks this would be great; towns can share with other towns. **Supervisor Fafinski** asked that the Town Clerk mail the Resolution out as soon as possible due to the grant deadline.

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

**RESOLUTION #216-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

**AUTHORIZING THE SUPERVISOR TO SIGN CHANGE ORDER NO. 1 FOR THE KYTE ROAD BRIDGE PROJECT**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #216-2009: (Continued)**

**WHEREAS**, MRB Group notified the Highway Superintendent that a Change Order is needed to add \$1,317.90 to the railing contract for the Kyte Road Bridge Project.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes Change Order No. 1 and authorizes the Supervisor to sign the Change Order adding \$1,317.90 to the railing contract; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward all three originals to MRB Group and make a copy to keep with this Resolution.

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

**RESOLUTION #217-2009:**

**Councilman Ingalsbe** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE SUPERVISOR TO SIGN GASBOY SUPPORT AGREEMENT**

**WHEREAS**, the Highway Superintendent has submitted the Gasboy Support Agreement for the Supervisor's signature; and

**WHEREAS**, the Renewal Agreement is for the Gasboy software that operates the fuel pumps at the Highway Garage.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Supervisor to sign the Gasboy Support Agreement at a cost not to exceed \$175.00 (A5132.4); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution, along with the Agreement, to the Highway Department.

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

**RESOLUTION #218-2009:**

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

**ORDER CALLING PUBLIC HEARING**

**WHEREAS**, by written Petition dated May 6, 2009, 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 KOA Campground Extension to the Farmington Sewer District ("District") to serve the several lots and parcels of land within the proposed District; and

**WHEREAS**, Joseph A. Pullen, P.E., has prepared a map, plan and report entitled "Proposed Kamgrounds of America, Inc. Sanitary Sewer Lateral Forcemain" dated February 3, 2007, 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 District; and

**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 sewer 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 sewer mains, with associated 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 estimated costs of the District, to the typical property or one-family or two-family home, is \$0 for debt service and \$1,960.00 for sewer rents. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within said District in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom.

**THEREFORE BE IT RESOLVED**, additionally, the initial estimated hook-up fee is \$1,900 per lot, which will be paid by the developer. Any hook-up fees, to be charged, shall be determined on an annual basis by the Town Board. Additionally, the owner will be required to pay for installation of the sewer service from the right-of-way to the structure using the sewer service. These items are to be purchased by the affected property owner from a private contractor. The homeowner or property-owner is responsible for all inside plumbing.

**ORDER OF BUSINESS: (Continued)****RESOLUTION #218-2009: (Continued)**

**NOW, THEREFORE BE IT RESOLVED** 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 September 22, 2009, 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 RESOLVED** that this Order Calling for a Public Hearing shall be published and posted as required by law.

All voting "Aye" (signatures required and on file), the Resolution was **CARRIED**.

**EXHIBIT 1 - K.O.A. Sanitary Sewer District Ext.**

**All that Tract or Parcel of Land** situate in the Town of Farmington, County of Ontario and State of New York, as shown on map entitled "KOA Campgrounds Sanitary Sewer, as prepared by Joseph Pullen, P.E., and Maps #2652 & #14181, as prepared by David Freeland, L.S., and filed in the Ontario County Clerk's Office" and bound and described as follows:

Beginning at a point in the Center line of Canandaigua Farmington Town Line Rd said point being 2264' from the Center Line of County Rd #8 and being the South Western Corner of Property of Victor & Kathleen Arsenault, (KOA) Tax Map Parcel 42.00-1-29.00 and the South Eastern Corner of Property of Anthony & Laura Muchard Tax Map Parcel 42.00-1-31.00, Thence

1. S 80°49'00" E, along the center line of Canandaigua Farmington Town Line Rd a distance of 649.90' to a point in the centerline of Canandaigua Farmington Town Line Rd, being the Southern boundary of Tax Map Parcel 42.00-1-29.00 the land of Victor & Kathleen Arsenault of 5374 Farmington Town Line Rd, (KOA Campground Inc). Thence
2. N 8°58'00" E, at right angles of the Southern boundary of Victor & Kathleen Arsenault (KOA), a distance of 25.75' to an iron pin. Being the Eastern boundary of Tax Map Parcel 42.00-1-29.00 (KOA). Thence
3. N 8°58'00" E, continuing along the eastern boundary of Tax Map Parcel 42.00-1-29.00 (KOA) a distance of 757.75' said point being the Northwest corner of Tax Map Parcel 42.00-1-26.211. Thence
4. N 8°58'00" E, continuing along the eastern boundary of Tax Map Parcel 42.00-1-29.00 (KOA) a distance of 242.25' to a point being the north east corner of Tax Map Parcel 42.00-1-29.00 KOA Campgrounds. Thence
5. N 80°48'54" W, along the Northern Boundary of Tax Map Parcel 42.00-1-29.00 (KOA) a distance of 650.00' to a point. Thence
6. S 8°44'39" W, along the Western Boundary of Tax Map Parcel 42.00-1-29.00 (KOA) a distance of 1000.00' said line being the eastern boundary of Tax Map Parcel 42.001-31.00. thence
7. S 8°44'39" W continuing along the western boundary of Tax Map Parcel 42.00-1-29.00 (KOA) a distance of 24.75' the point and place of beginning, Containing 15.324 Acres of land.

**RESOLUTION #219-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**WAIVING THE MERTENSIA PARK LODGE RESERVATION FEE**

**WHEREAS**, Cheryl Hartmann's son, Tristan Hartmann, who recently passed away, was a long time participant in the Summer Recreation Program; and

**WHEREAS**, Mrs. Hartmann reserved the Mertensia Park Lodge to hold a Memorial Service for her son.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board waives the reservation fee for Cheryl Hartmann and authorizes the return of the fee, in the amount of \$150.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Supervisor's Secretary.

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

**RESOLUTION #220-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**LETTER OF CREDIT RELEASE #2 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) received a request from David Degear, Town Planning Board Chairperson, dated September 2, 2009, recommending

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #220-2009: (Continued)**

that the above referenced Letter of Credit Release #2 be approved in the total amount of \$80,684.54, for work completed in the Phase 3 portion of the Auburn Meadows 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. 2, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$919,014.23 on this Letter of Credit; and

**WHEREAS**, there will be a total of \$838,329.69 remaining on the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted on September 2, 2009, recommended the release of the requested amount, \$80,684.54.

**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; and

**BE IT FINALLY 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 #221-2009:**

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

**LETTER OF CREDIT ESTIMATE – SARATOGA CROSSING – LOT #1 – IN THE TOTAL AMOUNT OF \$360,843.00**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Ron Brand, Director of Planning and Development (hereinafter referred to as Director), to establish a Letter of Credit, for required improvements within Lot #1 of the Saratoga Crossing Subdivision; and

**WHEREAS**, the Director's recommendation is based upon the recommendations from both Jack Henehan, Construction Inspector and James R. Gresens, P.E., MRB Group, P.C., the Town's Engineer; and

**WHEREAS**, these recommendations are accompanied with detailed contractor pricing for each item; and

**WHEREAS**, these quantities and unit prices, identified, are consistent with the plans and private contractor pricing respectively.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby accepts the recommendations to establish the above referenced Letter of Credit (or Cash Deposit); and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to notify the applicant Robert Morgan, Morgan Plaster Mill, and the applicant's engineer, Jess Sudol, at Passero Associates, by U.S. Mailing certified copies of this Resolution to establish the above referenced Letter of Credit, in the amount specified above herein; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution are to be provided to the Town Bookkeeper, the Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

**BE IT FINALLY RESOLVED** that the Letter of Credit (or Cash Deposit) must be delivered to the Town not later than twelve noon on the 10<sup>th</sup> business day following the adoption of this Resolution.

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

**RESOLUTION #222-2009:**

**Councilman Mickelsen** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING THE SUPERVISOR TO SETTLE OUTSTANDING CLAIMS FOR WATER BREAK DAMAGES ON COUNTY ROAD 41**

**WHEREAS**, the Farmington Consolidated Water District sustained losses in the form of water breaks on County Road 41 as a direct result of a contractor, DSS Contractors, installing a natural gas line; and

**TOWN BOARD MEETING**

**September 8, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #222-2009: (Continued)**

**WHEREAS**, Travelers Insurance Company, representing the Contractor and The Charter Oak Fire Insurance Company, have offered a settlement of our claims.

**NOW, THEREFORE BE IT RESOLVED**, the Supervisor of the Town of Farmington is authorized to act in settling the outstanding claims as follows; and

Clam B6G 1777 - total - \$2,586.66  
Claim B6G 1883 - total - \$251.88

**BE IT FINALLY RESOLVED**, on behalf of the Town Board of the Town of Farmington, certified copies of this Resolution shall be furnished to special counsel to the Town: Sheldon W. Boyce, Brenna, Brenna & Boyce, PLLC, Attorneys at Law, 31 East Main Street, Rochester, NY 14614 and Water and Sewer Superintendent James Crane, as soon as possible but not later than 3 business days after adoption.

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

**Councilman Ingalsbe** wanted to thank Jim Crane for his hard work on the estimate.

**RESOLUTION #223-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #17-2009**

General	\$ 12,505.89
Highway Fund	13,615.16
Storm Drainage	6,755.87
Payroll	162.44
Sewer Plant Expansion	1,460.00
Sewer District	768,830.76
Water District	13,982.59
<b>Total</b>	<b>\$817,312.71</b>

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

**Councilman Mickelsen** stated, for the public interest, we did save \$103,529.39, on the interest and subsidy rate, on the sewer plant expansion (due to the environmental facilities).

With no further business, the meeting was adjourned, at 7:40 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Ingalsbe**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP**

**September 15, 2009**

At 9:30 AM, on September 15, 2009, the Town Board met in Workshop Session. The purpose of this Workshop is to vote to meet in Executive Session to discuss the acquisition of real property (the publicity could substantially affect the value of the property). No vote to be taken in Executive Session. Those present were:

**PRESENT:**

Ted Fafinski – Supervisor	Rose M. Kleman – Town Clerk
Peter Ingalsbe – Councilman	Ed McLaughlin – Highway/Parks Superintendent
Timothy P. Mickelsen – Councilman	Jim Crane – Water/Sewer Superintendent
Michael Casale – Councilman	
Rudy van der Velden – Councilman	

**EXECUTIVE SESSION:**

At 9:35 AM, the Town Board, by Motion of **Councilman Ingalsbe**, seconded by **Councilman Mickelsen**, went into Executive Session to discuss the acquisition of real property (referred to above). Town Clerk Rose Kleman excused.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, to return to regular session at 10:30 AM. The motion was **CARRIED**. Town Clerk Rose Kleman present.

**ORDER OF BUSINESS:**

The following Resolution was adopted as an administrative correction from the September 8, 2009 Town Board meeting:

**RESOLUTION #224-2009:**

**Councilman Mickelsen** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING SCHEDULING OF PUBLIC HEARING**

**WHEREAS**, by written Petition, dated May 6, 2009, 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 KOA Campground Extension to the Farmington Sewer 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 interest of the residents of the Town of Farmington to pursue the District, pursuant to a map, plan and report made by Joseph A. Pullen, P.E., dated February 3, 2007, and filed with the Town Clerk on September 8, 2009, (See Exhibit 1 attached hereto and made a part hereof - on file in the Town Clerk’s office).

**NOW, THEREFORE BE IT RESOLVED** that the Order Calling for Public Hearing, attached hereto (Resolution #218-2009 from the September 8, 2009 Town Board meeting) 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**.

With no further business, the Workshop was adjourned, at 10:35 AM, by motion from **Councilman Casale**, seconded by **Councilman Mickelsen**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**September 22, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 22<sup>nd</sup> day of September 2009, at 7:00 PM, there were:

- |                 |                                    |                           |
|-----------------|------------------------------------|---------------------------|
| <b>PRESENT:</b> | Theodore Fafinski – Supervisor     |                           |
|                 | Peter Ingalsbe – Councilman        |                           |
|                 | Timothy P. Mickelsen – Councilman  | <b>NECESSARILY ABSENT</b> |
|                 | Rudolf van der Velden – Councilman | <b>NECESSARILY ABSENT</b> |
|                 | Michael Casale – Councilman        |                           |
|                 | Rose M. Kleman – Town Clerk        |                           |

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Robert Kleman** – Planning Board, **Donna LaPlant** – Assessor, Steve Holtz, Brandon LaPlant, Rosalie Fafinski, Michelle Finley, Mr. & Mrs. George Rioch (4942 Route 96) and Victor Arsenault – KOA Campgrounds.

- PUBLIC HEARINGS:**
1. Amendments to Local Law #3 of 1983 (ATMS)
  2. Amendments of the Official Map to Local Law #4 of 1988 (James Crane)
  3. KOA Campground Extension to the Farmington Sewer District

At 7:00 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning the amendments to Local Law No. 3 of 1983 (ATMs). Amending a portion entitled, “The Rules and Regulations for Farmington Industrial Park, Collett Road and Route 332 IDA.” Also includes standards and criteria, lot size, buildings, signs, parking, park and architectural and use control committee. Said amendments are necessary to allow Eastman Savings and Loan Federal Credit Union the right to construct a dual lane, automated drive-thru teller machine on an existing 13.606 acre parcel of land located at 1100 Corporate Drive. The Town Clerk read the Legal Notice as published in the Town’s designated newspaper.

Supervisor Fafinski opened the Hearing for comments. There was no one wishing to be heard, for or against the foregoing subject matter.

**CEO Kofahl** said the Planning Board is in favor of this due to it being common practice, the lack of impact it causes to the area and the convenience it would bring for the public. The Planning Board is supporting this amendment; from a code standpoint, they have no issues.

**Councilman Ingalsbe** said he likes the idea that we are not cutting another entrance on Route 332 or Collett Road. They are using the existing entrance with no new curb cuts; it is a safe situation.

No one else wishing to be heard, for or against the foregoing subject matter, Supervisor Fafinski closed this Hearing at 7:06 PM.

At 7:07 PM, on this date, a Public Hearing was called to order to receive comment on amending Local Law No. 4 of 1988 entitled, "James Crane Planned Development District." The local law clarifies only the uses allowed within the existing PD Planned Development zoned site and the number of lots permitted within said District. The property is located at the southwest corner of the intersection of State Route 96 and Ontario County Road 28. The Town Clerk read the Legal Notice as published in the Town's designated newspaper.

Supervisor Fafinski opened the Hearing for public comments. **George Rioch**, 4942 Route 96, 1,000' west of the intersection, said he would like the Board to consider the danger of the intersection of two busy roads with a very high accident rate. **Supervisor Fafinski** said the Board shares Mr. Rioch's concerns about that intersection but it is a County Road and State Road. We have been notified that, in 2011, there will be a three light traffic signal placed at the intersection. Bill Wright notified him to let him know that the State had notified the County as it is a County Road. (**Supervisor Fafinski** believes it will occur in 2010.)

**CEO Kofahl** said the Planning Board looked at it and they spoke favorably for this. For some reason, this PD (Planned Development) had a combination of residential and land use and is very restrictive. What is being proposed is residential expansion within the PD; it is very low impact – a no concern application.

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

At 7:12 PM, a Public Hearing was called to order to hear all persons in interest in the matter of the Creation of the KOA Campground Extension to the Farmington Sewer District in the Town of Farmington, County of Ontario, New York. The Town Clerk read the Order Calling the Public Hearing as published in the Town's designated newspaper.

Supervisor Fafinski opened the Hearing for public comments. There was no one wishing to comment.

**Superintendent Crane** stated that, for the KOA Extension, they decided to connect to the sewer system along the Farmington Townline Road via the sewer behind Calvary Chapel Church. It is a private pump station. It will be maintained by them (KOA); it consists only for the KOA property.

**Supervisor Fafinski** said, basically, as it runs down Route 96, as a private sewer line, it is a transmission line at that point.

With no further comments, Supervisor Fafinski closed the Public Hearing at 7:15 PM.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, that the minutes of the September 8, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

A motion was made by **Councilman Ingalsbe**, seconded by **Councilman Casale**, that the minutes of the September 8, 2009 and September 15, 2009 Workshops, given to members for review, be approved as presented. **CARRIED.**

## **REPORTS OF STANDING COMMITTEES:**

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

### **Water & Sewer:**

1. Discussed the Treatment Plant debt service and the October 1<sup>st</sup> annual due date. Looking at possibly changing billing cycles to accommodate money flows to improve the situation.
2. Today was the first day of their new billing system to insure custom account information and dollar balances by doing a parallel run.
3. Discussed the KOA sewer connection – Public Hearing tonight.
4. Discussed the inflow & infiltration rehab and pump station improvements. The project is on the multi-year list with a score of 56 (has not changed).
5. Equipment purchase: looking into a couple pieces and will be getting a couple more quotes to bring before the Town Board.

### **Highway & Parks:**

1. They have some resolutions on tonight's agenda.
2. Mill and fill roads were completed on Monday of this week.

**REPORTS OF STANDING COMMITTEES: (Continued)**

3. Working on pipe replacements, repairing road cuts and, possibly, last round of mowing.
4. Sidewalks, street district maintenance, street light at corner of Stonewood and Green Roads.
5. The Parks Department continues to mow and maintain the fields.

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

1. Still looking at obtaining grants for trails.
2. He thinks there should be a meeting with Town Board members and Race Track officials regarding the Rochester Broadway Theatre League.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. Reported on the Town's Tentative Budget and read the following 2010 Budget Statement:

This budget was more sensitive because of the following factors:

- a. The economic conditions we are experiencing – lower than normal interest rates on our savings resulted in a significant decrease in interest income which is used as a source to keep tax rates down. Higher un-employment rates which affects the people's inability to tolerate any tax increases.
- b. Sales Tax Revenue is projected to be down 8 to 10% as a direct result of economic conditions. This is a major source of revenue and required budgeting at or below 2007 revenue rates.
- c. A recent town wide survey told us that 25% of our residents are retired and consequently on fixed incomes - a factor to strongly consider in budgeting costs that will affect the tax rates.
- d. In the same survey – 37% of our residents wanted no increase in recreational expenditures. 32% said an increase only if it did not come from an increase in property tax. This could also mean in other areas no increases in taxes.
- e. In addition the assessed evaluation of our town increased by \$45 million over last year – Due primarily to increases in some commercial ventures as well as new construction since the previous period.

With those factors as a major influence on spending in this budget I was obligated to say **NO** to more budget request increases from departments and organizations.

With the above factors in play, as the Budget Officer here are the highlights of the 2010 Budget:

- a. **General Fund:** Expenses are down by 8.4%. The amount to be raised by taxes is down by 2.6%. The projected tax rate per thousand of assessed value is down by 9.54%. Projected revenue overall is down 7.8%
- b. **Highway Fund** Expenses are down by 7.8%. The amount to be raised by taxes is down by 4.2%. The projected tax rate per thousand of assessed value is down 9.54%. Projected revenue is down 7.8% as well.
- c. **Drainage District** The projected tax rate per thousand of assessed value is down 20.23%.
- d. **Sewer District** While there is no sewer district tax because it is funded by user fees (sewer rents) expenses and revenue is down by 9.5%
- e. **Various Water Districts** The projected tax rate per thousand of assessed value is down 8.91 to 34.98% depending on the water district.
- f. **Street Lighting Districts** Again the projected tax rates are all down in varying percentages depending on the lighting district.
- g. **Fire District** – Currently projected for a 3.0% increase

There will be many sacrifices in this budget: many of our outside partners will not see any increases in funding; some town departments have seen cuts in expenditures for equipment and or contractual expenditures. For the most part, for the second year in a row elected officials will not see any increase in salaries. We will continue to fund health care for our staff with reduced increases in salaries.

Over the next several weeks the Town Board will meet in a series of budget workshops previously announced. The town board may experience pressure from internal and external sources to increase funding – my advice is, this is not the year to increase the tax burden with all of the factors above to consider.

The 2010 Tentative Budget is respectfully submitted for review and action by the Farmington Town Board.

**Town Clerk & Receiver of Taxes Rose M. Kleman:**

1. Presented the 2010 Tentative Budget to Town Board members and Councilman Elect Steve Holtz.
2. Asked Councilman Casale where their recommendation stands on the two credit card proposals they were given in August. **Councilman Casale** said they have done very little with that.
3. Her office is busy collecting the October water & sewer billing payments.

**REPORTS OF TOWN OFFICIALS: (Continued)****Water & Sewer Superintendent Jim Crane:**

1. Billing looked real good; no real glitches; balances right on numbers.
2. At the next Board Meeting, he will have information on a lady who wants the penalty removed from her April water bill. **Supervisor Fafinski** said the Board needs facts, in writing, from the resident.

**Code Enforcement Officer Floyd Kofahl:**

1. Park Place Restaurant has been torn down; they did get a building permit to rebuild – they hope to open at the end of the year.
2. Classes have started at Hathaway House at the corner of Route 332 and County Road 41.
3. Aldi's is on schedule; they hope to open by Thanksgiving.
4. New computers are up and running.
5. Work has begun at Saratoga Crossing; they received all approvals. It is a townhouse project near the Thruway by Gateway adjacent to the Victor town line.

**Planning Board Member Bob Kleman:**

1. They have final application for the tower antennae on Kyte Road.
2. Two lot subdivision on County Road 28.
3. Application received for Special Use Permit for home occupation.

**Assessor Donna LaPlant:**

1. The state report is complete.
2. Sales are moving along very strongly; the number of sales is down but the values are right where they have been if not higher.
3. There are some newer homes reselling already; in Stonewood there are a couple of houses up for sale. There were 400 sales in 2008 and 250 in 2009; volume is down. Sales of older homes, like in Farmbrook, are down.

**COMMUNICATIONS:**

1. Letter to Town Clerk from Farmington Volunteer Fire Association Re: Update of current listing.
2. Letter to Town Clerk from Fingerlakes Chapter of the Empire State Lyme Disease Association Re: Use of meeting room.
3. Letter to Supervisor from Edgemere Development Re: Withdraw of request for privilege of the floor.
4. Letter to Congressman Massa from Supervisor Re: Thank you for taking the time to meet people in the community.
5. Continuing Education Re: Sheree Hooper.
6. Letter to D. Marro from Supervisor Re: Pothole concerns located on Hook Road.
7. Memo to all departments from Highway/Parks Superintendent Re: Hand Sanitizers.
8. Certificate of Liability Insurance Re: Santelli Lumber Co., Inc. and B&B Builders.
9. Progressive Insurance Claim Information Re: P. Robinson.
10. Certificate of Workers Compensation Re: North Eastern Pools, Inc. and DGA Builders, Inc.
11. Letter to J. Berry from Town Assessor Re: Assessment.
12. Public Works Committee Agenda - September 22, 2009.

**REPORTS & MINUTES:**

1. Conservation Board Meeting Minutes – August 24, 2009.
2. Judge Lew Monthly Report – August 2009.
3. Monthly Report of Supervisor. – August 2009.

**WAIVER OF THE RULE:**

**Supervisor Fafinski** requests a Waiver of the Rule to add Resolution #225-2009 (Agenda Item 1A). All Town Board Members in agreement.

**RESOLUTION #225-2009:**

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

**CRITERIA FOR DETERMINING SIGNIFICANCE OF ACTION – AMENDMENTS TO LOCAL LAW #3 OF 1983**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has determined the proposed draft local law to amend Local Law #3 of 1983 to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board has conducted a public meeting on said Action and has given consideration to the comments provided at said public meeting; 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 I and II of the Environmental Assessment Form.

**WAIVER OF THE RULE: (Continued)**

**RESOLUTION #225-2009: (Continued)**

**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 (c):

- (i) there will not be a substantial adverse change in existing air quality; ground or surface water quality or quantity; traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the 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 the 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 the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed Action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the Action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (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
- (xii) there are not two or more related actions which would have a significant impact on the environment.

**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 Environmental Assessment Form and to file copies thereof as provided for under the SEQR Regulations.

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

**ORDER OF BUSINESS:**

**RESOLUTION #226-2009:**

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

**APPROVE THE AMENDMENTS TO LOCAL LAW #3 OF 1983 FOR THE PLANNED DEVELOPMENT DISTRICT KNOWN AS FARMINGTON INDUSTRIAL PARK, COLLETT ROAD AND ROUTE 332 IDA, RULES AND REGULATIONS.**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of the draft local law referenced above herein, at its meeting on Tuesday, August 25, 2009; and

**WHEREAS**, the Town Board has conducted a Public Hearing, at its' meeting tonight, on said draft local law; and

**WHEREAS**, the Town Board has reviewed the Ontario County Planning Board referral #133-2009 on said Action; and

**WHEREAS**, the Town Board has given consideration to the public record established on said Action; and

**WHEREAS**, the Town Board has made the required Determination of Significance upon said Action under the State Environmental Quality Review (SEQR) Regulations in satisfaction of the Town Board's procedural requirements under the SEQR Regulations; and

**WHEREAS**, the Town Board has given consideration to the Farmington Town Code (hereinafter referred to as Town Code) Procedures for PD amendments, set forth in Chapter 165, Section 31. E. (1); and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #226-2009: (Continued)**

**WHEREAS**, the Town Board desires to clarify the Rules and Regulations for permitted principal uses, and permitted accessory uses, for the above referenced PD Planned Development District, by adopting the proposed amendments to Local Law #3 of 1983.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby approve of the proposed Local Law, as set forth in the draft local law, received by said Board at its August 25, 2009 meeting which are made in satisfaction of the formal amendment process set forth in the above referenced Section of the Town Code.

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Clerk to provide a certified copy of the subject local law to the Attorney for the Town, within five (5) business days, for his completion, signing and filing with the Secretary of State; and

**BE IT FINALLY RESOLVED** that said text amendments for the Farmington Industrial Park, Collett Road and Route 332 IDA, Rules and Regulations, for the mapped PD Planned Development District, shall take effect immediately upon filing with the Secretary of State.

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

**Local Law No. 3 of the year 2009**

A Local Law that amends a portion of Local Law No. 3 of 1983, the Rules and Regulations for Farmington Industrial Park, Collett Road and Route 332 IDA

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

Section 1. Title. This Local Law shall be known as: "Amendments to Local Law No. 3 of 1983, the Rules and Regulations for Farmington Industrial Park, Collett Road and State Route 332 IDA."

Section 2. Purpose and Intent.

This Local Law provides only for the amendment of a portion of the Rules and Regulations for the Planned Development District site known as Farmington Industrial Park. When enacted, this Local Law provides the attachment to the adopted Local Law No. 3 of 1983 entitled "Rules and Regulations for Farmington Industrial Park, Collett Road and Route 332 IDA." These new Rule and Regulations, upon adoption and enactment, become the standards and criteria for the development of this Planned Development PD District Industrial Park Site.

Section 3. Rules and Regulations, Standards and Criteria.

Subsection 1, Permitted Uses, is hereby amended by dividing sub-section 1 into two new sub-sections, to become 1. and 1.A. which shall read as follows:

1. Permitted Uses

The following introductory language that reads: "The following are permitted uses when conducted within a completely enclosed building." is to be amended to read as follows:

1. Permitted Principal Uses.

The following are permitted Principal Uses within the Farmington Industrial Park, Collett Road and State Route 332, IDA Planned Development District when conducted within a completely enclosed building:

- (a) Laboratory engaged in research, testing, experimental work, including any process normal to laboratory practice and techniques.
- (b) The manufacture, compounding, assembling and/or treatment of articles or merchandise from previously prepared materials.
- (c) The manufacture and/or assembly of mechanical devices, electrical appliances, the machining and assembling of parts made of metal, electrical and electromechanical devices and components, not to include heavy stamp forgings and the like that would produce earth jarring or other objectionable noise beyond the property boundaries.
- (d) The processing and storage of agricultural products.
- (e) The warehousing for enclosed storage of financial records, goods and materials, distribution centers, wholesale business excluding bulk storage of fuel and other flammable liquids or gases.
- (f) Wholesale business and storage for the following types of commodity: clothing, drugs, dry goods, packaged food, furniture, hardware and beverage. Office buildings necessary to any industry or business operating in the Park.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #226-2009: (Continued)**

- (g) Health care facilities and professional office buildings.
- (h) Any other commercial, industrial or warehousing use similar to those listed above subject to limitations in paragraph 2 and 11 of these Rules and Regulations.

1.A. Permitted Accessory Uses, Buildings/Structures

The following are permitted Accessory Uses, Buildings/Structures that do not have to be conducted within a completely enclosed building.

- (a) Automated Drive-Through Teller Machines (ATMs) provided they are part of a permitted Principal Use located on the same site within the PD District Industrial Park Site.

Section 4. Lot Size.

Sub-section 3. Lot Size is hereby amended in its entirety to read as follows:

3. Lot Size and Dimensional Criteria.

The minimum Lot Size of any Building Lot within the PD Industrial Park shall be one acre. All Buildings and any additions thereto which shall be erected within the PD Industrial Park shall not be nearer than fifty (50) feet to any Street except for State Route 332 where the minimum setback shall be one hundred (100) feet from said right-of-way as otherwise required in Chapter 165, Section 34, Major Thoroughfare Overlay District (MTOD) Regulations, of the Farmington Town Code. The minimum Side or Rear Setback shall be twenty-five (25) feet. The maximum Lot Coverage for all Buildings, including Accessory Buildings/Structures shall be forty percent (40%). Any Accessory Building/Structure may be placed upon a Lot within any Front, Side, or Rear Yard portion of the Lot provided that the same setback criteria for a Principal Building/Structure is met and Site Plan Approval for the Accessory Building/Structure has been granted by the Planning Board. An Accessory Building/Structure may not exceed ten percent (10%) of the size of the Principal Building/Structure located on the same Lot.

Section 5. Buildings.

Sub-section 4. Buildings is hereby amended in its entirety to read as follows:

4. Principal Buildings and Accessory Buildings/Structures.

All Buildings or additions thereto shall be designed by a registered architect or a licensed professional engineer. No Principal Building, any addition thereto, or any Accessory Building/Structure shall be erected or altered unless Site Plan Approval has been granted by the Planning Board and Building Permits issued by the Code Enforcement Officer, as provided for elsewhere in the Farmington Town Code.

All Building and Accessory Building/Structure facade shall be subject to review and approval by the Planning Board. Building elevations shall be provided as part of any Site Plan approval process.

Section 6. Unnamed Sub-section of 1983 Local Law.

Sub-section 5. is hereby amended in its entirety to read as follows:

5. Signs.

Only one freestanding sign identifying only the name of the Planned Development Industrial Park shall be permitted at each public Street entrance to the PD Industrial Park site. Said sign may be illuminated in accordance with Town Lighting Standards, may not be closer than fifteen (15) feet to the nearest highway right-of-way, not be larger than thirty-two (32) square feet in sign area and higher than fifteen (15) feet above existing grade.

Section 7. Parking.

Sub-section 6. Parking is hereby amended in its entirety to read as follows:

6. Parking/Loading Docks.

There shall be no parking permitted along or on any public Street located within the PD Industrial Park. Employee and visitor parking areas shall be located within the setback dimensions specified above herein in Section 4. Lot Size and Dimensional Criteria of this Local Law. Required parking spaces shall be subject to Site Plan Approval by the Town Planning Board, based in part upon the Building Occupancy determined by the Code Enforcement Officer. The required number of

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #226-2009: (Continued)**

parking spaces may be a combination of banked and provided spaces. All parking areas shall be landscaped, lighted and comprised of a dust-free surface with striping.

No Loading Dock shall be permitted on any portion of a Principal Building which faces a public Street; provided, however, that if three (3) or more exterior walls of the Principal Building face a public Street, then Loading Docks may be permitted by the Planning Board, as part of Site Plan Approval, provided such facility faces only the interior PD Industrial Park Street and not any adjacent public Streets.

Section 8. Storage/Fencing/Plantings, Land Preparation and Maintenance Sub-sections 7, 8 and 9 respectfully of the original Local Law remain in their entirety.

Section 9. Park.

Sub-section 10, Another Un-named Sub-section of the 1983 Local Law Rules and Regulations, is hereby deleted in its entirety.

Section 10. Architectural and Use Control Committee.

Sub-section 11, Architectural and Use Control Committee, a Sub-section of the 1983 Local Law Rules and Regulations, is hereby deleted in its entirety.

Section 11. Partial Invalidity.

If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

Section 12. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**RESOLUTION #227-2009:**

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

**APPROVING THE AMENDMENT OF THE OFFICIAL MAP TO LOCAL LAW #4 OF 1988**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a copy of the draft local law, referenced above herein, at its meeting on Tuesday, August 25, 2009; and

**WHEREAS**, the Town Board has conducted a Public Hearing, at its' meeting tonight, on said draft local law; and

**WHEREAS**, the Town Board has reviewed the Ontario County Planning Board referral #137-2009 on said Action; and

**WHEREAS**, the Town Board has given consideration to the public record established on said Action; and

**WHEREAS**, the Town Board has reviewed, and does hereby accept, the Town Director of Planning and Development's proposed Determination of Significance upon said Action as being a Type II Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board acceptance of the Type II Determination satisfies the Town Board's procedural requirements under the SEQR Regulations; and

**WHEREAS**, the Town Board has given consideration to the Farmington Town Code (hereinafter referred to as Town Code) Procedures for PD amendments set forth in Chapter 165, Section 31. E. (1); and

**WHEREAS**, the Town Board desires to clarify the Official Map, and permitted uses for the James Crane PD Planned Development District, by adopting a new Official Map for said PD Site.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby approve of the proposed text amendments to Local Law #4 of 1988, as set forth in the draft local law, which are made in satisfaction of the formal amendment process set forth in the above referenced Section of the Town Code.

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Clerk to provide a certified copy of the subject local law to the Attorney for the Town, within five (5) business days, for his completion, signing and filing with the Secretary of State; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #227-2009: (Continued)**

**BE IT FINALLY RESOLVED** that said text amendments, and Official Map for the James Crane PD Planned Development District, shall take effect immediately upon filing with the Secretary of State.

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

**Local Law No. 4 of the year 2009**

A Local Law that amends a portion of Local Law No. 4 of 1988, entitled "A local law amending Crane land from A-40 to P.D."

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

Section 1. Title. This Local Law shall be known as: "Amendments to Local Law No. 4 of 1988, the James Crane PD Planned Development District Official Map Amendment."

Section 2. Purpose and Intent.

This Local Law provides the amendment of the Preliminary Development Concept Plan, as approved by the Farmington Planning Board on an unspecified day of an unspecified month in the year 1988. Said Concept Plan is hereby known as the existing Official Map for the James Crane PD Planned Development Site. The purpose for amending said Official Map is to clarify the permitted uses and dimensional criteria for the James Crane PD Site and to establish Lot Area and Dimensional Criteria for the subdivision of land and the development thereof. These new Rules and Regulations, upon adoption and enactment, become the standards and criteria for the development of this existing James Crane PD Planned Development District Site which is located at the southwest corner of State Route 96 and County Road 28.

Section 3. James Crane Official PD Planned Development District Map.

There is hereby established one Official Map for the James Crane Official PD Development District. Said map shall contain the following details:

The map shall be entitled James Crane Official PD Planned Development District Map, with reference to the provisions of both the original rezoning Local Law (Local Law No. 4 of 1988 and this Local Law No. 4 of 2009). In addition, said Map shall contain the Town Board date of adoption and the signatures of the Town Supervisor, Town Clerk and Town Planning Board Chairperson affixed thereto. Said Official Map is to be filed in the Town Clerk's Office and in the Town Development Office.

Section 4. Rules and Regulations, Standards and Criteria.

Subsection 1, Permitted Uses, is hereby created to read in its entirety as follows:

1. Permitted Principal and Accessory Uses, Buildings and Structures

A. Permitted Principal Uses.

The following are permitted Principal Buildings, Structures/Uses within the James Crane PD Planned Development District Site.

- 1) One Commercial Building, located on a 5.062 acre site;
- 2) One Existing 2 story single family residential structure, located on a 0.926 acre site; and
- 3) One single family residential structure, to be located on a 1.387 acre site.

B. Permitted Accessory Uses, Buildings/Structures.

The following are permitted Accessory Uses, Buildings/Structures within the James Crane PD Planned Development District Site:

- 1) An outdoor archery training/practice range subject to Site Plan Approval by the Town Planning Board on the commercial site portion of this PD Site.
- 2) Detached Private Garage.
- 3) Detached Barn/Storage Building.
- 4) Other Accessory Buildings/Structures first permitted in the A-80 Agricultural District for the two single-family residential Lots.
- 5) Other Accessory Building/Structures first permitted in the GB General Business District for the one commercial Lot, subject to Site Plan Approval by the Town Planning Board.

Section 5. Lot Size and Dimensional Criteria.

The following Lot Sizes are hereby established for the James Crane PD Planned Development District Site:

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #227-2009: (Continued)**

A. Lot Size and Dimensional Criteria.

The minimum Lot Size of any of the three (3) approved Lots is specified above in Section 4 A. of this Local Law. The minimum Setbacks for each of the three lots shall be that delineated on the Final Three Lot Subdivision Plat Map for the James Crane PD Planned Development Site. The maximum Lot Coverage on each Lot, for all Buildings, including Accessory Buildings/Structures, shall be thirty percent (30%). An Accessory Building/Structure may be placed upon a Lot provided that Site Plan Approval for the Accessory Building/Structure has been granted by the Planning Board. An Accessory Building/Structure may not exceed thirty percent (30%) of the size of the Principal Building/Structure located on the same Lot.

Section 6. Buildings/Structure Criteria.

The following Building/Structure criteria is hereby established for any new Building/Structure that may be added to the James Crane PD Planned Development District Site.

Principal Buildings and Accessory Buildings/Structures.

Any new Building, or additions thereto, shall be designed by a registered architect or a licensed professional engineer. No new Principal Building, any addition thereto, or any new Accessory Building/Structure, shall be erected or altered unless Site Plan Approval has been granted by the Planning Board and Building Permits issued by the Code Enforcement Officer, as provided for elsewhere in the Farmington Town Code.

Any new Building and/or Accessory Building/Structure facade shall be subject to Site Plan review and approval by the Planning Board. Building elevations shall be provided as part of any Site Plan approval process.

Section 7. Signs.

The following Sign Regulations are hereby established for the James Crane PD Planned Development District Site:

Only one freestanding commercial speech sign identifying only the name of the Principal Commercial Building located within the James Crane PD Planned Development Site shall be permitted at or near the State Route 96 entrance to the site. Said sign may be illuminated in accordance with Town Lighting Standards, may not be closer than fifteen (15) feet to the nearest highway right-of-way, not be larger than thirty-two (32) square feet in sign area and higher than fifteen (15) feet above existing grade. There may be one additional Building Mounted Sign, not exceeding 32 square feet in Sign Area allowed subject to Sign Site Plan Approval by the Planning Board. Said Sign shall be internally illuminated in accordance with the Town Lighting Standards contained in Chapter 165 of the Farmington Town Code.

Section 8. Parking/Loading Docks.

Parking/Loading Docks.

There shall be no parking permitted along or within the right-of-way of State Route 96 within the James Crane PD Planned Development Site. Employee and visitor parking areas shall be located within the setback dimensions specified above herein in Section 4. Lot Size and Dimensional Criteria of this Local Law. Required parking spaces shall be subject to Site Plan Approval by the Town Planning Board, based in part upon the Building Occupancy determined by the Code Enforcement Officer. The required number of parking spaces may be a combination of banked and provided spaces. All parking areas shall be landscaped, lighted and comprised of a dust-free surface with striping.

No Loading Dock shall be permitted on any portion of a Principal Building which faces a public Street; provided, however, that if three (3) or more exterior walls of the Principal Building face a public Street, then Loading Docks may be permitted by the Planning Board, as part of Site Plan Approval, provided such facility faces only the interior PD Industrial Park Street and not any adjacent public Streets.

Section 9. Storage/Fencing/Plantings and Maintenance.

There shall be no outdoor storage of any supplies or product associated with the permitted Principal Structure/Use, or any Accessory Structure/Use unless approved by the Planning Board as part of Site Plan Approval. No outdoor storage of any supplies or product associated with either a permitted Principal Structure/Use, or any Accessory Structure/Use shall be allowed in the Front Yard portion of the Site.

Fences may be allowed as provided for elsewhere in Chapter 165 of the Town Code.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #227-2009: (Continued)**

There shall be one (1) Street Tree installed along the frontage of the commercial Lot for every fifty (50) feet of highway frontage. Said trees shall be of a native species, a minimum of three inch caliper and installed and maintained within 30 days of the enactment of this Local Law.

The Principal Structure/Use, or any Accessory Structure/Use shall be kept in a manner in compliance with all governmental requirements. All property within the PD District shall be maintained at all times. All debris shall be stored in an enclosed dumpster within an enclosed area.

Section 10. Partial Invalidity.

If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

Section 11. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**RESOLUTION #228-2009:**

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

**DETERMINATION OF SIGNIFICANCE - KOA CAMPGROUND EXTENSION TO THE FARMINGTON SEWER DISTRICT**

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

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said Action; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Town Board makes this Determination of Non-Significance based upon: the Joseph A. Pullen, P.E. map, plan and report entitled "Proposed Kampgrounds of America Inc. Sanitary Sewer Lateral Forcemain", dated February 3, 2007; the September 22, 2009 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, Rose M. Kleman, 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 September 22, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Theodore M. Fafinski, Supervisor	X		
Peter Ingalsbe, Councilman	X		
Timothy Mickelsen, Councilman			X
Rudolf van der Velden, Councilman			X
Michael Casale, Councilman	X		

**RESOLUTION #229-2009:**

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

**ORDER ESTABLISHING SEWER DISTRICT – CREATION OF KOA CAMPGROUND EXTENSION**

**WHEREAS**, the Town Board has, upon Resolution adopted on September 22, 2009, approved the establishment of the KOA Campground Extension to the Farmington Sewer District, pursuant to Article 12 of the Town Law, said District having been approved in accordance with the details in a map, plan and report

**ORDER OF BUSINESS: (Continued)****RESOLUTION #229-2009: (Continued)**

entitled "Proposed Kampgrounds of America Inc. Sanitary Sewer Lateral Forcemain" dated February 3, 2007, prepared by Joseph A. Pullen, P.E., having been filed with the Town Clerk of the Town of Farmington.

**THEREFORE BE IT ORDERED** that the establishment of the proposed District, as set forth in said map, plan and report, be approved in accordance with the provisions of the Resolution attached hereto as Exhibit A and that the Town Clerk be, and hereby is, authorized and directed to file a certified copy of this Order in the Office of the Clerk of the County of Ontario and a certified copy thereof with the State Comptroller, within ten (10) days after the adoption of this Order.

All voting "Aye" (signatures required and on file), the Resolution was **CARRIED**.

**RESOLUTION #230-2009:**

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

**APPROVING CREATION OF THE KOA CAMPGROUND EXTENSION TO THE FARMINGTON SEWER DISTRICT**

**WHEREAS**, a written Petition, dated May 6, 2009, has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, requesting establishment of the KOA Campground Extension to the Farmington Sewer District ("District") with boundaries as described in a map, plan and report relating to the establishment of the District, attached hereto as Exhibit 1, and the Map, Plan and Report, dated February 3, 2007, was prepared by Joseph A. Pullen, P.E. in a manner and such detail as has been determined by this Town Board to be sufficient and has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board, on September 22, 2009, 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 September 22, 2009, at 7:00 p.m., at the Town of Farmington Town Hall, 1000 County Road 8, Farmington, New York, as the place where this Town Board would meet and consider said map, plan and report and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law; and

**WHEREAS**, the Hearing on said matter was duly held by said Town Board on September 22, 2009, 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 September 13, 2009 and duly posted on the Town's official sign board on September 9, 2009, 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, on-going maintenance and improvements associated with said sewer district be assessed, levied and collected from the several lots and parcels of land within said sewer district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom;
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;
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.

**TOWN BOARD MEETING**

**September 22, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #230-2009: (Continued)**

I, Rose M. Kleman, 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 September 22, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Theodore M. Fafinski, Supervisor	X		
Peter Ingalsbe, Councilman	X		
Timothy Mickelsen, Councilman			X
Rudolf van der Velden, Councilman			X
Michael Casale, Councilman	X		

**RESOLUTION #231-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**WHEREAS**, the computers in the Building Department are in need of upgrades; and

**WHEREAS**, the Farmington Town Board approved the upgrade of the computers, at their September 8, 2009 Town Board Meeting, at a cost not to exceed \$6,000.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the following Budget Amendment for the General Fund for the purchase of four (4) computers for the Building Department; and

FROM:	A1990.4	Contingency	\$1,091.00
TO:	A1680.2	Central Data Processing EQ	(\$1,091.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #232-2009:**

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

**ACCEPTING THE INVENTORY OF HIGHWAY MACHINERY, TOOLS AND EQUIPMENT**

**WHEREAS**, the Highway/Parks Superintendent is required by Highway Law, Section 142(3), to submit an Inventory of Highway Machinery, Tools and Equipment.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board accepts the Inventory of Highway Machinery, Tools and Equipment from the Highway/Parks Superintendent; and

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

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

**RESOLUTION #233-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN CONTRACTS FOR MOWING**

**WHEREAS**, the Code Enforcement Officer has ordered that properties within the Town be mowed; and

**WHEREAS**, Countrycare Landscape Management, Inc. has provided quotes for the maintenance of these lawns.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign contracts for mowing with Countrycare Landscape Management, Inc.; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward the contracts to Countrycare Landscape Management, Inc. and copies to the Code Enforcement Officer.

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

**RESOLUTION #234-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #234-2009: (Continued)**

**AUTHORIZING THE SUPERVISOR TO SIGN THE 2009 RIGHT-OF-WAY MOWING CONTRACT WITH NYSDOT**

**WHEREAS**, the Highway/Parks Superintendent has requested that the Supervisor sign the 2009 Right-of-Way Mowing Contract with NYSDOT regarding State Route 332 due to a time sensitivity issue.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board confirms the authorization of the Supervisor to sign the 2009 Right-of-Way Mowing Contract with NYSDOT; and

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

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

**RESOLUTION #235-2009:**

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

**LETTER OF CREDIT RELEASE #3 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) received a request from David Degear, Town Planning Board Chairperson, dated September 16, 2009, recommending that the above referenced Letter of Credit Release #3 be approved, in the total amount of \$67,283.72, for work completed in the Phase 3 portion of the Auburn Meadows 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. 3, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$838,329.69 on this Letter of Credit; and

**WHEREAS**, there will be a total of \$771,045.97 remaining on the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted on September 16, 2009, recommended the release of the requested amount, \$67,283.72.

**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; and

**BE IT FINALLY 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 #236-2009:**

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

**AUTHORIZING TOWN EMPLOYEES TO RECEIVE FLU SHOTS AT THE TOWN HALL**

**WHEREAS**, the Town, in cooperation with Health Works, will offer a Flu Clinic at the Town Hall, on October 7, 2009, from 8:00 a.m. to 4:00 p.m.; and

**WHEREAS**, there is no cost to Town Employees as long as they bring their health insurance card.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Town Employees to receive a flu shot, at no cost, provided they furnish their health insurance card; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to all department heads.

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

**RESOLUTION #237-2009:**

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

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #18-2009**

General

\$ 43,724.74

**TOWN BOARD MEETING**

**September 22, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #237-2009: (Continued)**

Highway Fund	59,791.44
Storm Drainage	1,927.91
Payroll	2,105.49
Mertensia Lodge Pavilion	500.00
Lighting	5,933.14
Sewer District	7,322.89
Water District	6,927.04
<b>Total</b>	<b>\$128,232.65</b>

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

**EXECUTIVE SESSION:**

At 7:50 PM, a motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, that the Town Board go into Executive Session to discuss a matter of pending litigation and to discuss the performance of a particular employee. The motion was **CARRIED**.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, to return to regular session at 8:40 PM. The motion was **CARRIED**.

**DISCUSSION:**

1. Request from Assemblyman Brian Kolb for support for convening a non-partisan, grassroots "People's Convention to Reform New York". It was decided a Resolution would be passed at the next Board meeting.

**TRAINING UNDER \$100.00:**

1. Deputy Town Clerk Jennifer Grattan to attend BAS Meeting in Canandaigua, September 23, 2009, at no cost.

With no further business, the meeting was adjourned, at 8:45 PM, by motion from **Councilman Casale**, seconded by **Councilman Ingalsbe**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**JOINT TOWN BOARD MEETING**

**October 13, 2009**

At 6:00 PM, on this date, a joint meeting for the Canandaigua-Farmington Water District 2010 budget was held with the Towns of Canandaigua, Farmington and Hopewell. Those present were:

<b>Farmington Town Board:</b>	<b>Canandaigua Town Board:</b>	<b>Hopewell:</b>
Theodore Fafinski – Supervisor	Jim Fralick – Supervisor	Mary Green - Supervisor
Michael Casale – Councilman	David Dawson – Councilman	Edward Wood - Councilman
Peter Ingalsbe – Councilman	Marion Cassie – Councilwoman	Lydia Price - Councilwoman
Timothy Mickelsen - Councilman	Oksana Fuller – Councilwoman	Dorothy Jones - Councilwoman
Rudolf van der Velden – Councilman	Ralph Brandt - Councilman	
Rose M. Kleman – Town Clerk	Judy Carson – Town Clerk	

Also present were: **Jim Crane** – Farmington Water & Sewer Superintendent and **Jim Hecker** – Canandaigua Highway & Water Superintendent.

The following Agenda was presented and discussed:

- 2009 Budget & Tax Rates
- Water Rate Increases - CITY OF CANANDAIGUA

Project Updates:

- Canandaigua-Farmington – Meter Reading Agreement
- Town of Manchester Meter Reading Agreement
- New Billing Software and Reading Equipment
- Water System Hydraulic Study – Water Transmission Main Yerkes Rd
- Water meter replacement program (90% to 95% Complete)
- ASSET MANAGEMENT:
  - GIS Mapping, Infrastructure - Geotilities
  - Capital Equipment, Vehicle Replacement
- Testing for Stage II Disinfection By-Product Rule 2013 (EPA)
- Projected date of 2010 Joint Meeting – October 12, 2010

**Superintendent Crane** discussed the City of Canandaigua's rate increase, to the District, of \$ .15 per thousand gallons. Discussed other water source options and meter reading agreements. **Supervisor Green** asked if the Agreement could save them money and stated she would be willing to discuss this with Superintendent Crane around January 1<sup>st</sup>.

**Superintendent Crane** reported on the ACH bank draw for Victor sewer bills; he will get more information for possible use in collection of our water and sewer accounts.

**Superintendent Crane** went over the 2010 budget for everyone; including purchases, sales, water breaks and an update on the GIS System. After much detailed discussion on the rate increase, a motion was made by Hopewell **Supervisor Green**, seconded by Farmington **Supervisor Fafinski**, that the 2010 water budget be adopted as presented. All voting "Aye", the motion was **ADOPTED**.

With no further business, the meeting was adjourned, at 6:55 PM, by motion of Farmington **Councilman Mickelsen**, seconded by Farmington **Councilman Casale**. All voting "Aye", the motion was **CARRIED**.

**TOWN BOARD MEETING****October 13, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 13<sup>th</sup> day of October 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
 Peter Ingalsbe – Councilman  
 Timothy P. Mickelsen – Councilman  
 Rudolf van der Velden – Councilman  
 Michael Casale – Councilman  
 Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway/Parks Superintendent, **Jim Morse** – Code Enforcement Officer, **Robert Kleman** – Planning Board, Steve Holtz and four students.

A motion was made by **Councilman van der Velden**, seconded by **Councilman Casale**, (**Councilman Mickelsen** abstained due to being absent) that the minutes of the September 22, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

**REPORTS OF STANDING COMMITTEES:**

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

**Highway & Parks:**

1. Received notification from NYS EFC regarding Farmbrook Innovative Parking Lot project; the grant was not awarded but the work will still be done this fall.
2. Discussed alternate approaches for a sewer line (Stone Hedge).
3. Stone Hedge easements moving forward.
4. Army Corps of Engineers reviewed the dam at the Race Track; there is a drainage pipe needed there.
5. Received a request to use the Highway Garage for a rabies clinic.
6. Discussed rumble strips at stop signs.

**Water & Sewer:**

1. Discussed rate increase.
2. Discussed water line leaks that are losing 30% of our water.
3. Need to renew contracts with other towns for the water rates.
4. Billing software review done.
5. Discussed meter change-out for other towns
6. Discussed what we are going to do about water breaks.

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

1. Ron Brand met with the Genesee Transportation Council and made some progress regarding the trails. The Town and City of Canandaigua are going to give us letters to help promote them; it has to be in by the 23<sup>rd</sup>. Delaware North is not going to piggy back with us with the sixty million but they will help us out with land if it comes to play. County Tourism will put up money for the PRP which will set everything forward.
2. **Councilman Casale** asked Highway Superintendent McLaughlin about the berm on Townline Road which Ernie Ackerman was supposed to do and the easement for the Town as he has sold the land now. **Superintendent McLaughlin** said something is going on there and he will check on it. **Supervisor Fafinski** asked Superintendent McLaughlin to check with Floyd Kofahl in reference to the berm. **CEO Jim Morse** said he thought it showed a fifty foot easement to the Town but he will also check on it and with Jack Henahan.

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

1. Reported the 2010 Preliminary Budget has been filed with the Town Clerk. He said the Town Board worked on this budget for two weeks. The tax rates are down. Some areas where there are increases is the lighting districts and fire district contracts. A Public Hearing date will be set tonight.
2. There have been a lot of meetings regarding the Broadway Theatre League and we are glad to have the Tourism bureau on board along with the Race Track. We do have an advantage with the thruway exit and our location to other areas; we are use to handling the traffic; we are putting our best foot forward.
3. Park Place Restaurant is well on its way to being rebuilt and Aldi's hopes to open by Thanksgiving; these will attract other businesses over time.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported on the damaged guide rail on Kyte Road (caused by an accident).
2. Proposed using heavy timber guide rails for the creek crossing on Amber Drive in Auburn Meadows. After discussion with the Planning Department, it was decided to use the original heavy timber guide rails; wood clad rails are out.
3. Finishing up on pipe crossings in the Briar Patch area; still some minor work left to do i.e. cutting shoulders back.
4. Still looking for a paver and some good weather to finish the Town Hall parking lot.

**Water & Sewer Superintendent Jim Crane:**

1. Gave report during Joint Town Board Meeting.

**Code Enforcement Officer Jim Morse:**

1. Their office has slowed down on permits, etc.
2. They have gotten lawns mowed. **Councilman van der Velden** thanked the Building Department for taking care of the lawn mowing issue; job well done; he appreciated their efforts.
3. There are two new homes going up.
4. Park Place Restaurant is moving along; as well as Aldi's.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. Sale of conservation licenses has slowed down; October water bill payments are steadily coming in.
2. She asked Councilmen van der Velden and Casale if they had any recommendations for the Board on the credit card issue. Both responded that they had not gone over the information she had given them in August; no update thus far. **Councilman Casale** said he did look at the two proposals he was given but he would like to look at them again; one has a fee – the other does not (Victor is using this one). **Councilman Mickelsen** said he would be willing to work on this also.
3. She presented the Preliminary Budget, as filed, to the Town Board members.

**Planning Board Member Bob Kleman:**

1. At their last meeting, they gave a final for three lots at Route 96 and County Road 28.
2. Final Site Plan for ESL drive-thru at Route 332 and Collett Road.
3. They tabled 19 lots for A&D Development; Mr. Ackerman said he submitted plans but no one can find them. Mr. Kleman suggested that when they bring plans in, they should get a receipt signed to show they were received. **Councilman Ingalsbe** said CEO Kofahl told him plans came in without any comments on them.

**COMMUNICATIONS:**

1. Letter to Supervisor from NYS DEC Re: Approval of Plans - Sanitary Sewer Extension.
2. Letter to Supervisor from Selective Insurance Re: N. Mincer Claim.
3. Card to Supervisor from Beardsley Design Associates Re: Thank you for meeting.
4. Letter to Supervisor from Assemblyman Errigo Re: Young New Yorkers Town Hall Meetings.
5. Letter to Supervisor from Canton Supervisor Re: Survey.
6. NYS State Aid Voucher - Victor Free Library.
7. Memo to Supervisor from Ontario County Real Property Tax Services Re: Return of Small Claims Filing Fee.
8. Notice of Intent to File Claim from Progressive Insurance Re: E. Violas.
9. Memo to Justice Lew from Supervisor Re: Remittance of Funds, Fines Paid – H. DeJesus.
10. Letter to M. Goodman from Water & Sewer Superintendent Re: Canandaigua-Farmington Water District concerns.
11. Memo to Supervisor, Town Board Members and Town Clerk from Highway/Parks Superintendent Re: Return of 8 hour work days.
12. Letter to Finger Lakes Gaming & Racing from Rochester Broadway Theatre League Re: New performing Arts Center.
13. Letter to Congressman Massa from Supervisor Re: pending projects.
14. Letter to Supervisor from Time Warner Cable Re: Changes.
15. Letter to Supervisor from NYS EFC Re: Green Innovation Grant Program - Farmbrook Park Green Innovative Parking Lot Project.
16. Letter to Supervisor from ISO Re: Building Code effectiveness grading schedule.

**COMMUNICATIONS: (Continued)**

17. Letter to Supervisor from NYS Dept. of Health Re: Public Water Supply – 2009 inspection.
18. Fax to Canandaigua Town Clerk from Supervisor Re: Public Notice for Posting on Town bulletin board.
19. Memo to Supervisor from Canandaigua City Manager Re: 2010 Water Rate and 2009 Water Meeting.
20. Certificate of Workers' Compensation Insurance Re: Kris Oaks Construction, Inc.; Affordable Great Locations, Inc. and NYS Dept. of Environmental Conservation.
21. Cancellation of Workers' Compensation Insurance Re: Affordable Great Locations, Inc. and Kris Oaks Construction, Inc.
22. Certificate of Liability Insurance Re: Richard F. Lentz, Crosman Corporation; Graphictec Sign and Graphic Solutions, Inc.; Betlem Service Corp. and DGA Builders, Inc.
23. Letter to NYS EFC from Supervisor Re: Clean Water State Revolving Fund – Quarterly Report.
24. Letter to J. Hezyk from Code Enforcement Officer Re: Variance related to neighbors horses.

**REPORTS & MINUTES:**

1. Detail of Expenditures – September 2009.
2. Justice Gligora Monthly Report – September 2009.
3. Justice Lew Monthly Report – September 2009.
4. Zoning Board of Appeals Meeting Minutes – August 24, 2009.
5. Conservation Board Meeting Minutes – August 24, 2009.
6. Recreation Meeting Minutes – August 10, 2009.
7. Monthly Report of Supervisor – September 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #238-2009:**

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

**SETTING PUBLIC HEARING DATE FOR THE 2010 TOWN BUDGET**

**WHEREAS**, the Farmington Town Board has completed their Budget Workshops and has filed the 2010 Preliminary Budget with the Town Clerk.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board sets the Public Hearing for the 2010 Town Budget for October 27, 2009, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425; and

**BE IT FURTHER RESOLVED** that the Town Clerk submit a Legal Notice to The Daily Messenger.

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

**RESOLUTION #239-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**DECLARING COMPUTER EQUIPMENT AS OBSOLETE**

**WHEREAS**, the Building Department replaced four (4) computers that were outdated.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board declares the four computers as obsolete and authorizes the Highway Superintendent to dispose of the computers; and

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

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

**RESOLUTION #240-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING REMOVAL OF SEWER PENALTY**

**WHEREAS**, a customer has stated she never received her sewer bill; therefore requesting removal of the ten percent (10%) penalty; and

**WHEREAS**, the Public Works Committee has reviewed the request and has set a standard which must be met for consideration of any removal (see attached history and letter on file in the Town Clerk's office).

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #240-2009: (Continued)**

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Farmington hereby authorizes the Water and Sewer Superintendent to remove the ten percent (10%) penalty, for the Victor Sewer account number 3000750, as an exception to policy.

**BE IT FINALLY RESOLVED**, the water and sewer account meets the required standard set.

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

**RESOLUTION #241-2009:**

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

**SET A PUBLIC HEARING DATE REGARDING THE ONTARIO COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN**

**WHEREAS**, Ontario County, in coordination with all twenty six municipalities within it, have gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan to help communities.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board sets a Public Hearing, on the above matter, for October 27, 2009, at 7:01 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425; and

**BE IT FURTHER RESOLVED** that the Town Clerk publish a Public Hearing Notice in The Daily Messenger, and forward copies of this Resolution to the Supervisor's Secretary and Highway/Parks Superintendent.

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

**RESOLUTION #242-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN SNOW CONTRACTS WITH ONTARIO COUNTY PUBLIC WORKS**

**WHEREAS**, the Highway/Parks Superintendent has reviewed the attached (on file) Snow Contracts with Ontario County Public Works and agrees with the language and rates, and recommends that the Supervisor sign the Snow Contracts.

**THEREFORE BE IT RESOLVED**, that the Farmington Town Board authorizes the Supervisor to sign the Snow Contracts with Ontario County Public Works and directs the Town Clerk to forward copies of this Resolution to the Highway/Parks Superintendent along with the signed Contract.

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

**RESOLUTION #243-2009:**

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

**ACCEPTING A PERFORMANCE BOND FOR PAVING AND LANDSCAPING OF SITE AT LOC #NY-ROC127 LOCATED AT 1067 GATEWAY DRIVE**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received, from Fidelity and Deposit Company, a renewal to continue, in force, the Landscaping Bond Number 08906414 in the amount of Twenty Thousand Twenty Dollars (\$20,020.00); and

**WHEREAS**, said Bond is a form of surety to satisfy conditions made by the Town of Farmington Planning Board, on September 5, 2007, for a special use permit and site plan approval for construction, site improvements for a cell tower to be located on property at 1067 Gateway Drive, Farmington, New York; and

**WHEREAS**, the new Bond will begin on November 1, 2009 and end on October 31, 2010; and

**WHEREAS**, the Town's Code Enforcement Officer has determined this renewal to be consistent with the amount originally established for this project.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board finds there is sufficient reason to accept Bond Number 08906414, in the amount of \$20,020.00, for the construction of the proposed tower compound fence, landscaping around said fenced area and the paving of the parking lot at 1067 Gateway Drive.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #243-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to file this Resolution of acceptance, of the renewal of this Bond, referenced above herein; and

**BE IT FINALLY RESOLVED** that the Town Clerk is directed to provide certified copies of this Resolution to the Town Supervisor, the Town Bookkeeper, the Attorney to the Town, the Town CEO, the Town Development Office, Jeffrey W. Davis, Attorney for the Clearwire US, LLC Application and Gina Del Giorgio, Specialist, Clearwire US LLC .

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

**Councilman Mickelsen** requested, with no objections, that Agenda Items 7 and 8 be blocked:

**RESOLUTION #244-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**LETTER OF CREDIT RELEASE #4 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated October 7, 2009, recommending that the above referenced Letter of Credit Release #4 be approved, in the total amount of \$123,489.38, for work completed in the Phase 3 portion of the Auburn Meadows 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. 4, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$771,045.97 remaining on this Letter of Credit; and

**WHEREAS**, there will be a total of \$647,556.59 remaining on the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted October 7, 2009, recommended the release of the requested amount, \$123,489.38.

**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.

**BE IT FINALLY RESOLVED** that the release is to be issued to the Letter of Credit holder, Ernie Ackerman of A & D Development Company.

**LETTER OF CREDIT RELEASE #5 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated October 7, 2009, recommending that the above referenced Letter of Credit Release #5 be approved, in the total amount of \$79,800.69, for work completed in the Phase 3 portion of the Auburn Meadows 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. 5, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$647,556.59 remaining on this Letter of Credit; and

**WHEREAS**, there will be a total of \$567,755.90 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted October 7, 2009, recommended the release of the requested amount, \$79,800.69.

**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.

**BE IT FINALLY 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 #245-2009:**

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

**AUTHORIZING A BUDGET TRANSFER FOR THE GENERAL FUND**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #245-2009: (Continued)**

**RESOLVED**, the Farmington Town Board authorizes the following Budget Transfer, for the General Fund, to cover payroll expenses for Parks Overtime; and

FROM:	A7110.11	Parks PS (Seasonal)	\$500.00
TO:	A7110.12	Parks OT	(\$500.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and Highway/Parks Superintendent.

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

**RESOLUTION #246-2009:**

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

**AUTHORIZING THE ATTENDANCE OF THE HIGHWAY/PARKS SUPERINTENDENT TO THE HIGHWAY SUPERINTENDENT'S ANNUAL MEETING**

**RESOLVED**, the Farmington Town Board authorizes the attendance of the Highway/Parks Superintendent to the Highway Superintendent's Annual Meeting, in Lake Placid, New York, from September 22-25, 2009, at a cost not to exceed \$810.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent.

**Discussion:** **Councilman Ingalsbe** said, in the future, he would like to see an estimate provided to the Town Board ahead of the event so that they can approve it instead of approving a Resolution after the fact.

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

**RESOLUTION #247-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING A BUDGET TRANSFER FOR THE SANITARY SEWER DISTRICT**

**RESOLVED**, the Farmington Town Board authorizes the following budget transfer for the Sanitary Sewer District; and

FROM:	SS 8130.1	Sewage Treatment Disposal – PS	\$5,000.00
TO:	SS 8120.12	Sewage Treatment Disposal – PS OT	(\$5,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**Discussion:** **Councilman Ingalsbe** said he would like to see these items (Agenda items 9 & 10) brought before the Public Works Committee to be discussed ahead of time.

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

**RESOLUTION #248-2009:**

**Councilman Ingalsbe** offered the following Resolution, seconded by **Councilman van der Velden**:

**ACCEPTING A PERFORMANCE BOND ESTIMATE – FARMINGTON 332 LLC SENIOR HOUSING - IN THE TOTAL AMOUNT OF \$913,251.82**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Ron Brand, Director of Planning and Development (hereinafter referred to as Director), to establish a Performance Bond, for required improvements for the Farmington 332 LLC – Senior Housing (hereinafter referred to as Project); and

**WHEREAS**, the Director's request is based upon the recommendations from both Jack Henehan, Construction Inspector and James R. Gresens, P.E., MRB Group, P.C., the Town's Engineer, to establish a Performance Bond, in the amount specified above herein, for a period of one year or until the project is completed and inspected by the Town; and

**WHEREAS**, these recommendations are accompanied with detailed contractor pricing for each item containing the quantities and unit prices identified as being consistent with the plans and private contractor pricing respectively to permit the required improvements.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby accepts the request and recommendations cited above herein and directs the Performance Bond be established; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #248-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to, tomorrow, notify by U.S. Mail, certified copies of this Resolution to: David LaRue, McMahon LaRue Associates, P.C. and to Kristina Rogers, Edgemere Development, requesting them to establish the above referenced Performance Bond, in the amount specified above herein; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution are also to be provided to the Town Finance and Account Specialist, the Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

**BE IT FINALLY RESOLVED** that the Performance Bond (or Cash Deposit) must be delivered to the Town no later than twelve noon on the 8<sup>th</sup> business day following the adoption of this Resolution.

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

**RESOLUTION #249-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**ACCEPTING A DONATION OF YOUNG SEEDLINGS FOR THE TOWN PARKS**

**RESOLVED**, the Farmington Town Board accepts the donation of young seedlings, from Mary Beth Elgin, for the Town Parks; and

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

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

**RESOLUTION #250-2009:**

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

**SUPPORT OF A PEOPLE'S CONVENTION TO REFORM NEW YORK LEGISLATION**

**WHEREAS**, tough economic times and New York State's tremendously high tax burden are causing families and businesses to struggle, while state government has been paralyzed by questions or gubernatorial succession, leadership fighting and political dysfunction; and

**WHEREAS**, our State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live holds up to the political dynamic of the day; and

**WHEREAS**, our current State Constitution was adopted 115 years ago, in 1894, and modified at a constitutional convention in 1938, and at various other times by legislative actions; and

**WHEREAS**, our state, our nation and the world have changed dramatically in the past forty-two year as the information age has transformed communications, business and government in ways that could not even have been imagined when our State Constitution was adopted; and

**WHEREAS**, recent events in state government, involving gubernatorial succession, legislative stalemates and appointments to statewide elected offices, have exposed flaws and weaknesses in our current constitution on these issues; and

**WHEREAS**, families and businesses have been forced to cut back while New York State government continues to spend beyond its means and force unfunded mandates on already overburdened local governments and taxpayers; and

**WHEREAS**, in the face of the most challenging economic environment since the Great Depression, the people of New York have little confidence that the state government, as currently structured, is responsive to their wants, needs or principal concerns; and

**WHEREAS**, the people of New York have expressed their desire to hold a "People's Convention" to reform state government, as evidenced by recent Quinnipiac University and Sienna College Research polls, showing more than 60 percent of voters supporting a People's Convention to Reform New York; and

**WHEREAS**, the people must act now to thwart the dysfunction in Albany, and convene a People's Convention to take New York government back; and

**WHEREAS**, members of the State Legislature have introduced "The People's Convention to Reform New York Act", which grants the people the opportunity to hold a constitutional convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests' influence over delegates, and requires state or local elected officials and officers or party officials to vacate their post upon being elected delegates; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #250-2009: (Continued)**

**WHEREAS**, while the Constitution empowers the elected delegates to set the convention agenda for “The People’s Convention to Reform New York”, we ask that the delegates consider government reforms such as a state spending cap and property tax cap, restrictions on unfunded mandates, debt reform; an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession to the governorship and lieutenant governorship and elections to fill elected state office vacancies; and

**NOW, THEREFORE BE IT RESOLVED** that this Legislative Body pause in its deliberation to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the “People’s Convention to Reform New York Act”, which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly and to the Minority Leaders of the Assembly and Senate.

I, Rose M. Kleman, 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 October 13, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Rudolf van der Velden, Councilman	X	
Michael Casale, Councilman	X	

**RESOLUTION #251-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #19-2009**

General	\$ 54,990.96
Highway Fund	120,407.46
Storm Drainage	674.57
Payroll	203.05
Sewer District	56,784.46
Water District	356,703.11
<b>Total</b>	<b>\$589,763.61</b>

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

**EXECUTIVE SESSION:**

At 7:50 PM, a motion was made by **Councilman van der Velden**, seconded by **Councilman Casale**, that the Town Board go into Executive Session to discuss a matter pertaining to the employment of a particular person. The motion was **CARRIED**.

A motion was made by **Councilman Casale**, seconded by **Councilman Mickelsen**, to return to regular session at 8:02 PM. The motion was **CARRIED**.

**TRAINING UNDER \$100.00:**

1. Bill Garlock and Eric Feistel to attend NY Water Environment Association Meeting, November 4, 2009, at a cost of \$50.00 each.

With no further business, the meeting was adjourned, at 8:05 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 27<sup>th</sup> day of October 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman - **NECESSARILY ABSENT**  
Rudolf van der Velden – Councilman  
Michael Casale – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Ed McLaughlin** – Highway/Parks Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Robert Kleman** – Planning Board, Steve Holtz, Larry Potter, Diana van der Velden, Jennie Potter, Matthew Tempest and one student.

**PUBLIC HEARINGS:** 1. 2010 Preliminary Budget  
2. Ontario County Multi-Jurisdictional All Hazard Mitigation Plan

At 7:00 PM, a Public Hearing was called to order to hear all persons in favor of, or against, the 2010 Farmington Preliminary Budget, as compiled; or for or against any item(s) therein contained.

**Supervisor Fafinski** read his budget summary regarding the General, Highway, Drainage, Street Lighting, Fire Districts, Sewer and various Water District funds. It was then opened up for comments. No public comments were received.

There was Board discussion regarding a line item in the Building .4 line to mill and pave the back parking lot (of the Town Hall) for \$20,000.00. This money could be available from VLT revenues when we get ready to do it. The Board could decide to remove that money from the budget and add it back in as a budget amendment if we get to do the back parking lot next year. It would drop the tax rate three more cents. **Councilman Ingalsbe** said he would go for a lower tax rate and the rest of the Board agreed; people are having tough times now. **Supervisor Fafinski** said he and the Town Board chose to remain flat, for the second year, on salaries; no Town officials received an increase last year (2009).

With no further comments regarding the 2010 Preliminary Budget Hearing, it was declared closed at 7:15 PM.

At 7:16 PM, a Public Hearing was called to order to hear all persons in interest concerning the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan to help communities. The Clerk read the Legal Notice as published in the Town's designated newspaper.

**Supervisor Fafinski** opened the Hearing for comments. He stated that, five years ago, Councilman van der Velden worked on this plan, for Farmington, along with John Wade, the Fire Department, Chamber of Commerce, and others, to find out what kind of hazards exist in this community and what kind of resources Farmington has if we have a natural disaster; we need a better picture of what we might be dealing with. John Wade installed generators in his store in case of a power outage. We need to know what would happen to our water mains, sewer lines, etc. Everyone put their heads together to get all the information together and Ontario County Planning put this into the plan; this was necessary to qualify for FEMA. This Plan is available on-line on the Ontario County website. **Supervisor Fafinski** asked the Water & Sewer and Highway Superintendents, along with the Code Enforcement Officer, to access it.

**Councilman van der Velden** said the reason it took five years is because some Towns took their time getting involved.

With no further comments regarding the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, the Hearing was declared closed at 7:23 PM.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, that the minutes of the October 13, 2009 meetings, given to members for review, be approved as presented. **CARRIED.**

## **REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. The Department has litigation pending.
2. There was a water break at County Road 41 and Route 332.
3. Superintendent Crane attended a second Town of Victor meeting regarding consolidation of their sewer districts.
4. At the next Board meeting, he (Superintendent Crane) will have a Resolution for the purchase of a mobile light collector (previously known as an AMR data pack) at a cost of a little over \$18,000.00.
5. They discussed the 2010 wages for Water & Sewer employees.

**REPORTS OF STANDING COMMITTEES: (Continued)****Highway & Parks:**

1. Superintendent McLaughlin notified them that the parking lot is complete; striping will be done. There will be at least two handicapped spots in front of the door, plus the other two.
2. There are budget transfer requests tonight.
3. Discussed Mertensia Lodge regarding getting a grill and swing set and furnishing the office for the Recreation Commission.
4. They also discussed employee 2010 wages.

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

1. He gave an update on the grant application for the trails at \$80,000.00; our match would be \$6,000.00.
2. He said he has looked at the credit card options and would like to meet with Municipay for possibly half an hour before the next Board meeting to go over the proposal regarding the fees involved. The Town Clerk will contact Municipay regarding setting up the Workshop for November 10, 2009 @ 6:15 PM and will let Supervisor Fafinski know.
3. **Councilman Casale** said the Recreation Commission met on October 5<sup>th</sup>; they are planning some kind of get together at the Lodge on November 15<sup>th</sup>. We (the Town Board) did not receive an invite and he is not sure why; he felt it might be nice if the Town Board members were there – he was made aware of it today from the Recreation Commission minutes. **Councilman Ingalsbe** asked Councilman Casale if he could check with Recreation and let the Board know.

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

1. Reported that tonight is Councilman van der Velden's last meeting; he is retiring early and we thank him for his service. It is only fitting that, tonight, the All Hazard Mitigation Plan is on the Agenda and it was one of his projects, along with the RG&E & Iberdola merger; he was the Town Representative on that project; we opposed the merger. He was also involved in the construction of the Records Management storage vault (Town Clerk's grant). He dealt with the contractor and the HVAC humidity control contractor. Rudy also served on the Town Operations, Personnel and Public Safety Committees and was our liaison with the Fire Departments along with Councilman Casale. Rudy also dealt with some very touchy personnel matters. "Rudy, we are happy you can enjoy your retirement and, on behalf of this Board and the Town, we thank you, your heart was always in the Town and your heart was always in your job, we thank you for your contribution."
2. Reported that, Thursday, Farmington will present its' proposal for the Rochester Broadway Theatre League. It will be a joint proposal with the Racetrack and Ontario County Tourism. They have hired Dixon Schwabl Advertising to design the presentation. The Town is involved to bring the people together; Ron Brand is a presenter.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Explained to Councilman Casale what rumble strips are.

**Town Clerk/Receiver of Taxes Rose M. Kleman:**

1. She has \$150.00 petty cash (water & sewer) that is not being used/is not needed, for the past twenty-five years, and is having difficulty returning it back to the water & sewer accounts. (This will be discussed again with Supervisor Fafinski, the Finance and Account Specialist and Superintendent Crane.)
2. Asked what progress is being made on getting a program for converting documents to PDF files so they can be imported into our website? **Councilman Ingalsbe** said, Thursday morning, when Steve comes in he will show him what he found out from his son Jason; free software available versus software that costs \$40.00 that we can look at and try for free.
3. Asked if a date has been set to go live with the website? **Councilman Ingalsbe** said, actually, you can go on-line anytime now; it does not cost anything for the first year, we can go live at any point. We are waiting on the Water & Sewer Department and the Planning & Zoning Boards to build their web pages. Information from other departments (Ag. Advisory, Conservation, Historical, etc. Boards) is expected within the next 45 days or after the first of the year.

**Code Enforcement Officer Floyd Kofahl:**

1. Reported the senior project broke ground; they start construction the end of November.
2. All other projects are going along very well.
3. Saratoga Springs Crossing has foundations in for four buildings.
4. Park Place Restaurant has gone with the old style building.

**Planning Board Member Bob Kleman:**

1. Five applications for subdivision lots have been received. Auburn Meadows has a 19 lot subdivision and one 50 lot subdivision in phase 4.

**Assessor Donna LaPlant: (Absent – Supervisor Fafinski read her report as follows):**

"I apologize for being unable to attend tonight's board meeting but I want to update the Board with what has been happening in the Assessor's Office this month.

**REPORTS OF TOWN OFFICIALS: (Continued)**

First of all I wanted to thank Councilman vanderVelden for all of the help that he has given to me over the past few years. I appreciate everything that you have done for me and I wish you the best of luck in your retirement.

We mailed out the Enhanced STAR exemptions a few weeks ago for the 2010 and they are slowly being returned to us. We are running reports to make sure all the exemptions are in order. All other exemptions such as senior, agricultural and clergy will be mailed by the end of December for return by March 1<sup>st</sup> 2010. We are working on the adding the building permits to the assessment roll and verifying the sales.

Regarding the sales, they have slowed down a bit over the last month or so. This is what typically happens at this time of year. I have spent some time analyzing sales from 10/2007-10/2008 and sales from 10/2008 and 10/2009 and I will be presenting the board with those results at the next Town Board meeting. Thank you”

**COMMUNICATIONS:**

1. Canandaigua-Farmington Water & Sewer District Joint Meeting Agenda - October 13, 2009.
2. Memo to Shortsville Fire Dept. from Highway/Parks Superintendents Re: Shortsville Road Rumble Strips.
3. Memo to Supervisor from Director of Planning & Development Re: Auction of State Owned Property – State Route 332.
4. Resolution No. 561-2009 from Ontario County Board of Supervisors Re: Authorization to set aside additional sales tax revenues for distribution to the Towns, Cities and Villages.
5. Letter to Town Clerk from Farmington Volunteer Fire Association, Inc. Re: Update of current listing.
6. Letter to Town Clerk from Rudy van der Velden Re: Resignation from Town Board.
7. Letter to Supervisor from Victor Hiking Trails, Inc. Re: Auburn Trail.
8. Memo to Department Heads from Bookkeeper Re: Vacation accruals.
9. Letter to Industrial Appraisal Company from Finance and Accounting Specialist Re: Inventory update.
10. Letter to Town Clerk from Governor David A. Paterson Re: Resolution No. 250-2009.
11. Letter to Town Board from NYS Dept. of Health Re: Public Water Supply - Aldi Water main.
12. FY 2010-2011 Unified Planning Work Program - Project Proposal Form Re: Auburn Trail Connection to the Ontario Pathways Trail.
13. Letter to Supervisor from Canandaigua National Bank Re: \$9,000 Public Improvement Serial Bond - County Rd 8/Martz Road.
14. Certificate of Liability Insurance Re: Yautzy & Sawyer Builders Corp., K&D Disposal, Inc.; Creative Contracting and Turning Point Signs & Design.
15. Notice of Cancellation of Insurance Re: The Comfort Zone.

**REPORTS & MINUTES:**

1. Detail of Expenditures – August 2009.

**ORDER OF BUSINESS****RESOLUTION #252-2009:**

**Councilman Ingalsbe** offered the following Resolution, seconded by **Councilman van der Velden**:

**ADOPTING THE ONTARIO COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN**

**WHEREAS**, the Town of Farmington, in coordination with Ontario County municipalities, have gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

**WHEREAS**, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan was developed to help communities:

- Protect life, safety and property by reducing the potential for future damage and economic losses resulting from natural hazards;
- Qualify for additional pre-disaster and post-disaster grant funding;
- Facilitate recovery and re-development following future disaster events;
- Demonstrate a commitment to hazard mitigation principles; and
- Comply with New York State and Federal legislative requirements; and

**WHEREAS**, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Plan was financed, in part, by a Pre-Disaster Mitigation Grant through the Federal Emergency Management Agency and the New York State Emergency Management Office. The Ontario County Planning Department and participating municipalities provided the required grant matching through in-kind service; and

**WHEREAS**, in March 2009, the Federal Emergency Management Agency granted approval of the plan pending adoption by each of the participating municipalities; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #252-2009: (Continued)**

**WHEREAS**, the Town of Farmington is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, the Town of Farmington has reviewed the Plan and commits to review and update the Plan as required.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Board, that the Town of Farmington adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and the Ontario County Planning Department.

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

**RESOLUTION #253-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING SCHEDULING OF PUBLIC HEARING**

**WHEREAS**, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interest of the Town to schedule a Public Hearing to solicit public comment upon a proposed Local Law to Abolish the Town Recreation Commission; and

**WHEREAS**, the Town Board of the Town of Farmington has reviewed the draft of the aforementioned proposed Local Law, attached hereto as Exhibit "1" (on file in the Town Clerk's office), and deems it in the best interest of the Town of Farmington to proceed, in accordance with the Code of the Town of Farmington and the Laws of the State of New York, in adopting said Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Clerk be, and she hereby is, directed to schedule a Public Hearing, to be held on November 10, 2009, at 7:00 p.m., at the Farmington Town Hall, 1000 County Road 8, Farmington, New York; and

**BE IT FURTHER RESOLVED** that the Town Clerk be, and hereby is, authorized to forward, to the official newspaper of the Town, a Notice of Public Hearing, in the form substantially the same as that attached hereto as Exhibit "2" (on file in the Town Clerk's office); and

**BE IT FURTHER RESOLVED** that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law, on the Town of Farmington sign board, and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Farmington for its consideration; and

**BE IT FINALLY RESOLVED**, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this Local Law.

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

**RESOLUTION #254-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**LETTER OF CREDIT RELEASE #15 – AUBURN MEADOWS SUBDIVISION, PHASE 2**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated October 21, 2009, recommending that the above referenced Letter of Credit Release #15 be approved, in the total amount of \$26,192.90, for work completed in the Phase 2 portion of the Auburn Meadows 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. 15, for the Auburn Meadows Project signed by all department heads; and

**WHEREAS**, there is currently a total of \$175,459.45 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$149,266.55 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted October 21, 2009, recommended the release of the requested amount, \$26,192.90.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #254-2009: (Continued)**

**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; and

**BE IT FINALLY 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 #255-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

**AUTHORIZING A BUDGET TRANSFER FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget transfer, for the General Fund, to reallocate budget to cover payroll expenses for Parks overtime thru the end of 2009; and

FROM:	A7110.11	Parks PS (Seasonal)	\$500.00
TO:	A7110.12	Parks OT	(\$500.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and Finance and Account Specialist.

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

**RESOLUTION #256-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE LIGHTING FUND – AUBURN MEADOWS**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the Lighting Fund, for the energy only lighting connection for Auburn Meadows; and

FROM:	SL1- 599	Appropriated Fund Balance	\$905.00
TO:	SL1 – 5182.521	Auburn Meadows Pole Connection Energy only	(\$905.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance & Account Specialist.

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

**RESOLUTION #257-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Ingalsbe**:

**AUTHORIZING THE SUPERVISOR TO SIGN GENERATOR MAINTENANCE AGREEMENTS**

**WHEREAS**, the Highway/Parks Superintendent has reviewed the Generator System Maintenance Agreements, for the generators located at the Town Hall and Highway Garage, and requests that the Supervisor sign the Agreements, for a one year term, commencing November 1, 2009 to October 31, 2010, at a cost of \$465.00 for each location.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Supervisor to sign the Generator System Maintenance Agreements, for the generators located at the Town Hall and Highway Garage, at a cost not to exceed \$465.00 for each location; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution, along with the signed Agreements to the Highway/Parks Superintendent and mail original to Penn Power Systems.

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

**RESOLUTION #258-2009:**

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

**ACCEPTING A MAINTENANCE BOND ESTIMATE – AUBURN MEADOWS SUBDIVISION, SECTION 2**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #258-2009: (Continued)**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Ron Brand, Director of Planning and Development, (hereinafter referred to as Director) to establish a Maintenance Bond, for a portion of the required improvements for Section 2, Auburn Meadows Subdivision (hereinafter referred to as Project); and

**WHEREAS**, the Director's request is based upon the October 12, 2009 letter from James R. Gresens, P.E., MRB Group, P.C., the Town's Engineer, recommending the Town Board establish a Maintenance Bond, in the amount of \$93,188.75, for a period of two years, or until the project is completed and inspected by the Town; and

**WHEREAS**, these recommendations are based upon the approved Letter of Credit for the project, excluding the Letter of Credit amount for 2,892 lineal feet of asphalt top coat from the south portion of Section 2 and the Letter of Credit amount for the haul road for this project.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the request and recommendations, cited above herein, and directs the Maintenance Bond be established only for those items specified.

**BE IT FURTHER RESOLVED** that the applicants, A&D Development, are hereby given public notice that a separate Maintenance Bond, in the total amount of \$4,536.60, is to be submitted to the Town Engineer, for his review and acceptance, and forwarding to the Town Board, under separate cover, a separate request for establishing a separate Maintenance Bond upon the two remaining items identified in the October 12, 2009 MRB Letter.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to, tomorrow, notify by U.S. Mail, certified copies of this Resolution to: Walter Baker, D.S. B. Engineers and to Ernie Ackerman, A&D Development, requesting them to establish the above referenced Performance Bond, in the amount specified above herein for those completed portions specified in the above referenced MRB Letter.

**BE IT FURTHER RESOLVED** that the Town Clerk is to provide copies of this Resolution to both Mr. Baker and Mr. Ackerman for their records.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution are also to be provided to the Town Finance and Account Specialist, the Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

**BE IT FINALLY RESOLVED** that the Maintenance Bond (or Cash Deposit) must be delivered to the Town no later than twelve noon on the 8<sup>th</sup> business day following the adoption of this Resolution.

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

**RESOLUTION #259-2009:**

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

**APPROVING THE INSTALLATION OF A STREET LIGHT AND THE SUPERVISOR TO SIGN THE PROPOSAL WITH RG&E**

**WHEREAS**, the Town received a proposal, from RG&E, for the installation of a street light, at the corner of Green Road and Stonefield Lane.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board approves the proposal from RG&E, and authorizes the Supervisor to sign the attached proposal; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward the original signed proposal to RG&E and a copy to the Highway/Parks Superintendent.

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

**RESOLUTION #260-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**AUTHORIZING TOWN SUPERVISOR TO TAKE ACTION TO APPLY MOWING CHARGES TO THE TAX ROLL**

**WHEREAS**, the Code Enforcement Officer took necessary action to bring property, within the Town, into compliance per Town Code Chapter 112.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to take appropriate action to apply mowing charges, along with a 50% service charge, to the Town's property tax roll for the address listed below; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #260-2009: (Continued)**

- 1. 30 Gannett Road - Tax Map No. 29.11-1-43.000 - \$187.50

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Supervisor's Secretary and the Code Enforcement Officer.

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

**RESOLUTION #261-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING TOWN SUPERVISOR TO TAKE ACTION TO APPLY MOWING CHARGES TO THE TAX ROLL**

**WHEREAS**, the Code Enforcement Officer took necessary action to bring property, within the Town, into compliance per Town Code Chapter 112.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to take appropriate action to apply mowing charges, along with a 50% service charge, to the Town's property tax roll for the address listed below; and

- 1. 793 Hook Road - Tax Map No. 17.00-2-33.000 - \$450.00

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Supervisor's Secretary and the Code Enforcement Officer.

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

**RESOLUTION #262-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for Lawn Care Services to bring certain properties within the Town to code; and

FROM:	A1990.4	Contingency	\$425.00
TO:	A3620.4	Code Enforcement CE	(\$425.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and the Code Enforcement Officer.

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

**RESOLUTION #263-2009:**

**Councilman van der Velden** offered the following Resolution, seconded by **Councilman Casale**:

**ACCEPTING A PROPOSAL FOR MAP UPDATES FOR THE COMPREHENSIVE PLAN**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received from Ronald Brand, Director of Planning & Development, a draft agreement, from Lu Engineers, to prepare updates to 14 maps, which are part of the adopted Town of Farmington Comprehensive Plan; and

**WHEREAS**, the Agreement provides for a portion of the work to be completed in 2009 with the balance of the work to be completed in 2010; and

**WHEREAS**, the Town Board understands that the Scope of Work to be completed is consistent with the Town's intent to commence the update to the Comprehensive Plan; and

**WHEREAS**, the Town Board has reviewed the draft Agreement and does hereby accept said document; and

**WHEREAS**, the Town Board desires to initiate work on this project in as timely a manner as possible.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby accept the Lu Engineers proposal and directs the Town Supervisor to sign said Agreement and to return it to Lu Engineers, along with a cover letter, instructing work to commence as soon as possible.

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #264-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, to update Comprehensive Master Plan Maps; and

FROM:	A1990.4	Contingency	\$2,000.00
TO:	A8020.42	Planning & Development Comprehensive	(\$2,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #265-2009:**

**Councilman Casale** offered the following Resolution, seconded by **Councilman van der Velden**:

**AUTHORIZING A BUDGET AMENDMENT FOR THE SEWER FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the Sewer Fund; and

FROM:	SS 8110.2	Sewer Administration EQ	\$5,000.00
FROM:	SS 8120.21	Sanitary Sewers-EQ Trucks	\$5,000.00
TO:	SS 8110.4	Sewer Administration CE	(\$10,000.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance & Account Specialist.

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

**RESOLUTION #266-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #20-2009**

General	\$ 44,177.76
Highway Fund	18,531.32
Racetrack Drainage Pond	222.75
Storm Drainage	8,153.20
Lighting	6,933.10
Payroll	2,134.86
Sewer District	69,107.31
Water District	32,725.12
<b>Total</b>	<b>\$181,985.42</b>

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

**Councilman van der Velden** stated, "I really enjoyed (my) period on Town Board and enjoyed working with you people and we have some knowledgeable people working for the Town; the Water & Sewer Superintendent, Highway & Parks Superintendent and Code Officer Floyd Kofahl. He has learned a lot through the years; but I want you to know I enjoyed it. Also, I would like to thank my wife for helping me stay on top of things (Honey, you better get going, you're going to be late!) and typing letters for me when needed. Also thanks the Supervisor for helping me through these years; we have a good one, I think he's great - thank you".

**DISCUSSION:**

1. Traffic Study along the north-south corridor of State Route 332. **Supervisor Fafinski** said we received a letter, from the Business Council of the Chamber, requesting that, because the traffic is getting so busy in this area, they would like to get the speed limit reduced to 45 MPH 1,000 feet north of the intersection of Route 96 and Route 332 to County Road 41. He asked the Board if they could support this. If so, at the next Town Board meeting, there will be a Resolution on the Agenda.

**TOWN BOARD MEETING**

**October 27, 2009**

**TRAINING UNDER \$100.00:**

1. Bill Garlock and Eric Feistel to attend NY Rural Water Association Training, November 18, 2009, at a cost of \$35.00 each.
2. Gary Scribner to attend Genesee/Finger Lakes Regional Planning Council Fall 2009 regional Local Government Workshop, November 20, 2009, in Batavia at a cost not to exceed \$40.00.

With no further business, the meeting was adjourned, at 8:10 PM, by motion from **Councilman Casale**, seconded by **Councilman van der Velden**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP**

**November 10, 2009**

At 6:15 PM, November 10, 2009, the Town Board met in Workshop Session with a representative of MuniPay, a third party credit card processor for municipal governments, to discuss the process to be used for the Farmington Clerk's office to offer credit card services to residents. Those present were:

- PRESENT:**
- |                                   |                             |
|-----------------------------------|-----------------------------|
| Ted Fafinski – Supervisor         | Rose M. Kleman – Town Clerk |
| Peter Ingalsbe – Councilman       |                             |
| Timothy P. Mickelsen – Councilman |                             |
| Michael Casale – Councilman       |                             |
| Steve Holtz – Councilman Elect    |                             |

Also present were: **Bob McLean** – MuniPay Representative, **Michelle Finley** – Confidential Secretary and Dottie Mickelsen.

Mr. McLean explained the procedures for the use of credit cards for payment of services such as: dog licenses, marriage licenses and other transactions. Also discussed associated charges and “what if” scenarios. It was stated there would be no charge to the Town - just the card holder - and it would be approximately a two day turn around unless the card holder changes their mind. Questions were asked and answered. Consensus of opinion of the Board members was the Town Attorney would review and reply; then, if approved, a Town Board Resolution would be forthcoming.

With no further business, the Workshop was adjourned, at 6:50 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**NOVEMBER 10, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 10<sup>th</sup> day of November 2009, at 7:00 PM, there were:

- PRESENT:**
- |                                   |
|-----------------------------------|
| Theodore Fafinski – Supervisor    |
| Peter Ingalsbe – Councilman       |
| Timothy P. Mickelsen – Councilman |
| Michael Casale – Councilman       |
| Steven Holtz – Councilman Elect   |
| Rose M. Kleman – Town Clerk       |

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ronald Brand** – Director of Planning & Development, **Robert Kleman** – Planning Board, **Donna LaPlant** - Assessor, **Michelle Finley** – Confidential Secretary, **Tom Schwarzweller** – Recreation Commission Chairperson and eight students.

**PUBLIC HEARINGS:** Abolishing the Town Recreation Commission

At 7:00 PM, a Public Hearing was called to order to hear all persons in interest regarding “A Local Law to Abolish the Town Recreation Commission.” This Local Law would repeal Article 1 of Chapter 9 of the Code of the Town of Farmington thereby abolishing the Town Recreation Commission.

The Town Clerk read the Legal Notice as published. **Supervisor Fafinski** explained the purpose of abolishing the Commission. He said the Town Recreation Master Plan had not been updated since 1988 or 1989 and the Town has grown since then; there is clearly a need for recreational services in the Town. Passero Associates and Kotz Associates partnered and were awarded the duty of updating the Recreation Plan. In addition to that, the Town Board created a Recreation Task Force that was headed by Councilman

Casale, and several citizens of the Town, along with a member of the Recreation Commission. Passero interviewed members of the Commission along with conducting searches around the Town with school districts and other area Recreation Commissions to gather information. They then made recommendations to the Town; one was regarding Section F which is on page 40 of the Plan (the Recreation Plan is on file in the Town Clerk's office). **Supervisor Fafinski** read this Section regarding the duties of the Recreation Commission and its' powers and duties which are not clear rendering the Commission less meaningful. It further went on to say that the Town should: 1.) disband the Recreation Commission; 2.) establish a Recreation Advisory Board overseen by the Town Board with an appropriate organizational structure, powers and duties to advise the Town Board on administrative policy, programs, funding, budgetary and other appropriate matters; and 3.) appoint Advisory Board members who are qualified and have sufficient time to devote to Board matters. Recreation Commission members could be considered to sit on the Advisory Board and the Town Board intends to offer them the opportunity to sit on said Board. They will also advertise for others to sit on the Board. There will be expanded duties such as interfacing with the Planning and Zoning Boards regarding subdivisions and another big part is the trails; they are a need and a desire. Someone from the Advisory Board should attend the Planning and Zoning Board meetings to find out what is being developed and how it will impact in order to make their recommendations. Facilitate expanding the role of Recreation Director, part-time, to move some programs forward.

The Town Board feels the Advisory Board will be an asset and a big part of future (plans) including the trails (grant pending now). The Advisory Board will have more duties so we need people who are willing to put the time and effort into it and get more involved in where we are going and how we are going to get there. The Summer Recreation Program will stay in place.

No one else wishing to be heard, for or against the foregoing subject matter, the Hearing was declared closed at 7:12 PM.

A motion was made by **Councilman Casale**, seconded by **Councilman Ingalsbe**, (**Councilman Mickelsen** abstained due to being absent) that the minutes of the October 27, 2009 meeting, given to members for review, be approved as presented. **CARRIED**.

#### **WAIVER OF THE RULE:**

**Supervisor Fafinski** requests a Waiver of the Rule to allow the first Resolution (#267-2009) to be brought forward. All Town Board Members in agreement.

#### **RESOLUTION #267-2009:**

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

#### **FILL VACANCY ON THE FARMINGTON TOWN BOARD**

**WHEREAS**, Councilman Rudolf van der Velden has resigned his position as Town Councilman, effective October 31, 2009, therefore creating a vacancy on the Town Board; and

**WHEREAS**, Steven M. Holtz, 777 Weigert Road, Farmington, NY was elected to the position of Councilman in the recent town wide election.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington appoints Steven M. Holtz to serve the remaining term of Councilman Rudolf van der Velden. Such appointed term shall expire on December 31, 2009. This appointment shall be made a part of the public record of these proceedings; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be sent to the Supervisor's office.

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

Town Clerk Rose M. Kleman administered the Oath of Office to Steven M. Holtz to fill the vacancy on the Town Board. **Regular meeting resumed**.

#### **REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Mickelsen** reported:  
**Water & Sewer:**

1. Superintendent Crane reported on bills to be passed to tax; the Resolution is on tonight's Agenda.
2. Another item on the Agenda is the purchase of new meter reading equipment.
3. Superintendent Crane received a petition for a new water district; there is one home on Hook Road to be included.
4. The Department is considering a folding and sealing machine for mailings.
5. The water and sewer compliance report has some minor issues to be addressed.
6. They are looking at a flow module to get readings from County Road 41.

**REPORTS OF STANDING COMMITTEES: (Continued)****Highway & Parks:**

1. Superintendent McLaughlin is requesting an area speed limit survey for Auburn Meadows. (Resolution on tonight's Agenda.)
2. Hunters Drive has an issue with a swing set.
3. Alarms have been installed in Mertensia Lodge.
4. The Town Hall parking lot has been striped.
5. Received preliminary design plans for the Farmbrook parking lot from MRB. Due to the weather, construction will begin next year.
6. They are looking at installing a stone sidewalk, at the Lodge, approximately 500 feet in length.
7. Superintendent McLaughlin met with an engineering firm, in a general interview capacity, for consideration for their next project as an option for the Town Board.

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

1. He said that, later in the meeting, Ron Brand would report on the Rochester Broadway Theatre League.

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

1. Reported that our Town Auditor Fred Kless is ill and will not be available until April 2010. He went on to explain what and why we have an independent auditor. It will be necessary to interview someone to fill in until then, which he (Supervisor Fafinski) will do next week.

**Highway & Parks Superintendent Ed McLaughlin:** Absent due to illness.

**Town Clerk/Receiver of Taxes Rose M. Kleman:** No report.

**Water & Sewer Superintendent Jim Crane:** No report.

**Code Enforcement Officer Floyd Kofahl:**

1. Aldi's will open December 1<sup>st</sup>.
2. Park Place Restaurant will open the week of January 11<sup>th</sup>.

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

1. Due to no applications being received, the November 18<sup>th</sup> Planning Board meeting has been cancelled.
2. The Board has a draft Local Law (27 pages) and a draft of the site design and landscaping guidelines to be reviewed by the Planning & Town Board staff. Lu Engineers is on board and working on base mapping for the Comprehensive Plan.
3. Auburn Trail GTC UPWP Grant Application update as follows:
  - a) An \$80,000.00 Transportation Planning Grant. \$74,000.00 GTC Federal Grant Funds and \$2,000.00 each from the Towns of Farmington and Canandaigua & the City of Canandaigua.
  - b) January 2010 UDC recommends list, February Planning Committee reviews public comments and recommends final draft. Letters go out in March 2010.
  - c) Connecting the Auburn Branch from County Road 41 with the Ontario Pathways Trail in the City of Canandaigua.
4. He gave a report on the presentation to the Rochester Broadway Theatre League. He said it went well and he thanked Delaware North for stepping up to the plate; they did a survey to hand out, along with Ontario County Tourism. He also thanked Dixon and Schwabl for the presentation; it was a positive program. There are two more interviews to be conducted for other sites.

**Planning Board Member Bob Kleman:**

1. They had one item on their Agenda for a two lot subdivision on Sheldon Road; lot one consisting of five acres and lot two at ten acres of wetland; it was approved with conditions.

**Assessor Donna LaPlant:**

1. Reported on her sales review for periods 11/1/07 thru 11/1/08 and 11/1/08 thru 11/1/09 (report on file in Town Clerk's office). Based on the analysis, she will be adjusting some neighborhoods this year and would respectfully request to do another town wide revaluation for tax roll year 2011.
2. Reported on the Cold War Veterans Exemption, Section 485-b of the Real Property Tax Law, authorizing a limited exemption from real property taxes for real property owned by persons who rendered military service to the United States during the Cold War which is defined as September 2, 1945 to December 26, 1991, provided the property meets the requirements set forth in the Law (report on file in Town Clerk's office). The Exemption is applicable to general municipal taxes but not school taxes. The County has adopted it at the lowest level which is a 10% exemption, up to \$4,000.00 maximum, for a Cold War Veteran and 10% Exemption, up to \$20,000, for a disabled Cold War Veteran. If the Board is interested in granting this Exemption, it will need to be done by Local Law.

**COMMUNICATIONS:**

1. Letter to Town Clerk from Assemblyman Kolb Re: Acknowledgement of Resolution No. 250-2009.
2. Cable Television Questionnaire/Information Sheet.

**COMMUNICATIONS: (Continued)**

3. Letter to Victor Senior Properties LLC from Water & Sewer Superintendent Re: 681 High Street – Sewer Connection Fees.
4. Letter to Town Clerk from NYS Office of the State Comptroller Re: Establishment of KOA Campground Extension to the Farmington Sewer District.
5. Letter to Supervisor from Troy & Banks Re: Telephone Review.
6. Letter to Director of Planning and Development from Genesee Transportation Council Re: FY 2010-2011 UPWP Project Proposals.
7. Public Notice – Credit Card Services.
8. Rochester Broadway Theatre League - Phoenix Project Proposal.
9. Letter to Supervisor from Ontario County Department of Finance Re: Sales Tax Comparison 3<sup>rd</sup> Quarter.
10. Letter to Director of Planning from Lu Engineers Re: Map updates for the Comprehensive Master Plan.
11. Letter to Town Clerk from Rosalie Fafinski Re: Declines reappointment to the Board of Assessment Review.
12. Certificate of Liability Insurance Re: DGA Builders, Inc.; Mc Kenna Builders, Inc.; American Plumbing, Inc. and North Eastern Pools, Inc.
13. Memo to All Departments from Highway/Parks Superintendent. Re: Town Hall trash cans.

**REPORTS & MINUTES:**

1. Recreation Commission Meeting Minutes – October 5, 2009.
2. Conservation Board Meeting Minutes w/corrections – April 27, 2009.
3. Historic Preservation Meeting Minutes – October 8, 2009.
4. Zoning Board of Appeals Meeting Minutes – September 28, 2009.
5. Justice Gligora Monthly Report – October 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #268-2009:**

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

**CREATING TEMPORARY TRAINING POSITION OF CONFIDENTIAL SECRETARY TO THE SUPERVISOR**

**WHEREAS**, an anticipated vacancy in the office of Confidential Secretary to the Supervisor will occur on January 1, 2010; and

**WHEREAS**, in order to provide a smooth transition and training in the duties of this position (a statement of duties of this position is attached to this Resolution).

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington creates the temporary position of Confidential Secretary to the Supervisor effective December 7, 2009 through December 31, 2009, in order to provide for a smooth transition on January 1, 2010. The Town Clerk will provide the Supervisor with a certified copy of this Resolution.

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

MSD-222 (5/98)

<p>Civil Service Law: Section 22: Certification for new positions. Before any new positions in the service of a civil division shall be created, the proposal therefore, including a statement of the duties of the position, shall be referred to the municipal commission having jurisdiction and such commission shall furnish a certificate stating the appropriate civil service title for the proposed positions. Any such new position shall be created only with the title approved and certified by the commission. Effective April 1, 1959.</p>	<p style="text-align: center;">ONTARIO COUNTY DEPARTMENT OF HUMAN RESOURCES 3019 COUNTY COMPLEX DRIVE CANANDAIGUA, NEW YORK 14424</p> <p style="text-align: center;"><b>NEW POSITIONS DUTIES STATEMENT</b></p> <p>Department head or other authority requesting the creation of a new position, prepare a separate description for each new position to be created except that one description may cover two or more identical positions in the same organizational unit.</p> <p style="text-align: center;">Forward two typed copies to this Commission</p>
<p>1. DEPARTMENT Town of Farmington</p>	<p style="text-align: center;">BUREAU, DIVISION, UNIT OR SECTION</p> <p style="text-align: center;">LOCATION OF POSITION Supervisor’s Office</p>
<p>PERCENT OF WORK TIME</p>	<p>2. DESCRIPTION OF DUTIES: Describe the work in sufficient detail to give a clear word picture of the job. Use a separate paragraph for each kind of work and describe the more important or time-consuming duties first. In the left column, estimate how the total working time is divided.</p>

**TOWN BOARD MEETING**

**NOVEMBER 10, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #268-2009: (Continued)**

10%	Greet Public, provide assistance and information.
10%	Answer and direct telephone calls for the Town Supervisor.
15%	Clerical duties which include, handling of daily correspondence, e-mails, maintenance of records and files of the Town Supervisor.
10%	Prepare and distribute Town Board meeting Agenda with associated material for consideration by the Town Board.
5%	Attend and transcribe Minutes of meetings as directed by the Town Supervisor.
50%	Provide administrative assistance to Town Supervisor as directed. Coordination of concerns received from employees or public.
This is to request a classification for one position of Confidential Secretary to the Town Supervisor for a temporary period not to exceed 90 days.	

(Attach additional sheets if more space is needed)

3. Names and Titles of Persons Supervising this position (General, Direct, Administrative, etc.)		
NAME	TITLE	TYPE OF SUPERVISION
Theodore Fafinski	Supervisor	Direct
4. Names and Titles of Persons Supervised by Employee in this position		
NAME	TITLE	TYPE OF SUPERVISION
5. Name and Titles of Persons doing substantially the same kind and level of work as will be done by the incumbent of this New position.		
NAME	TITLE	TYPE OF SUPERVISION
n/a		
6. What minimum qualifications do you think should be required for this position?		
Education:	High School ___4___ years w/ 2 yrs office experience/training or	
College	___2___ years, with specialization in communications or administration or business	
Other	___ years, with specialization in _____	
Experience: (list amount and type)		
Familiar with the history of Farmington Town issues, familiar with Town operations and policies, experience dealing with the public-all highly desirable-professional demeanor under all situations.		
Essential knowledge, skills and abilities:		
Typing/keyboarding skills, ability to compose various letters and memos, familiar with payroll processes, some sort of speed Writing, computer skills along with internet home page skills		
Type of license or certificate required: valid NYS drivers license		
7. The above statements are accurate and complete.		
Date:	Title:	Signature:
11/9/2009	Town Supervisor	

**CERTIFICATE OF DEPARTMENT OF PERSONNEL AND CIVIL SERVICE**

8. In accordance with the provisions of Civil service Law, Section 22, the _____ Personnel Officer certified that the appropriate civil service title for the position described is _____.	
Date:	Signature:
9. Creation of described position	
Approved	
Disapproved	
Date:	Signature:

RETURN ONE COMPLETED COPY TO THE DEPARTMENT OF PERSONNEL AND CIVIL SERVICE

**RESOLUTION #269-2009:**

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

**SETTING THE SALARY RANGE AND AUTHORIZING THE SUPERVISOR TO FILL THE POSITION OF CONFIDENTIAL SECRETARY TO THE SUPERVISOR**

**WHEREAS**, the position of Confidential Secretary to the Supervisor will become vacant on January 1, 2010; and

**WHEREAS**, a temporary position of Confidential Secretary to the Supervisor, effective December 7, 2009, has been created to allow for transition of duties and to allow for training and this temporary position will terminate on December 31, 2009 and the person will be appointed to the vacant position of Confidential Secretary to the Supervisor, effective January 1, 2010.

**NOW, THEREFORE BE IT RESOLVED** that the Supervisor of the Town of Farmington is authorized to fill the temporary position of Confidential Secretary no earlier than December 7, 2009 through December 31, 2009 and the temporary Confidential Secretary to the Supervisor shall continue to serve in the vacant position of Confidential Secretary to the Supervisor on January 1, 2010 and, depending on experience, the salary range shall be set between \$12.00 and \$14.00, per hour, and the Confidential Secretary to the Supervisor shall serve at the pleasure of the Farmington Town Supervisor in accordance with NY State Town Law.

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to furnish two certified copies of this Resolution to the Supervisor.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #269-2009: (Continued)**

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

**RESOLUTION #270-2009:**

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

**RESOLUTION OF SYMPATHY – WILMA RUTH DICKINSON**

**WHEREAS**, the Town Board has learned of the untimely death of Wilma Ruth Dickinson whose son is the Town Code Enforcement Officer.

**NOW, THEREFORE BE IT RESOLVED** that this Resolution of Sympathy be a part of the minutes of this meeting and her memory be preserved in our records; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the family of Wilma Ruth Dickinson to apprise them of our deepest sympathy.

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

**RESOLUTION #271-2009:**

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

**RESOLUTION OF SYMPATHY – GRACE ALLEN**

**WHEREAS**, the Town Board has learned of the untimely death of Grace Allen, former Tax Collector and Deputy Town Clerk.

**NOW, THEREFORE BE IT RESOLVED** that this Resolution of Sympathy be a part of the minutes of this meeting and her memory be preserved in our records; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the family of Grace Allen to apprise them of our deepest sympathy.

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

**RESOLUTION #272-2009:**

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

**AUTHORIZING THE ATTENDANCE OF DAN RONK TO THE 2010 EMPIRE STATE GREEN INDUSTRY SHOW**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Dan Ronk, Parks employee, to the 2010 Empire State Green Industry Show, January 12-14, 2010, at the Rochester Riverside Convention Center, at a cost not to exceed \$185.00 (A-7110.4); and

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

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

**RESOLUTION #273-2009:**

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

**AUTHORIZING THE TOWN CLERK TO PETITION NYS DEPT. OF TRANSPORTATION TO DO AN AREA SPEED LIMIT SURVEY**

**WHEREAS**, the Highway/Parks Superintendent has requested that the Town Board direct the Town Clerk to petition NYS Dept. of Transportation to do an Area Speed Limit Survey, for 30 mph, in the Auburn Meadows Subdivision located off New Michigan Road and Townline Road.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Town Clerk to petition NYS Dept. of Transportation to provide an Area Speed Limit Survey in the Auburn Meadows Subdivision; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Supervisor's Office and Highway/Parks Superintendent.

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

**RESOLUTION #274-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #274-2009: (Continued)**

**UTILITY BILLING METER READ EQUIPMENT PURCHASE**

**WHEREAS**, the Town Boards of Canandaigua & Farmington authorized the Purchase of AMR (Automatic Meter Reading) Equipment in 1998 for the Canandaigua/Farmington Water and Sewer Districts, and

**WHEREAS**, the original AMR Equipment (Data-Pac) was purchased from Itron Corp. and Badger Meter Co. to read our standard meters; and

**WHEREAS**, the 2002 Itron Data-Pac unit will no longer operate and must be replaced in order to continue with our Mobile Reading program; and

**WHEREAS**, under the guidelines of The Procurement Policy, the W&S Superintendent has determined that the purchase of an Itron Mobile Collector is a Public Work Contract for the reading of water meters in the Towns of Canandaigua, Farmington and Manchester. The Department has interviewed, reviewed and screened various Itron Agents to make an equal comparison in quality and price, which varied from \$18,145.00 to \$24,933.00.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Farmington, acting on behalf of the Canandaigua/Farmington Water and Sewer District, hereby authorizes the Water and Sewer Superintendent to enter into a Public Works Contract with Gottogo Electric, Inc. of Leroy, N.Y., an authorized Itron Agent, for the replacement of AMR Equipment, at an install cost not to exceed \$18,145.00; and

**BE IT FURTHER RESOLVED** that this expenditure is budgeted in lines SW1 8340.2 and SS 8120.2.

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

**RESOLUTION #275-2009:**

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

**PASS TO TAX – 2009**

**WHEREAS**, the Farmington Town Board has been notified by the Water and Sewer Department of the unpaid water and sewer charges; and

**WHEREAS**, an Annual Statement has been filed with the Town Clerk listing all unpaid charges, fees and rents for the 2010 Tax Levy which are broken down in the following special districts:

**WATER/SEWER DISTRICT**

WA-241	ANDREWS & NORTH ROAD WATER	\$ 67.43
WA-246	CANANDAIGUA-EMERSON-TOWNLINE ROAD (CANANDAIGUA ONLY)	\$ 243.99
WD-241	CDGA-FARMINGTON WATER (CANANDAIGUA ONLY)	\$32,523.98
WD-281	CDGA-FARMINGTON WATER (FARMINGTON ONLY)	\$34,379.19
WD-284	MAXWELL ROAD WATER DISTRICT	\$ 297.66
WD-285	FOX ROAD WATER DISTRICT	\$ 578.01
WD-286	NORTH FARMINGTON WATER EXTENSION #2 (ELLSWORTH)	\$ 238.04
WD-287	SHELDON ROAD WATER DISTRICT	\$ 68.79
WD-345	CANANDAIGUA-TOWNLINE-HOPEWELL (HOPEWELL ONLY)	\$ 0.00
WT-248	RISSER ROAD EXTENSION	\$ 2.18
	CANANDAIGUA SANITARY SEWER	\$ 1,370.12
	FARMINGTON SANITARY SEWER	\$38,764.06
	VICTOR SANITARY SEWER	\$66,390.23

**NOW, THEREFORE BE IT RESOLVED**, the Town Board, acting through its Water and Sewer Superintendent, shall transmit such Statement to the Ontario County Board of Supervisors which shall levy such sums against the property liable.

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

**RESOLUTION #276-2009:**

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

**APPROVAL FOR BLACKTOP REPAIRS**

**WHEREAS**, the Water and Sewer Department budgets each year for blacktop replacement for Water and Sewer main repairs, etc.; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #276-2009: (Continued)**

**WHEREAS**, the expenditure is in accordance with the procurement policy whereby price quotes are requested from local contractors; and

**WHEREAS**, this cost has increased 1) because of the number of water main breaks and 2) cost of materials.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board, on behalf of the Water and Sewer District, hereby authorizes the Water and Sewer Superintendent to make payment to Ruston Paving Company of Farmington, N.Y. at a cost not to exceed \$4,914.00.

**BE IT FURTHER RESOLVED** that this expenditure will be from Budget lines SW1-8340.4 and SS-8130.4.

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

**RESOLUTION #277-2009:**

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

**AUTHORIZING BUDGET TRANSFERS FOR THE GENERAL AND HIGHWAY FUNDS**

**RESOLVED**, the Farmington Town Board authorizes the following budget transfers, for the General and Highway Funds, to reallocate expenses thru the end of 2009; and

FROM:	A7110.11	Parks PS (Seasonal)	\$ 300.00
TO:	A8160.12	Refuse & Garbage OT	(\$ 300.00)
FROM:	DA5110.12	General Repairs OT	\$2,641.67
FROM:	DA5112.12	Perm Improvements OT	\$ 711.03
TO:	DA5142.12	Snow Removal OT	(\$3,352.70)

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway/Parks Superintendent and the Finance and Account Specialist.

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

**RESOLUTION #278-2009:**

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

**ADOPTING THE 2010 TOWN BUDGET**

**WHEREAS**, a Public Hearing was held October 27, 2009, for the 2010 Town Budget; and

**WHEREAS**, there was a \$20,000.00 decrease in the General Fund (Line A 1620.46V08).

**THEREFORE BE IT RESOLVED**, the Farmington Town Board adopts the 2010 Town Budget, as attached; and

**BE IT FURTHER RESOLVED** that the Town Clerk is directed to furnish two copies, of the Budget, to Ontario County, along with a certified copy of this Resolution.

**Discussion:** The tax rate is down from \$1.09 to \$1.06 for 2010. The Board agreed to reduce the Preliminary Budget by an additional \$20,000 (Line A.1620) by not resurfacing the back parking lot in 2010.

**Councilman Holtz** abstains due to the fact he was not an official Board member at the time of budget preparation. He attended Budget Workshops but in a non-official capacity.

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Theodore M. Fafinski, Supervisor	X		
Peter Ingalsbe, Councilman	X		
Timothy Mickelsen, Councilman	X		
Michael Casale, Councilman	X		
Steven Holtz			X

# 2010 BUDGET FOR THE TOWN OF FARMINGTON

## General Fund

		Round # 3							
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30th 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009
<b><u>Appropriations</u></b>									
Town Board PS	A1010.1	18,400	18,400	8,492	18,400	18,400	18,400	0	0.0%
Town Board EQ	A1010.2	0	0	0	0	0	0	0	*****
Town Board CE	A1010.4	3,171	7,850	4,335	6,000	6,000	6,000	-1,850	-23.6%
Town Board Mileage	A1010.41	417	700	4	500	500	500	-200	-28.6%
TB car maint. & Gas	A1010.42	676	1,000	35	1,000	1,000	1,000	0	0.0%
Municipal Court PS	A1110.10	87,652	91,493	39,403	93,323	93,323	93,323	1,830	2.0%
Municipal Court EQ	A1110.2	682	150	2,694	200	150	150	0	0.0%
Municipal Court-EQ 07-08 Grant	A1110.22	14,819	0	0	0	0	0	0	*****
Municipal Court CE	A1110.4	4,541	9,000	2,270	9,000	9,000	9,000	0	0.0%
Municipal Court CE-Bailiff	A1110.41	0	0	0	0	0	0	0	*****
Supervisor PS	A1220.1	100,438	101,757	50,997	110,218	110,218	110,218	8,461	8.3%
Supervisor EQ	A1220.2	0	0	0	0	0	0	0	*****
Supervisor CE	A1220.4	298	750	95	750	750	750	0	0.0%
Supervisor-Software support	A1220.41	825	875	825	875	875	875	0	0.0%
Auditor CE	A1320.4	1,650	15,000	753	3,045	3,045	3,045	-11,955	-79.7%
Tax Collection PS-OT	A1330.12	327	700	335	700	700	700	0	0.0%
Tax Collection CE	A1330.4	4,284	4,530	1,165	4,530	4,530	4,530	0	0.0%
Budget PS	A1340.1	8,960	8,960	4,135	8,960	8,960	8,960	0	0.0%
Budget CE	A1340.4	50	50	0	50	50	50	0	0.0%
Assessor PS	A1355.1	56,203	59,035	26,967	61,884	61,884	61,884	2,849	4.8%
Brd of Review- PS OT	A1355.11	0	155	0	155	155	155	0	0.0%
Assessor PS-OT	A1355.12	0	500	0	400	400	400	-100	-20.0%
Assessor EQ	A1355.2	2,097	0	0	0	0	0	0	*****
Assessor CE	A1355.4	14,164	9,850	4,900	6,850	6,850	6,850	-3,000	-30.5%

Board of Review PS	A1355.42	277	1,650	356	1,650	1,650	1,650	0	0.0%
Board of Review CE	A1355.41	0	100	0	100	100	100	0	0.0%
Town Clerk PS	A1410.1	93,591	96,251	43,870	97,416	98,153	98,153	1,902	2.0%
Town Clerk PS OT	A1410.12	-51	0	0	0	0	0	0	*****
Town Clerk EQ	A1410.2	0	200	0	0	0	0	-200	-100.0%
Town Clerk CE	A1410.4	2,018	3,700	1,031	3,500	3,500	3,500	-200	-5.4%
Attorney CE	A1420.4	21,653	25,000	10,036	25,000	25,000	25,000	0	0.0%
Engineers CE	A1440.4	45,941	20,000	-3,084	40,000	40,000	40,000	20,000	100.0%
Elections CE	A1450.4	10,000	10,000	0	10,000	10,000	10,000	0	0.0%
Records Management PS	A1460.1	0	2,000	0	2,000	2,000	2,000	0	0.0%
Records Management EQ	A1460.2	0	0	0	0	0	0	0	*****
Records Management CE	A1460.4	179	350	0	350	350	350	0	0.0%
Building PS	A1620.1	3,749	3,884	1,165	3,964	3,964	3,964	80	2.1%
Building PS - OT	A1620.12	1,909	3,000	0	3,000	3,000	3,000	0	0.0%
Building EQ	A1620.2	400	2,000	0	2,000	2,000	2,000	0	0.0%
Bldg CE-Mill, Pave TH Park Lot	A1620.46V08	0	0	0	20,000	0	0	0	*****
Building CE	A1620.4	32,652	34,000	16,737	34,705	34,705	34,705	705	2.1%
Central Comm. EQ	A1650.2	852	1,000	259	1,000	1,000	1,000	0	0.0%
Central Comm. CE	A1650.4	60	1,000	313	1,000	1,000	1,000	0	0.0%
Central Comm. CE	A1650.41	109,788	13,000	5,746	13,000	13,000	13,000	0	0.0%
Storeroom CE	A1660.4	6,173	6,000	3,469	6,000	6,000	6,000	0	0.0%
Printing & Mailing CE	A1670.4	24,498	24,000	11,922	24,000	24,000	24,000	0	0.0%
Data Processing EQ	A1680.2	0	6,000	0	6,000	6,000	6,000	0	0.0%
Data Processing CE	A1680.4	5,429	6,500	2,632	6,500	6,500	6,500	0	0.0%
Unallocated Ins. CE	A1910.4	63,456	73,000	35,164	73,800	73,800	73,800	800	1.1%
Municipal Asst. Dues CE	A1920.4	1,200	1,200	0	1,500	1,500	1,500	300	25.0%
Taxes & Assessments	A1950.4	1,773	1,200	22	600	600	600	-600	-50.0%
Contingency Acct. CE	A1990.4	0	40,000	0	40,000	40,000	40,000	0	0.0%
Traffic Control PS	A3310.1	10,050	10,260	2,650	10,615	10,615	10,615	355	3.5%
Traffic Control CE	A3310.4	62,488	64,500	4,509	64,500	64,500	64,500	0	0.0%
Dog Control PS	A3510.1	0	0	0	0	0	0	0	*****
Dog Control CE	A3510.4	21,307	31,736	21,736	22,171	22,171	22,171	-9,565	-30.1%
Code Enforcement PS	A3620.1	144,817	154,872	68,892	157,524	157,926	157,926	3,054	2.0%
Code Enforcement EQ	A3620.2	11,589	0	460	0	15,000	15,000	15,000	*****

Code Enforcement CE	A3620.4	11,861	16,036	4,358	13,020	13,020	13,020	-3,016	-18.8%
Public Safety/Employee PS	A3989.1	550	550	275	550	550	550	0	0.0%
Public Safety/Employee CE	A3989.4	3,604	2,500	0	2,500	2,500	2,500	0	0.0%
Board of Health PS	A4010.1	1,200	1,200	600	1,200	1,200	1,200	0	0.0%
Registrar Vit. Stat. CE	A4020.4	940	1,000	0	1,000	1,000	1,000	0	0.0%
Alcohol Addiction Control	A4250.4	0	250	0	250	250	250	0	0.0%
Ambulance CE	A4540.4	7,050	7,150	3,850	7,150	7,150	7,150	0	0.0%
Highway & St. Admin. PS	A5010.1	58,041	58,041	26,788	58,041	59,202	59,202	1,161	2.0%
Highway & St. Admin. EQ	A5010.2	1,588	2,400	1,488	1,000	1,000	1,000	-1,400	-58.3%
Highway & St. Admin. CE	A5010.4	1,977	2,500	962	2,500	2,500	2,500	0	0.0%
Highway Garage EQ	A5132.2	0	0	374	0	0	0	0	*****
Highway Garage Maint. CE	A5132.4	43,306	50,000	40,806	51,000	51,000	51,000	1,000	2.0%
Highway Garage-Uniforms	A5132.41	2,000	2,000	1,072	2,200	2,200	2,200	200	10.0%
Street Lighting CE	A5182.4	7,580	8,000	3,974	8,100	8,100	8,100	100	1.3%
Sidewalks PS	A5410.1	20,100	10,200	250	10,615	10,615	10,615	415	4.1%
Sidewalks EQ	A5410.2	0	5,000	0	5,000	5,000	5,000	0	0.0%
Sidewalks CE	A5410.4	0	5,000	2,335	5,000	5,000	5,000	0	0.0%
Senior Citizens PS	A6772.41	510	510	0	510	510	510	0	0.0%
Senior Citizens CE	A6772.4	4,759	5,500	865	5,000	5,000	5,000	-500	-9.1%
Parks PS	A7110.1	94,694	97,101	44,119	99,080	99,080	99,080	1,979	2.0%
Parks PS	A7110.11	9,570	14,690	2,290	14,690	14,690	14,690	0	0.0%
Parks PS OT	A7110.12	8,224	8,000	2,628	9,000	9,000	9,000	1,000	12.5%
Parks Entitlements	A7110.13	13,000	12,000	6,500	13,000	13,000	13,000	1,000	8.3%
Parks EQ	A7110.2	64,941	45,000	41,460	45,000	45,000	45,000	0	0.0%
Parks CE	A7110.4	67,193	70,500	32,561	78,000	78,000	78,000	7,500	10.6%
Parks-Uniforms	A7110.42	756	500	359	825	825	825	325	65.0%
Youth. PS	A7310.1	48,918	52,530	2,651	53,844	61,469	61,469	8,939	17.0%
Youth-Recreation Director	A7310.13	0	15,000	0	15,000	15,000	15,000	0	0.0%
Youth. EQ	A7310.2	0	0	0	0	0	0	0	*****
Youth. CE	A7310.4	21,405	26,000	9,148	26,000	27,000	27,000	1,000	3.8%
Library CE	A7410.4	97,243	98,791	50,506	98,791	98,791	98,791	0	0.0%
Town Historian PS	A7510.1	1,200	1,200	600	1,230	1,230	1,230	30	2.5%
Town Historian EQ	A7510.2	0	250	0	175	175	175	-75	-30.0%



<b>Appropriation TOTALS:</b>		2,149,938	2,459,973	1,155,826	2,254,179	2,260,054	2,260,054	- 199,919	-8.1%
<b>Revenues</b>									
Real Property Tax	A1001	206,885	192,815	192,815	197,779	187,454	187,454	-5,361	-2.8%
Rev. in Lieu Tax	A1081	18,692	18,500	8,950	11,500	11,500	11,500	-7,000	-37.8%
Int. & Pen. RPT	A1090	61,520	8,850	9,720	8,000	8,000	8,000	-850	-9.6%
Sales Tax	A1120	1,447,671	1,090,000	352,691	1,100,000	1,100,000	1,100,000	10,000	0.9%
Franchise Fees	A1170	110,644	110,000	121,488	120,000	120,000	120,000	10,000	9.1%
Clerk's Fees	A1255	3,777	3,200	1,456	3,000	3,000	3,000	-200	-6.3%
Attorney Fees	A1265	0	0	0	0	0	0	0	*****
Fire Inspection Fees	A1540	0	0	0	0	0	0	0	*****
Dog Warden Fees	A1550	0	0	0	0	0	0	0	*****
Safety Inspection Fees	A1560	2,935	1,000	1,615	1,500	1,500	1,500	500	50.0%
Parks & Recreation Fees	A2001	21,544	15,000	24,529	30,000	35,000	35,000	20,000	133.3%
Facility Reservations	A2001L	0	0	0	0	12,000	12,000	12,000	*****
Zoning Fees	A2110	1,275	2,800	2,350	3,000	3,000	3,000	200	7.1%
Planning Fees	A2115	11,863	8,000	3,847	8,000	8,000	8,000	0	0.0%
Dog Control Services	A2268	1,470	1,500	1,430	1,500	1,500	1,500	0	0.0%
Int & Earnings	A2401	2,020	3,200	255	500	500	500	-2,700	-84.4%
Cable Construction	A2401C	2,980	500	156	300	300	300	-200	-40.0%
Int. & Earnings Checking	A2401CK	285	100	129	200	200	200	100	100.0%
Highway Fac Reserve Int	A2401H	35,158	25,000	6,125	12,200	12,200	12,200	-12,800	-51.2%
Int. & Earn-Race Track Drainage Pond	A2401HD	8,222	0	340	0	0	0	0	*****
Library Reserve	A2401L	987	0	892	800	800	800	800	*****
Parks Reserve	A2401P	6,692	2,500	362	700	700	700	-1,800	-72.0%
Parkland Reserve-Int & Earn	A2401PL	5,643	6,000	594	1,000	1,000	1,000	-5,000	-83.3%
Interest & Earning Property Tax	A2401PT	664	0	210	0	0	0	0	*****
Repair Reserve	A2401R	4,265	3,000	444	800	800	800	-2,200	-73.3%
Town Comp Fac Reserve Int	A2401T	24,075	25,000	2,987	6,000	6,000	6,000	-19,000	-76.0%
Rental of Real Property	A2410	23,805	18,000	11,903	23,000	23,000	23,000	5,000	27.8%
Int. & Earnings Savings	A2401SA	76,444	80,000	11,461	22,500	22,500	22,500	-57,500	-71.9%
Interest & Savings LT	A2401VLT	18,273	0	2,130	2,500	2,500	2,500	2,500	*****

Interest & Earnings-VLT08	A2401V08	24,890	0	7,696	10,000	10,000	10,000	10,000	*****
Games of Chance	A2530	40	0	0	0	0	0	0	*****
Dog Licenses	A2544	17,742	6,000	6,512	13,000	13,000	13,000	7,000	116.7%
Building Permits	A2555	40,424	28,000	14,732	29,000	29,000	29,000	1,000	3.6%
Permits, Other	A2590	5,135	500	565	1,000	1,000	1,000	500	100.0%
Fines/Fort. Bail	A2610	111,880	70,000	41,492	78,000	78,000	78,000	8,000	11.4%
Minor Sales	A2655	721	0	178	0	0	0	0	*****
Sales of Equipment	A2665	945	0	0	0	0	0	0	*****
Insurance Recovery	A2680	0	0	0	0	0	0	0	*****
Refund-Prior Year	A2701	243	0	1,125	0	0	0	0	*****
Gifts & Donations	A2705	0	0	0	0	0	0	0	*****
VLT/Tribal State Compact Moneys	A2725	2,539,389	0	0	0	0	0	0	*****
Misc. Revenue	A2770	3,392	2,000	800	1,600	1,600	1,600	-400	-20.0%
Parkland Revenue	A2770PL	33,000	15,000	22,000	28,000	28,000	28,000	13,000	86.7%
Interfund Revenues	A2801	31,000	25,000	0	0	0	0	-25,000	-100.0%
Approp. Fund Balance	A599	0	400,000	0	300,000	300,000	300,000	100,000	-25.0%
Approp. Fund Balance-VLT	A599VLT	0	100,000	0	0	0	0	100,000	-100.0%
State Revenue Sharing	A3001	45,435	35,000	0	40,000	40,000	40,000	5,000	14.3%
Mortgage Tax	A3005	248,957	145,000	120,271	180,000	180,000	180,000	35,000	24.1%
Town Justice Grant	A3021	14,819	0	0	0	0	0	0	*****
Real Property Tax Admin	A3040	21,987	18,508	19,620	18,800	18,000	18,000	-508	-2.7%
Records Management	A3060	0	0	0	0	0	0	0	*****
Assessor/Maint. Aid	A3089	0	0	1,110	0	0	0	0	*****
State Aid-VLT Gen. Purpose Aid	A3089.6	0	0	0	0	0	0	0	*****
Interfund Transfer	A5031	0	0	0	0	0	0	0	*****
Youth Programs	A3820	0	0	0	0	0	0	0	*****
<b>Revenue TOTALS:</b>		5,237,786	2,459,973	994,981	2,254,179	2,260,054	2,260,054	199,919	-8.1%

**FOOTNOTES:** A1620.46V08 - MILL, PAVE TOWN HALL \$20,000 – BUDGET AMENDMENT

## Highway Fund

		<b>Round # 3</b>							
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009
<b><u>Appropriations</u></b>									
Alcohol Addiction Control	DA4250.4	212	400	0	400	400	400	0	0.0%
General Road Repairs PS	DA5110.1	170,750	164,160	93,900	169,576	169,576	169,576	5,416	3.3%
Retirement Benefits	DA5110.11	0	0	0	0	0	0	0	*****
General Road Repairs PS-OT	DA5110.12	1,703	3,000	108	3,000	3,000	3,000	0	0.0%
General Repairs Entitlments	DA5110.13	2,150	3,364	1,432	2,864	2,864	2,864	-500	-14.9%
General Road Repairs CE	DA5110.4	336,185	300,000	64,189	300,000	300,000	300,000	0	0.0%
General Rd Repairs CE -VLT	DA5110.46VLT	100,000	100,000	10,778	100,000	100,000	100,000	0	0.0%
General Rd Repairs CE-V08	DA5110.46V08	0	300,000	0	0	0	0	-300,000	-100.0%
Cap. Improvements PS	DA5112.1	37,403	71,820	0	74,190	74,190	74,190	2,370	3.3%
Cap. Improvements PS	DA5112.12	0	1,000	0	1,000	1,000	1,000	0	0.0%
Cap. Improvements	DA5112.2	78,114	115,200	9,340	115,200	115,200	115,200	0	0.0%
Cap. Improvements-Prior Yr Rollover	DA5112.22	0	0	13,086	0	0	0	0	*****
Bridges PS	DA 5120.1	10,050	10,260	0	10,599	10,599	10,599	339	3.3%
Bridges PS-OT	DA5120.12	0	0	0	0	0	0	0	*****
Bridges/Multi-Modal	DA5120.2	0	0	0	0	0	0	0	*****
Bridges CE	DA 5120.4	5,000	5,000	4,500	5,000	5,000	5,000	0	0.0%
Machinery PS	DA5130.1	44,645	45,135	20,311	46,010	45,968	45,968	833	1.8%
Machinery PS-OT	DA5130.12	1,020	1,200	610	1,200	1,200	1,200	0	0.0%
Machinery EQ	DA5130.2	176,179	180,000	17,625	208,000	208,000	208,000	28,000	15.6%
Machinery: CE	DA5130.4	87,540	90,000	44,918	90,000	90,000	90,000	0	0.0%
Highway Garage PS	DA5132.1	27,772	28,392	12,776	28,912	28,954	28,954	562	2.0%
Highway Garage OT	DA5132.12	100	100	0	100	100	100	0	0.0%
Misc. Brush & Weeds PS	DA5140.1	20,100	20,520	3,950	21,197	21,197	21,197	677	3.3%
Misc. Brush & Weeds PS OT	DA5140.12	0	0	0	0	0	0	0	*****
Misc. Brush & Weeds CE	DA 5140.4	8,000	8,000	5,502	8,000	8,000	8,000	0	0.0%
Snow Removal PS	DA5142.1	190,677	184,680	104,197	190,773	190,773	190,773	6,093	3.3%

Snow Removal PS-OT	DA 5142.12	40,000	40,000	16,014	40,000	40,000	40,000	0	0.0%
Snow Removal CE	DA5142.4	150,000	210,000	93,239	243,000	243,000	243,000	33,000	15.7%
Services Other Govt PS	DA 5148.1	24,047	20,520	20,022	21,197	21,197	21,197	677	3.3%
Services Other Govt PS-OT	DA 5148.12	12,000	12,000	5,487	12,000	12,000	12,000	0	0.0%
Services Other Govt CE	DA 5148.4	44,327	45,000	32,274	46,500	46,500	46,500	1,500	3.3%
State Retirement	DA9010.8	53,939	70,741	13,197	82,767	82,767	82,767	12,026	17.0%
Social Security	DA9030.8	44,555	46,363	21,329	47,631	47,631	47,631	1,268	2.7%
Unemployment Insurance	DA9050.8	0	0	0	0	0	0	0	*****
Disability Insurance	DA 9055.8	507	1,200	739	1,000	1,000	1,000	-200	-16.7%
Hos/Med Insurance	DA9060.8	189,809	200,000	82,922	230,000	230,000	230,000	30,000	15.0%
Interfund Transfer	DA9901.9	0	0	0	0	0	0	0	*****
<b>Appropriation TOTALS:</b>		1,856,783	2,278,055	692,446	2,100,116	2,100,116	2,100,116	-177,939	-7.8%

**Revenues**

Real Property Taxes	DA 1001	488,703	525,105	525,105	502,876	502,876	502,876	-22,229	-4.2%
Sales Tax	DA 1120	1,363,533	952,750	312,698	1,000,000	1,000,000	1,000,000	47,250	5.0%
Ser Other Gov	DA2300	87,405	80,000	76,276	80,000	80,000	80,000	0	0.0%
Interest & earnings	DA2401	44,519	40,000	7,380	14,500	14,500	14,500	-25,500	-63.8%
Int. & Earnings-Reserve	DA2401R	353	200	70	140	140	140	-60	-30.0%
Interest & Earnings VLT	DA2401VLT	11,648	5,000	1,300	2,600	2,600	2,600	-2,400	-48.0%
Sales of Scrap & Excess	DA2650.0	387	0	320	0	0	0	0	*****
Equipment Sales	DA2665	13,365	0	5,130	0	0	0	0	*****
Insurance Recoveries	DA 2680	0	0	0	0	0	0	0	*****
Refund of prior years	DA2701	1,159	0	0	0	0	0	0	*****
Misc. Revenue	DA 2770	0	0	0	0	0	0	0	*****
Consolidated Highway Aid	DA3501	78,114	115,000	16,210	120,000	120,000	120,000	5,000	4.3%
State Aid, Emergency Dis	DA3960	0	0	0	0	0	0	0	*****
Interfund Transfers -VLT07	DA5031VLT	0	0	0	0	0	0	0	*****
Interfund Transfers -VLT08	DA5031V08	0	300,000	0	0	0	0	-300,000	-100.0%
Interfund Tranfers	DA5031	0	0	0	0	0	0	0	*****
Approp. Fund Balance	DA599	0	160,000	0	380,000	380,000	380,000	220,000	137.5%
Approp. Fund Balance VLT07	DA599V07	0	100,000	0	0	0	0	-100,000	-100.0%
<b>Revenue TOTALS:</b>		2,089,187	2,278,055	944,488	2,100,116	2,100,116	2,100,116	-177,939	-7.8%

## Drainage District Fund

								Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009
<b><u>Appropriations</u></b>									
Drainage PS	SD8540.1	40,200	41,040	14,500	42,394	42,394	42,394	1,354	3.3%
Drainage OT	SD8540.12	425	500	0	500	500	500	0	0.0%
Drainage EQ	SD8540.2	0	30,500	500	30,500	30,500	30,500	0	0.0%
Drainage CE	SD8540.4	93,201	84,000	8,496	84,000	84,000	84,000	0	0.0%
Drainage -MS4	SD8540.42	21,126	22,000	7,215	22,000	22,000	22,000	0	0.0%
State Retirement	SD9010.8	4,904	5,442	1,200	6,367	6,367	6,367	925	17.0%
Social Security	SD9030.8	3,108	3,140	1,109	3,282	3,282	3,282	142	4.5%
Disability Insurance	SD9055.8	0	0	0	0	0	0	0	*****
Unemployment Insurance	SD9050.8	0	0	0	0	0	0	0	*****
Hospital & Medical Insurance	SD9060.8	10,057	11,135	6,495	12,805	12,805	12,805	1,670	15.0%
<b>Appropriation TOTALS:</b>		173,021	197,757	39,516	201,848	201,848	201,848	4,091	2.1%
<b><u>Revenues</u></b>									
Real Property Tax	SD1001	174,111	181,757	181,757	184,848	184,848	184,848	3,091	1.7%
Special Assessments	SD1030	0	0	0	0	0	0	0	*****
Entrance Fees	SD2188	11,901	8,000	5,563	9,000	9,000	9,000	1,000	12.5%
Other Home & Community Svc	SD2189	0	0	0	0	0	0	0	*****
Other Home & Comm	SD2389	0	0	0	0	0	0	0	*****
Interest & Earnings	SD2401	3,601	4,000	1,240	2,400	2,400	2,400	-1,600	-40.0%
Int. & Earn-Race Track Drainage Pond	SD2401D	0	0	0	0	0	0	0	*****
Interest/Earnings-Reserve	SD2401R	2,664	4,000	329	600	600	600	-3,400	-85.0%
Refund of Prior Yr Expend.	SD2701	0	0	25,965	0	0	0	0	*****
Misc. Revenue	SD2770	0	0	0	0	0	0	0	*****
Fund Balance	SD599	0	0	0	5,000	5,000	5,000	5,000	*****
<b>Revenue TOTALS:</b>		192,276	197,757	214,854	201,848	201,848	201,848	4,091	2.1%

## Fire Protection Fund

									Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
Fire Contract	SF3410.4	423,895	441,895	292,663	455,353	477,160	477,160	35,265	8.0%	
Interfund Loan Interest	SF9795.7	0	0	0	0	0	0	0	*****	
Interfund Transfer	SF9901.9	0	0	0	0	0	0	0	*****	
<b>Appropriation TOTALS:</b>		423,895	441,895	292,663	455,353	477,160	477,160	35,265	8.0%	
<b><u>Revenues</u></b>										
Real Property Tax	SF1001	422,095	440,095	440,095	454,353	476,160	476,160	36,065	8.2%	
Interest & Earnings	SF2401	1,406	1,800	422	1,000	1,000	1,000	-800	-44.4%	
Fund Balance	SF599	0	0	0	0	0	0	0	*****	
<b>Revenue TOTALS:</b>		423,501	441,895	440,517	455,353	477,160	477,160	35,265	8.0%	

## Sewer District Fund

		<b>Round</b>							
		<b>#</b>							
		3							
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009
<b><u>Appropriations</u></b>									
Fiscal Agent Fees CE	SS1380.4	37,194	35,240	0	34,246	34,246	34,246	-994	-2.8%
Taxes & Assessments CE	SS1950.4	218,960	250,000	0	237,000	237,000	237,000	-13,000	-5.2%
Sewer Admin. PS	SS8110.1	64,681	70,000	29,387	71,500	71,500	71,500	1,500	2.1%
Sewer Admin. PS-OT	SS8110.12	155	1,000	14	500	500	500	-500	-50.0%
Sewer Admin. EQ	SS8110.2	501	5,000	0	5,000	5,000	5,000	0	0.0%
Sewer Admin. CE	SS8110.4	90,058	65,600	27,258	60,000	65,000	65,000	-600	-0.9%
Sewer Admin.CE-Reimbursement	SS8110.49	0	0	49,930	0	0	0	0	*****
Sanitary Services PS	SS8120.1	111,699	130,500	58,165	165,000	170,000	170,000	39,500	30.3%
Sanitary Services PS-OT	SS8120.12	17,906	11,000	7,095	15,000	15,000	15,000	4,000	36.4%
Sanitary Services EQ	SS8120.2	0	0	0	0	0	0	0	*****
Sanitary Services EQ	SS8120.21	42,929	200,000	0	20,000	40,000	40,000	-160,000	-80.0%
Sanitary Svc-Capital Out	SS8120.22	0	0	0	0	0	0	0	*****
Sanitary Services CE	SS8120.4	189,658	245,500	86,627	246,000	246,000	246,000	500	0.2%
Sanitary Svc-Utilities CE	SS8120.42	0	0	0	0	0	0	0	*****
Sewage Tmt. & Disp. PS	SS8130.1	182,909	220,000	79,173	238,000	238,000	238,000	18,000	8.2%
Sewage Tmt. & Disp. PS-OT	SS8130.12	19,343	15,000	9,498	17,000	17,000	17,000	2,000	13.3%
Sewage Tmt. & Disp. EQ	SS8130.2	3,948	30,000	875	60,000	60,000	60,000	30,000	100.0%
Sewage Tmt. & Disp. CE	SS8130.4	489,884	520,000	231,261	537,000	537,000	537,000	17,000	3.3%
State Retirement	SS9010.8	31,056	34,000	7,598	40,000	40,000	40,000	6,000	17.6%
Social Security	SS9030.8	30,347	34,000	14,025	40,000	40,000	40,000	6,000	17.6%
Unemployment Insurance	SS9050.8	0	2,000	0	2,000	2,000	2,000	0	0.0%
Disability Insurance	SS9055.8	351	1,000	511	1,000	1,000	1,000	0	0.0%
Hospital & Medical Insurance	SS9060.8	109,718	132,000	51,892	142,000	142,000	142,000	10,000	7.6%
Bonds-Principial	SS9710.6	230,000	235,000	235,000	20,000	20,000	20,000	-215,000	-91.5%

Bonds-Interest	SS9710.7	28,600	13,257	13,256	5,000	5,000	5,000	-8,257	-62.3%
Bond Principal-HX-12M	SS9710.6HX	417,831	425,000	0	430,000	430,000	430,000	5,000	1.2%
Bond Interest-HX-12M	SS9710.7HX	189,929	186,758	93,379	183,065	183,065	183,065	-3,693	-2.0%
Bond-Principal-HX-3.8M	SS9710.6HX	150,000	160,000	0	160,000	160,000	160,000	0	0.0%
Bond-Interest-HX-3.8M	SS9710.7HX	75,312	73,145	36,572	70,689	70,689	70,689	-2,456	-3.4%
Principal	SS9730.6HX	0	0	0	0	0	0	0	*****
Interest	SS9730.7HX	0	0	0	0	0	0	0	*****
Interfund Transfer	SS9901.9	0	0	0	0	0	0	0	*****
Transfer to Capital Proj Fund	SS9950.9	223,000	0	0	0	0	0	0	*****

<b>Appropriation TOTALS:</b>		2,955,968	3,095,000	1,031,516	2,800,000	2,830,000	2,830,000	265,000	-8.6%
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**Revenues**

Sewer Rents	SS2120	1,133,568	1,250,000	618,590	1,255,000	1,260,000	1,260,000	10,000	0.8%
Sewer Rents- Victor	SS2120 V	896,513	987,000	503,405	1,042,000	1,062,000	1,062,000	75,000	7.6%
Sewer Hook Up Charges	SS2122	540,550	570,000	228,000	395,000	400,000	400,000	-170,000	-29.8%
Interest & Penalties	SS2128	11,428	13,000	7,503	14,000	14,000	14,000	1,000	7.7%
Int. & Penalties- Victor	SS2128V	12,085	13,000	8,270	14,700	14,700	14,700	1,700	13.1%
Int. & Penalties-NSF-SS	SS2128NSF	0	0	46	0	0	0	0	*****
Int. & Penalties- NSF-Victor	SS2128VNSF	77	0	34	0	0	0	0	*****
Other Home & Community Income	SS2189	3,378	1,000	0	1,800	1,800	1,800	800	80.0%
Interest & Earnings	SS2401	5,448	4,000	1,079	1,750	1,750	1,750	-2,250	-56.3%
Interfund Revenue-SS	SS 2801	0	0	0	0			0	*****
Interest & Earnings EQ	SS2401Q	10,446	9,000	686	1,000	1,000	1,000	-8,000	-88.9%
Int. & Penalties-Victor	SS2401V	2,399	1,000	180	300	300	300	-700	-70.0%
Interest & Earnings Expansion	SS2401X	8,720	4,000	444	450	450	450	-3,550	-88.8%
Sales of Scrap	SS2650	2,697	10,000	0	10,000	10,000	10,000	0	0.0%
Sale of Equipment	SS2665	0	0	0	0	0	0	0	*****
Misc. Revenue	SS2770	0	0	0	0	0	0	0	*****
Refund of proir yr expenditure	SS2701	0	0	8,624	4,000	4,000	4,000	4,000	*****
Other Revenues	SS2779	0	3,000	0	0	0	0	-3,000	-100.0%
Approp. Fund Bal.	SS599	0	0	0	60,000	60,000	60,000	60,000	*****
Approp. Fund Bal. HX	SS599	0	230,000	0	0	0	0	-	-100.0%

								230,000	
Interfund Revenue	SS2801	0	0	0	0	0	0	0	*****
Interfund Revenue - Pipe	SS2801P	0	0	0	0	0	0	0	*****
State Aid	SS3960	0	0	0	0	0	0	0	*****
Federal Aid	SS4960	0	0	0	0	0	0	0	*****
Interfund Transfer	SS5031	0	0	0	0	0	0	0	*****
Interfund Transfers-VLT	SS5031VLT	0	0	0	0	0	0	0	*****
Bond Anticipation Notes HX	SS5730HX	0	0	0	0	0	0	0	*****
<b>Revenue TOTALS:</b>		2,627,307	3,095,000	1,376,861	2,800,000	2,830,000	2,830,000	265,000	-8.6%

## Canandaigua-Farmington Water Fund

								Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009
<b><u>Appropriations</u></b>									
	SW1380.4	1,274	2,500	0	1,785	1,785	1,785	-715	-28.6%
	SW8310.1	51,736	79,000	26,375	81,000	81,000	81,000	2,000	2.5%
	SW8310.12	274	1,200	23	1,000	1,000	1,000	-200	-16.7%
	SW8310.2	0	8,000	0	10,000	10,000	10,000	2,000	25.0%
	SW8310.4	47,601	50,000	7,932	50,000	50,000	50,000	0	0.0%
	SW8320.4	1,324,590	1,300,000	277,789	1,365,000	1,460,000	1,460,000	160,000	12.3%
	SW8340.1	191,840	248,000	89,968	257,000	257,000	257,000	9,000	3.6%
	SW8340.12	12,737	12,000	4,121	15,000	15,000	15,000	3,000	25.0%
	SW8340.2	44,079	85,000	0	100,000	100,000	100,000	15,000	17.6%
	SW8340.21	8,873	0	0	0	0	0	0	*****
	SW8340.4	113,842	163,000	73,706	180,000	180,000	180,000	17,000	10.4%
	SW8340.41	42,031	50,000	0	35,000	35,000	35,000	-15,000	-30.0%
	SW18340.49T	0	0	0	0	0	0	0	*****
	SW9010.8	14,711	28,000	3,599	30,000	30,000	30,000	2,000	7.1%
	SW9030.8	20,271	26,000	9,217	25,000	25,000	25,000	-1,000	-3.8%
	SW9050.8	0	200	0	200	200	200	0	0.0%
	SW9055.8	195	500	284	800	800	800	300	60.0%
	SW9060.8	54,267	65,000	25,643	69,000	69,000	69,000	4,000	6.2%
	SW9710.6	120,000	120,000	0	0	0	0	-	-100.0%
	SW9710.7	16,200	8,100	4,050	0	0	0	-8,100	-100.0%
	SW9710.6	9,000	9,000	9,000	9,000	9,000	9,000	0	0.0%
	SW9710.7	1,337	891	891	446	446	446	-445	-49.9%
	SW9710.6F	9,696	9,696	0	9,696	9,696	9,696	0	0.0%
	SW9710.7F	9,642	9,075	0	8,508	8,508	8,508	-567	-6.2%

Maxwell-Principal	SW9710.6M	7,000	7,000	7,000	7,000	7,000	7,000	0	0.0%
Maxwell-Interest	SW9710.7M	2,987	2,627	2,627	2,266	2,266	2,266	-361	-13.7%
Principal-Risser Rd	SW9710.6R	5,000	5,500	5,500	5,500	5,500	5,500	0	0.0%
Interest-Risser Rd	SW9710.7R	1,919	1,707	909	1,485	1,485	1,485	-222	-13.0%
Principal-Andrews Rd	SW9710.6A	5,000	4,500	4,500	9,500	9,500	9,500	5,000	111.1%
Interest-Andrews Rd	SW9710.7A	4,747	4,556	2,323	4,273	4,273	4,273	-283	-6.2%
Ellsworth Principal	SW9710.6E	6,000	7,000	7,000	6,500	6,500	6,500	-500	-7.1%
Ellsworth Interest	SW9710.7E	8,973	8,662	4,415	8,338	8,338	8,338	-324	-3.7%
Sheldon Principal	SW9710.6S	4,000	3,000	3,000	3,500	3,500	3,500	500	16.7%
Sheldon Interest	SW9710.7S	7,440	7,273	3,672	7,117	7,117	7,117	-156	-2.1%
EmersonAllen Principal	SW9710.6EM	3,000	3,000	3,000	4,000	4,000	4,000	1,000	33.3%
EmersonAllen Interest	SW9710.7EM	9,506	9,357	4,716	9,182	9,182	9,182	-175	-1.9%
Hopewell Principal	SW9710.6TL	630	1,000	1,000	1,000	1,000	1,000	0	0.0%
Hopewell Townline Int	SW9710.7TL	2,006	1,961	994	1,904	1,904	1,904	-57	-2.9%
Andrews Rd - Principal	SW9730.6AN	0	0	0	0	0	0	0	*****
Ellsworth Road- Principal	SW9730.6EL	0	0	0	0	0	0	0	*****
Emerson-Allen- Principal	SW9730.6EM	0	0	0	0	0	0	0	*****
Risser Road- Principal	SW9730.6RI	0	0	0	0	0	0	0	*****
Sheldon Road- Principal	SW9730.6SH	0	0	0	0	0	0	0	*****
Hopewell Townline- Principal	SW9730.6TL	0	0	0	0	0	0	0	*****
Andrews Road - Interest	SW9730.7AN	0	0	0	0	0	0	0	*****
Ellsworth Road- Interest	SW9730.7EL	0	0	0	0	0	0	0	*****
Emerson-Allen Road- Interest	SW9730.7EM	0	0	0	0	0	0	0	*****
Risser Road- Interest	SW9730.7RI	0	0	0	0	0	0	0	*****
Sheldon Road- Interest	SW9730.7SH	0	0	0	0	0	0	0	*****
Hopewell Townline- Interest	SW9730.7TL	0	0	0	0	0	0	0	*****
Interfund Transfer	SW9901.9	0	23,955	0	25,000	25,000	25,000	1,045	4.4%
Transfer to Capital Funds	SW9950.9	0	130,000	0	140,000	140,000	140,000	10,000	7.7%
<b>Appropriation TOTALS:</b>		2,162,404	2,496,260	583,254	2,485,000	2,580,000	2,580,000	83,740	3.4%

**Revenues**

Real Property Tax	SW1001FA	267,056	279,702	279,702	264,362	271,470	271,470	-8,232	-2.9%
T/C Real Property Tax	SW1001C	88,846	96,753	96,753	85,741	88,085	88,085	-8,668	-9.0%



Miscellaneous Revenue	SW2779	0	0	0	0	0	0	0	*****
Interfund Revenue	SW2801	0	0	0	0	0	0	0	*****
Reserve for Equipment	SW2803.0	0	0	0	0	0	0	0	*****
Approp. Fund Bal.	SW599	0	135,000	0	138,800	138,800	138,800	3,800	2.8%
Interfund Transfers	SW5031	0	1,500	0	0	0	0	-1,500	-100.0%
Bonds-Andrews Rd Water	SW15710A	0	0	0	0	0	0	0	*****
Bonds-Ellsworth Rd Water	SW15710E	0	0	0	0	0	0	0	*****
Bonds-Emerson-Allen Rd Water	SW15710EM	0	0	0	0	0	0	0	*****
Bonds-Risser Rd Water	SW15710R	0	0	0	0	0	0	0	*****
Bonds-Sheldon Rd Water	SW15710S	0	0	0	0	0	0	0	*****
Bonds-Hopewell Rd Water	SW15710H	0	0	0	0	0	0	0	*****
<b>Revenue TOTALS:</b>		2,334,207	2,496,260	1,382,753	2,485,000	2,580,000	2,580,000	-8,232	-0.3%

### Calm Lake Lighting Fund

ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Round # Change from 2009	3 %Change from 2009	
<b><u>Appropriations</u></b>										
	Street Lighting CE	SL15182.4	4,125	4,600	2,084	4,500	4,500	4,500	-100	-2.2%
<b>Appropriation TOTALS:</b>		4,125	4,600	2,084	4,500	4,500	4,500	-100	-2.2%	
<b><u>Revenues</u></b>										
	Real Property Tax	SL11001I	3,900	3,900	3,900	3,900	3,900	3,900	0	0.0%
	Interest & Earnings	SL12401	77	100	20	40	40	40	-60	-60.0%
	RGE REFUND	SL1 2401RF	0	0	0	0	0	0	*****	
	Fund Balance	SL1599	0	600	0	560	560	560	-40	-6.7%
<b>Revenue TOTALS:</b>		3,977	4,600	3,920	4,500	4,500	4,500	-100	-2.2%	

### Fawn Estates Lighting Fund

ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Round # Change from 2009	3 %Change from 2009	
<b><u>Appropriations</u></b>										
	Street Lighting CE	SL15182.4	367	400	187	400	400	400	0	0.0%
<b>Appropriation TOTALS:</b>		367	400	187	400	400	400	0	0.0%	
<b><u>Revenues</u></b>										
	Real Property Tax	SL11001J	0	0	0	0	0	0	*****	
	Interest & Earnings	SL12401	23	30	15	30	30	30	0	0.0%
	RGE REFUND	SL1 2401RF	0	0	0	0	0	0	*****	
	Fund Balance	SL1599	0	370	0	370	370	370	0	0.0%
<b>Revenue TOTALS:</b>		23	400	15	400	400	400	0	0.0%	

### Doe Haven Lighting Fund

								Round #	3	
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
Street Lighting CE	SL15182.4	1,795	1,900	919	1,900	1,900	1,900	0	0.0%	
<b>Appropriation TOTALS:</b>		1,795	1,900	919	1,900	1,900	1,900	0	0.0%	
<b><u>Revenues</u></b>										
Real Property Tax	SL11001A	1,510	1,620	1,620	1,800	1,800	1,800	180	11.1%	
Fund Balance	SL1599	0	240	0	100	100	100	-140	-58.3%	
RGE REFUND	SL1 2401RF	0	0	0	0	0	0	0	*****	
Interest & Earnings	SL12401.01	31	40	8	0	0	0	-40	-100.0%	
<b>Revenue TOTALS:</b>		1,541	1,900	1,628	1,900	1,900	1,900	0	0.0%	

### Hook Road Lighting Fund

								Round #	3	
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
Street Lighting CE	SL15182.42	4,792	5,050	2,464	5,100	5,100	5,100	50	1.0%	
<b>Appropriation TOTALS:</b>		4,792	5,050	2,464	5,100	5,100	5,100	50	1.0%	
<b><u>Revenues</u></b>										
Real Property Tax	SL11001C	3,650	3,940	3,940	4,155	4,155	4,155	215	5.5%	
Interest & Earnings	SL12401.02	86	110	22	45	45	45	-65	-59.1%	
RGE REFUND	SL1 2401RF	0	0	0	0	0	0	0	*****	
Fund Balance	SL1599	0	1,000	0	900	900	900	-100	-10.0%	
<b>Revenue TOTALS:</b>		3,736	5,050	3,962	5,100	5,100	5,100	50	1.0%	

### Farmbrook Lighting Fund

									Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
Street Lighting CE	SL15182.43	53,610	55,000	27,106	55,000	55,000	55,000	0	0.0%	
<b>Appropriation TOTALS:</b>		53,610	55,000	27,106	55,000	55,000	55,000	0	0.0%	
<b><u>Revenues</u></b>										
Real Property Tax	SL11001D	47,000	49,200	49,200	49,500	49,500	49,500	300	0.6%	
Interest & Earnings	SL12401.03	1,013	1,300	266	500	500	500	-800	-61.5%	
RGE REFUND	SL1 2401RF	0	0	0	0	0	0	0	*****	
Fund Balance	SL1599	0	4,500	0	5,000	5,000	5,000	500	11.1%	
<b>Revenue TOTALS:</b>		48,013	55,000	49,466	55,000	55,000	55,000	0	0.0%	

### Covington Common Lighting Fund

									Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
Street Lighting	SL15182.45	5,844	6,050	2,954	6,100	6,100	6,100	50	0.8%	
<b>Appropriation TOTALS:</b>		5,844	6,050	2,954	6,100	6,100	6,100	50	0.8%	
<b><u>Revenues</u></b>										
Real Property Tax	SL11001F	4,800	4,800	4,800	5,050	5,050	5,050	250	5.2%	
Interest & Earnings	SL12401.05	106	150	27	50	50	50	-100	-66.7%	
RGE REFUND	SL1 2401RF	0	0	0	0	0	0	0	*****	
Fund Balance	SL1599	0	1,100	0	1,000	1,000	1,000	-100	-9.1%	
<b>Revenue TOTALS:</b>		4,906	6,050	4,827	6,100	6,100	6,100	50	0.8%	

### Pheasant Crossing Lighting Fund

									Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
	Street Lighting CE	SL15182.46	590	660	298	650	650	650	-10	-1.5%
<b>Appropriation TOTALS:</b>			590	660	298	650	650	650	-10	-1.5%
<b><u>Revenues</u></b>										
	Real Property Tax	SL11001G	470	480	480	550	550	550	70	14.6%
	Interest & Earnings	SL12401.06	12	16	3	0	0	0	-16	-100.0%
	RGE REFUND	SL1 2401RF	0	0	0	0	0	0	*****	
	Fund Balance	SL1599	0	164	0	100	100	100	-64	-39.0%
<b>Revenue TOTALS:</b>			482	660	483	650	650	650	-10	-1.5%

### Doe Haven III Lighting Fund

									Round #	3
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
	Street Lighting CE	SL15182.44	884	950	453	950	950	950	0	0.0%
<b>Appropriation TOTALS:</b>			884	950	453	950	950	950	0	0.0%
<b><u>Revenues</u></b>										
	Real Property Tax	SL11001E	760	809	809	825	825	825	16	2.0%
	Interest & Earnings	SL12401.04	16	20	4	0	0	0	-20	-100.0%
	RGE REFUND	SL1 2401RF	0	0	0	0	0	0	*****	
	Fund Balance	SL1599	0	121	0	125	125	125	4	3.3%
<b>Revenue TOTALS:</b>			776	950	813	950	950	950	0	0.0%

### Doe Haven II(NS) Fund

								Round #	3	
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual 30-Jun 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
	Street Lighting CE	SL15182.47	0	0	0	0	0	0	0	*****
<b>Appropriation TOTALS:</b>		0	0	0	0	0	0	0	0	*****
<b><u>Revenues</u></b>										
	Real Property Tax	SL11001H	0	0	0	0	0	0	0	*****
	Interest & Earnings	SL12401.07	9	0	2	0	0	0	0	*****
	Fund Balance	SL1599	0	0	0	0	0	0	0	*****
<b>Revenue TOTALS:</b>		9	0	2	0	0	0	0	0	*****

### Stonewood Lighting Fund

								Round #	3	
ACCOUNT:	ACCOUNT CODE:	Last Years Actual 2008	Adopted Budget 2009	Actual June 30 2009	Tentative Budget 2010	Preliminary Budget 2010	Adopted Budget 2010	Change from 2009	%Change from 2009	
<b><u>Appropriations</u></b>										
	Street Lighting CE	SL1 5182.51	0	1,200	0	1,200	1,200	1,200	0	0.0%
<b>Appropriation TOTALS:</b>		0	1,200	0	1,200	1,200	1,200	0	0.00%	
<b><u>Revenues</u></b>										
	Real Property Tax	SL1 1001M	950	1,200	1,200	1,200	1,200	0	0.0%	
	Fund Balance	SL1 599	0	0	0	0	0	0	*****	
	Interest & Earnings	SL1 2401M	339	0	5	0	0	0	*****	
<b>Revenue TOTALS:</b>		1,289	1,200	1,205	1,200	1,200	1,200	0	0.0%	

NOTE: NEED LIGHT POLE & HOOK UP

## Fairdale Glen Lighting Fund

		<b>Round #</b> 3								
ACCOUNT:	ACCOUNT CODE:	Last Years Actual	Adopted Budget	Actual June 30	Tentative Budget	Preliminary Budget	Adopted Budget	Change from	%Change from	
		2008	2009	2009	2010	2010	2010	2009	2009	
<b><u>Appropriations</u></b>										
Street Lighting CE	SL15182.50	0	0	0	0	0	0	0.0	*****	
<b>Appropriation TOTALS:</b>		0	0	0	0	0	0	0	0.00%	
<b><u>Revenues</u></b>										
Real Property Tax	SL11001K	0	0	0	0			0	*****	
Interest & Earnings	SL12401	0	0	0	0	0	0	0	*****	
RGE REFUND	SL1 2401RF	0	0	0	0	0	0	0	*****	
Fund Balance	SL1599	0	0	0	0	0	0	0	*****	
<b>Revenue TOTALS:</b>		0	0	0	0	0	0	0	*****	

NOTE: PROPERTY OWNER BILLED DIRECT BY POWER COMPANY – PROPERTY OWNER PUT LIGHT POLES IN

### Auburn Meadows Phase 1 Lighting Fund

								Round #	3	
		Last Years	Adopted	Actual	Tentative	Preliminary	Adopted	Change	%Change	
ACCOUNT:	ACCOUNT CODE:	Actual	Budget	June 30	Budget	Budget	Budget	from	from	
		2008	2009	2009	2010	2010	2010	2009	2009	
<b><u>Appropriations</u></b>										
Street Lighting CE	SL1 5182.52	0	500	0	200	200	200	-300	-60.0%	
Auburn-Point of Connection	SL1 5182.521	0	1,100	0	1,000	1,000	1,000	-100	-9.1%	
Auburn-Pole Replacement	SL1 5182.522	0	2,600	0	2,000	2,000	2,000	-600	-23.1%	
<b>Appropriation TOTALS:</b>		0	4,200	0	3,200	3,200	3,200	-1,000	-23.8%	
<b><u>Revenues</u></b>										
Real Property Tax	SL1 1001L	0	4,050	4,050	3,130	3,130	3,130	-920	-22.7%	
Fund Balance	SL1 599	0	0	0	0	0	0	0	*****	
Interest & Earnings	SL1 24001L	0	150	36	70	70	70	-80	-53.3%	
<b>Revenue TOTALS:</b>		0	4,200	4,086	3,200	3,200	3,200	-1,000	-23.8%	

### Auburn Meadows Sidewalk Fund

								Round #	3	
		Last Years	Budget as	Actual	Tentative	Preliminary	Adopted	Change	%Change	
ACCOUNT:	ACCOUNT CODE:	Actual	Modified	YTD	Budget	Budget	Budget	from	from	
		2008	2009	2009	2010	2010	2010	2009	2009	
<b><u>Appropriations</u></b>										
Sidewalks	SM5410.4	0	0	0	5,000	5,000	5,000	5000.0	*****	
<b>Appropriation TOTALS:</b>		0	0	0	5,000	5,000	5,000	5,000	0.00%	
<b><u>Revenues</u></b>										
Real Property Taxes	SM1001	0	0	0	5,000	5,000	5,000	5,000	*****	
Fund Balance	SM599	0	0	0	0	0	0	0	*****	
Interest & Earnings	SM 2401	0	0	0	0	0	0	0	*****	
<b>Revenue TOTALS:</b>		0	0	0	5,000	5,000	5,000	5,000	*****	

# 2010 BUDGET FOR THE TOWN OF FARMINGTON

## Summary of All Funds

								Round #	3
		Last							
		Years	Adopted	Actual	Tentative	Preliminary	Adopted	Change	%
FUNDS:	FUND CODE:	Actual	Budget	June 30	Budget	Budget	Budget	from	Change
		2008	2009	2009	2010	2010	2010	2009	2009
<b><u>Appropriations:</u></b>									
General	A	2,149,938	2,459,973	1,155,826	2,254,179	2,260,054	2,260,054	-199,919	-8.1%
Highway	DA	1,856,783	2,278,055	692,446	2,100,116	2,100,116	2,100,116	-177,939	-7.8%
Fire Protection	SF	423,895	441,895	292,663	455,353	477,160	477,160	35,265	8.0%
Drainage District	SD	173,021	197,757	39,516	201,848	201,848	201,848	4,091	2.1%
Sewer District	SS	2,955,968	3,095,000	1,031,516	2,800,000	2,830,000	2,830,000	-265,000	-8.6%
Cdga-Farm Water	SW	2,162,404	2,496,260	583,254	2,485,000	2,580,000	2,580,000	83,740	3.4%
Calm Lake Lighting	SL1	4,125	4,600	2,084	4,500	4,500	4,500	-100	-2.2%
Fawn Estates Lighting	SL1	367	400	187	400	400	400	0	0.0%
Doe Haven Lighting	SL1	1,795	1,900	919	1,900	1,900	1,900	0	0.0%
Hook Road Lighting	SL1	4,792	5,050	2,464	5,100	5,100	5,100	50	1.0%
Farmbrook Lighting	SL1	53,610	55,000	27,106	55,000	55,000	55,000	0	0.0%
Covington Common Lighting	SL1	5,844	6,050	2,954	6,100	6,100	6,100	50	0.8%
Pheasant Crossing Lighting	SL1	590	660	298	650	650	650	-10	-1.5%
Doe Haven III Lighting	SL1	884	950	453	950	950	950	0	0.0%
Doe Haven II(NS)	SL1	0	0	0	0	0	0	0	*****
Stonewood Lighting	SL1	0	1,200	0	1,200	1,200	1,200	0	0.0%
Fairdale Glen Lighting	SL	0	0	0	0	0	0	0	*****
Auburn Meadows Phase 1 Lighting	SL1 5182.52	0	4,200	0	3,200	3,200	3,200	-1,000	-23.8%
Auburn Meadows Sidewalk	SM	0	0	0	5,000	5,000	5,000	5,000	*****
<b>Appropriation TOTALS:</b>		9,794,015	11,048,950	3,831,685	10,380,496	10,533,178	10,533,178	-515,772	-4.7%

**Revenues**

General	A	5,237,786	2,459,973	994,981	2,254,179	2,260,054	2,260,054	-199,919	-8.1%
Highway	DA	2,089,187	2,278,055	944,488	2,100,116	2,100,116	2,100,116	-177,939	-7.8%
Fire Protection	SF	423,501	441,895	440,517	455,353	477,160	477,160	35,265	8.0%
Drainage District	SD	192,276	197,757	214,854	201,848	201,848	201,848	4,091	2.1%
Sewer District	SS	2,627,307	3,095,000	1,376,861	2,800,000	2,830,000	2,830,000	-265,000	-8.6%
Cdga-Farm Water	SW	2,334,207	2,496,260	1,382,753	2,485,000	2,580,000	2,580,000	83,740	3.4%
Calm Lake Lighting	SL1	3,977	4,600	3,920	4,500	4,500	4,500	-100	-2.2%
Fawn Estates Lighting	SL1	23	400	15	400	400	400	0	0.0%
Doe Haven Lighting	SL1	1,541	1,900	1,628	1,900	1,900	1,900	0	0.0%
Hook Road Lighting	SL1	3,736	5,050	3,962	5,100	5,100	5,100	50	1.0%
Farmbrook Lighting	SL1	48,013	55,000	49,466	55,000	55,000	55,000	0	0.0%
Covington Common Lighting	SL1	4,906	6,050	4,827	6,100	6,100	6,100	50	0.8%
Pheasant Crossing Lighting	SL1	482	660	483	650	650	650	-10	-1.5%
Doe Haven III Lighting	SL1	776	950	813	950	950	950	0	0.0%
Doe Haven II(NS)	SL1	9	0	2	0	0	0	0	*****
Stonewood Lighting	SL1	1,289	1,200	1,205	1,200	1,200	1,200	0	0.0%
Fairdale Glen Lighting	SL	0	0	0	0	0	0	0	*****
Auburn Meadows Phase 1 Lighting	SL1 5182.52	0	4,200	4,086	3,200	3,200	3,200	-1,000	-23.8%
Auburn Meadows Sidewalk	SM	0	0	0	5,000	5,000	5,000	5,000	*****
<b>Revenue TOTALS:</b>		12,969,016	11,048,950	5,424,862	10,380,496	10,533,178	10,533,178	-515,772	-4.7%



## Tax Rate Schedule Summary of Town Budget for 2010

Fund	Approp. Adopted 2010.00	Less Estimated Revenues	Fund Balance & Appr Reser	Amt to be Raised By Tax	Taxable Assessed Value	Implied Tax Rate \$\$ per Thousand	Current Yr Tax Rate \$\$ per Thousand	% change From Cur- rent Year
GENERAL FUND	2,260,054	1,772,600	300,000	187,454	647,004,897	\$1.066963	\$1.187154	-10.12%
HIGHWAY FUND	2,100,116	1,217,240	380,000	502,876	647,004,897	\$1.066963	\$1.187154	-10.12%
DRAINAGE DIST./TAX LEVY	201,848	17,000	0	184,848	586,017,469	\$0.315431	\$0.335692	-6.04%
DRAINAGE DIST./SPEC ASSESS	0	0		0		\$0.000000	\$0.000000	#####
FIRE DISTRICT	477,160	1,000	0	476,160	685,849,143	\$0.694263	\$0.699145	-0.70%
SEWER DISTRICT	2,830,000	2,770,000	60,000	0		\$0.000000	\$0.000000	#####
* CDGA/FARM WATER - CDGA	668,253	500,795	34,230	88,085	196,177,574	\$0.449006	\$0.505420	-11.16%
* CDGA/FARM WATER - FARM	1,911,747	1,474,305	100,770	271,470	604,598,677	\$0.449009	\$0.505420	-11.16%
* NORTH & ANDREWS	0	0	2,800	13,969	6,673,093	\$2.093332	\$2.108510	-0.72%
* RISSER ROAD	0	0	500	8,864	5,298,960	\$1.672781	\$1.781280	-6.09%
* FOX ROAD WATER	0	0	0	21,637	7,646,148	\$2.829791	\$3.050529	-7.24%
* ELLSWORTH ROAD WATER	0	0	500	18,093	8,362,716	\$2.163532	\$2.295557	-5.75%
* SHELDON ROAD WATER	0	0	0	12,530	4,260,186	\$2.941186	\$3.523800	-16.53%
* MAXWELL RD WATER DIST.	0	0	0	12,443	7,074,930	\$1.758745	\$1.903365	-7.60%
* EMERSON-ALLEN ROAD	0	0	0	14,769	5,057,637	\$2.920138	\$3.944380	-25.97%
* HOPEWELL TOWNLINE	0	0	0	4,240	1,452,214	\$2.919680	\$4.151980	-29.68%
DOE HAVEN LIGHT - LD282	1,900	0	100	1,800	5,864,898	\$0.306911	\$0.283877	8.11%
HOOK RD. LIGHT	5,100	45	900	4,155	22,525,655	\$0.184456	\$0.177005	4.21%
FARMBROOK LIGHT	55,000	500	5,000	49,500	76,831,028	\$0.644271	\$0.655577	-1.72%
DOE HAVEN III - LD285	950	0	125	825	2,686,961	\$0.307038	\$0.310048	-0.97%
COVINGTON COMMON	6,100	50	1,000	5,050	1,230,000	\$4.105691	\$3.902439	5.21%
DOE HAVEN II N/S	0	0	0	0	2,688,300	\$0.000000	\$0.000000	#####
PHEASANT CROSS	650	0	100	550	4,621,100	\$0.119019	\$0.117173	1.58%
** CALM LAKE LIGHT	4,500	40	560	3,900	0	\$0.000000	\$0.000000	#####
STONEWOOD LIGHTING	1,200	0	0	1,200	10,317,434	\$0.116308	\$0.304040	-61.75%
FAIRDALE GLEN LIGHTING	0	0	0	0	3,640,000	\$0.000000	\$0.000000	#####
AUBURN MEADOWS LIGHTING	3,200	70	0	3,130	13,275,300	\$0.235776	\$0.425490	-44.59%
FAWN ESTATES	400	30	370	0	3,008,891	\$0.000000	\$0.000000	#####
AUBURN MEADOWS SIDEWALK	5,000	0	0	5,000	13,733,400	\$0.364076	\$0.000000	#####
<b>TOTALS:</b>	10,533,178	7,753,675	886,955	1,892,548				

\* See Appendix A

\*\* See Appendix B

CANANDAIGUA-FARMINGTON WATER DIST. BUDGET: 2010  
% APPORTIONED COST

	Farmington	Canandaigua	Risser Rd	North&Andrews	Emerson-Allen	Hopewell T.L.	Maxwell	Fox Rd	Ellsworth	Sheldon
Total Assessed Value	604,598,677	196,177,574	5,298,960	6,673,093	5,057,637	1,452,214	7,074,930	7,646,148	8,362,716	4,260,186
Equalization Rate	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Full Value	604,598,677	196,177,574	5,298,960	6,673,093	5,057,637	1,452,214	7,074,930	7,646,148	8,362,716	4,260,186
PERCENT SHARE	74.64%	25.36%								
<b>TOTAL EXPENSES</b>										
Operation & Maintenance	1,850,439	628,561								
<b>DEBT SERVICE</b>										
Dist. & System Debt	8,383	2,848								
District Ext. Debt	52,925	36,844								
TOTAL APPROP.	1,911,747	668,253								
REVENUE: Operation	1,474,305	500,795								
DISTRICT DEBT	(52,925)	(36,844)	6,985	13,773	77.69% 12,498	22.31% 3,588	9,266	18,204	14,838	10,617
APP. FUND BAL.			500	2,800	-	-			500	
Capital Reserve	100,770	34,230								
	283,747	96,384								
SHARE O&M + DEBT	71.41%	23.17%	0.63%	0.79%	0.60%	0.17%	0.84%	0.90%	0.99%	0.50%
OPER. & MTC. Amount	271,470	88,085	2,379	2,996	2,271	652	3,177	3,433	3,755	1,913
<b>AMOUNT TO RAISE</b>	<b>271,470</b>	<b>88,085</b>	<b>8,864</b>	<b>13,969</b>	<b>14,769</b>	<b>4,240</b>	<b>12,443</b>	<b>21,637</b>	<b>18,093</b>	<b>12,530</b>
ESTIMATED 2010 TAX RATE	0.44901	0.44901	1.67278	2.09333	2.92014	2.91968	1.75875	2.82979	2.16353	2.94119
2000 TAX RATE	0.50542	0.50542	1.78128	2.10851	3.94438	4.15198	1.90332	3.05060	2.29552	3.52385

APPENDIX B  
CALM LAKE LIGHT DISTRICT 9/09

TAX MAP NUMBER	NAME	UNIT CHARGE
29.73-1-1.000	Patricia Childs	\$63.94
29.73-1-2.000	Sterns Bullen Jr.	\$63.94
29.73-1-3.000	Hans Finke & Leslie O'Malley	\$63.94
29.73-1-4.000	Dean & Donna Newcomb	\$63.94
29.73-1-5.000	William Cobb	\$63.94
29.73-1-6.000	Jacqueline Conway	\$63.94
29.73-1-7.000	Angelo & Frances Comella	\$63.94
29.73-1-8.000	Jeanie Lay	\$63.94
29.73-1-9.000	Christie I. Decastro	\$63.94
29.73-1-10.000	Josephine Carra & Maria Gay	\$63.94
29.73-1-11.000	Dustin & Kathryn Williams	\$63.94
29.73-1-12.000	Wade Czymmek	\$63.94
29.73-1-13.000	Leonard Muscarella	\$63.94
29.73-1-14.000	Robert Parker Jr.	\$63.94
29.73-1-15.000	Brian D. Grove	\$63.94
29.73-1-16.000	Cynthia Gardner	\$63.94
29.73-1-17.000	Andrea Coene	\$63.94
29.73-1-18.000	Joseph Friske	\$63.94
29.73-1-19.000	Deborah Barr	\$63.94
29.73-1-20.000	Cheryl Fontaine	\$63.94
29.73-1-21.000	Carol King	\$63.94
29.73-1-22.000	Brad Clement & Danielle Blaakman	\$63.94
29.73-1-23.000	Stephen Schaefer	\$63.94
29.73-1-24.000	Edward Krossber	\$63.94
29.73-1-25.000	Matthew Oberst	\$63.94
29.73-1-26.000	Kimberly Years	\$63.94
29.73-1-27.000	Deborah A. Roets	\$63.94
29.73-1-28.000	Betsy J. Scharbach	\$63.93
29.73-1-29.000	David & Joan Robertson	\$63.93
29.73-1-30.000	Brian & Kelly Lindsay	\$63.93
29.73-1-31.000	Ellen Jones	\$63.93
29.73-1-32.000	Bruce & Sharon Herendeen	\$63.93
29.73-1-33.000	Frances Dawson	\$63.93
29.73-1-34.100	Debra Valvavano	\$63.93
29.73-1-35.100	Richard Booth	\$63.93
29.73-1-36.100	Lori Malolepszy	\$63.93
29.73-1-37.100	Kenneth & Katherine Powell	\$63.93
29.73-1-38.000	Michael & Deborah Powell	\$63.93
29.73-1-39.000	Beverly Owens	\$63.93
29.73-1-40.000	Roger F. Miller	\$63.93
29.73-1-41.000	William Woodland	\$63.93
29.73-1-42.000	Kanate Dahouda	\$63.93
29.73-1-43.000	Jennifer Bedette	\$63.93
29.73-1-44.000	Nicole Reed	\$63.93
29.73-1-45.000	Kathleen M. Smart	\$63.93
29.73-1-46.000	Nicholas R. Pasnak	\$63.93
29.73-1-47.000	Walter & Jaqueline Dzierzawski	\$63.93
29.73-1-52.100	Lance Papke	\$63.93
29.73-1-52.200	Margaret VanEpps	\$63.93
29.73-1-53.000	David L. Michael	\$63.93
29.73-1-54.000	John & Barbara Burnett	\$63.93
29.73-1-55.000	Steven Pettrone & Christine Williams	\$63.93
29.73-1-56.000	Shawn & Cheryl Birmingham	\$63.93
29.73-1-57.000	Robin Hudson	\$63.93
29.73-1-58.000	Lisa Lueck & David A. Daunce Jr.	\$63.93
29.73-1-59.000	James F. Kerins	\$63.93
29.73-1-60.000	Timothy Beisheim & Stephanie Watson	\$63.93
29.73-1-61.000	John & Patricia Jovanelli	\$63.93
29.73-1-62.000	Patricia Wirth	\$63.93
29.73-1-63.000	Gary & Tonja Foster	\$63.93
29.73-1-70.000	Micheal Dupre	\$63.93
	<b>TOTAL</b>	<b><u>\$3,900.00</u></b>

\$3,900.00

This dollar amount needs to match  
amount to be raised on the Calm Lake  
Lighting District worksheet

NYS - Real Property System  
 County of Ontario  
 Town of Farmington - 3228

Assessor's Report - 2009 - Prior Year File  
 S495 Exemption Impact Report  
 Town Summary

RPS221/V04/L001  
 Date/Time - 9/24/2009 13:56:58  
 Total Assessed Value 709,688,043  
 Uniform Percentage 100.00

Exemption Code	Exemption Name	Statutory Authority	Number of Exemptions	Total Equalized Value of Exemptions	Percent of Value Exempted
Equalized Total Assessed Value			709,688,043		
12100	NYS - GENERALLY	RPTL 404(1)	7	8,124,800	1.14
13500	TOWN - GENERALLY	RPTL 406(1)	18	3,273,400	0.46
13741	VG O/S LIMITS - SEWER OR WATER	RPTL 406(3)	1	152,100	0.02
18020	MUNICIPAL INDUSTRIAL DEV AGENC	RPTL 412-a	10	26,091,299	3.68
19950	MUNICIPAL RAILROAD	RPTL 456	6	818,200	0.12
21600	RES OF CLERGY - RELIG CORP OWN	RPTL 462	1	96,200	0.01
25110	NONPROF CORP - RELIG(CONST PRO	RPTL 420-a	7	3,310,100	0.47
25120	NONPROF CORP - EDUCL(CONST PR	RPTL 420-a	1	423,600	0.06
26050	AGRICULTURAL SOCIETY	RPTL 450	1	46,300	0.01
26400	INC VOLUNTEER FIRE CO OR DEPT	RPTL 464(2)	2	794,600	0.11
27350	PRIVATELY OWNED CEMETERY LAND	RPTL 446	7	165,100	0.02
41101	VETS EX BASED ON ELIGIBLE FUND	RPTL 458(1)	6	26,000	0.00
41121	ALT VET EX-WAR PERIOD-NON-COMB	RPTL 458-a	204	1,224,000	0.17
41131	ALT VET EX-WAR PERIOD-COMBAT	RPTL 458-a	151	1,508,575	0.21
41141	ALT VET EX-WAR PERIOD-DISABILI	RPTL 458-a	58	895,642	0.13
41400	CLERGY	RPTL 460	6	9,000	0.00
41700	AGRICULTURAL BUILDING	RPTL 483	18	1,899,200	0.27
41720	AGRICULTURAL DISTRICT	AG-MKTS L 305	176	6,669,400	0.94
41730	AGRIC LAND-INDIV NOT IN AG DIS	AG MKTS L 306	11	240,200	0.03
41800	PERSONS AGE 65 OR OVER	RPTL 467	13	680,250	0.10
41803	PERSONS AGE 65 OR OVER	RPTL 467	40	1,370,788	0.19
41806	PERSONS AGE 65 OR OVER	RPTL 467	10	520,312	0.07
41931	DISABILITIES AND LIMITED INCOM	RPTL 459-c	4	263,300	0.04
41933	DISABILITIES AND LIMITED INCOM	RPTL 459-c	2	119,475	0.02
42100	SILOS, MANURE STORAGE TANKS,	RPTL 483-a	15	204,700	0.03
42120	TEMPORARY GREENHOUSES	RPTL 483-c	1	40,000	0.01
47610	BUSINESS INVESTMENT PROPERTY	RPTL 485-b	9	2,245,905	0.32
48660	HOUSING DEVELOPMENT FUND CO	P H FI L 577,654-a	1	1,470,700	0.21
Total Exemptions Exclusive of System Exemptions:			786	62,683,146	8.83
Total System Exemptions:			0	0	0.00
Totals:			786	62,683,146	8.83

Values have been equalized using the Uniform Percentage of Value. The Exempt amounts do not take into consideration payments in lieu of taxes or other payments for municipal services.

Amount, if any, attributable to payments in lieu of taxes: \_\_\_\_\_

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

**NOVEMBER 10, 2009**

**RESOLUTION #279-2009:**

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

**REFERRAL OF DRAFT LOCAL LAW TO AMEND VARIOUS SECTIONS OF CHAPTER 165 OF THE TOWN CODE AND ESTABLISHING TOWN PLANNING BOARD SITE DESIGN GUIDELINES**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a draft Local Law from the Town Director of Planning and Development; and

**WHEREAS**, said draft Local Law is accompanied by draft Town of Farmington Planning Board Site Design Guidelines; and

**WHEREAS**, the Town Board has been informed, by the Director of Planning and Development, that said draft Local Law and Site Design Guidelines have been reviewed by the Town Planning Board, the Town Attorney and the Town Code Enforcement Officer, whose input is contained in the submitted documents referenced above herein; and

**WHEREAS**, the Town Board has determined the information submitted is complete for the drafting of the environmental record on said Action; and

**WHEREAS**, said Local Law and environmental record must be reviewed by the Ontario County Planning Board (hereinafter referred to as County Planning Board) prior to the Town Board taking any further action thereon; and

**WHEREAS**, the Town Board desires to set a Public Hearing on the above referenced draft Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby directs the Town Director of Planning & Development to prepare the referral form, and to submit all necessary documentation, to the Ontario County Planning Board, along with the endorsement from the Town Planning Board, for the County Planning Board's review at their December 8, 2009 meeting; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby establish a Public Hearing to be held upon said Local Law, on Tuesday, December 22, 2009, commencing at 7:00 p.m., in the public meeting room in the Farmington Town Hall.

**BE IT FURTHER RESOLVED** that the Town Board directs the Town Clerk to publish a Legal Notice of said Public Hearing in the Town's Official newspaper, in accordance with the provisions of New York State Town Law.

**Discussion: Ron Brand** explained the proposed Local Law to Amend sections of Chapter 165 of the Town Code and establishing Town Planning Board Site Design Guidelines. It will be submitted to the Ontario County Planning Board for review by the end of the month. A list of the draft law amendments are on file in the Town Clerk's office. The Board will review it and, if they feel it is necessary, a Workshop will be set to discuss it.

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

**RESOLUTION #280-2009:**

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

**APPRECIATION AND RECOGNITION FOR COUNCILMAN RUDOLF VAN DER VELDEN**

**WHEREAS**, Councilman "Rudy" van der Velden has "retired", effective October 31, 2009, and has served the Town of Farmington honorably and faithfully; and

**WHEREAS**, Councilman "Rudy" van der Velden served on the Town Board Town Operations/Human Resource and Public Safety Advisory Committees and worked on several special projects including the construction of the permanent records vault, Chairing the Special Committee for the Farmington portion of the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, the RG&E & Iberdola merger (he was the Town Representative on that project) and he worked on various Human Resource issues over the past five years.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington spreads his contributions in the minutes of this Board and extends our sincere thanks to former Councilman Rudy van der Velden for his efforts on behalf of the people of the Town of Farmington, New York and we wish him well in his retirement. The Town Board directs the Town Clerk to forward a certified copy of this Resolution to former Councilman Rudy van der Velden as a token of our appreciation.

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

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

**NOVEMBER 10, 2009**

**RESOLUTION #281-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for Municipal dues increase; and

FROM:	A1990.4	Contingency	\$300.00
TO:	A1920.4	Municipal Association Dues	(\$300.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #282-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #21-2009**

General	\$ 19,709.91
Highway Fund	18,233.21
Storm Drainage	106.30
Payroll	162.44
Sewer District	24,493.27
Water District	7,234.01
<b>Total</b>	<b>\$69,939.14</b>

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

**DISCUSSION:**

1. Speed Limit – Route 332 & Route 96 area – John Malvaso letter (to Supervisor). The Business Council, of the Farmington Chamber of Commerce, is concerned about the speed limit (55 MPH) in that area and the addition of new businesses and housing along Route 332. This could cause risk to a person trying to cross or walk along that stretch of road. The Business Council would like to request a traffic survey to research a possibility of a reduction in speed along the north/south corridor of State Route 332; the area of concern is from 1,500 feet north of the Route 96 intersection to the County Road 41 intersection.
2. Transition of Town Clerk's office. **Supervisor Fafinski** asked Town Clerk Kleman if there was a transition plan to transfer over (her office/duties) from December to January. **Town Clerk Kleman** said there was no actual plan but she is making a list of things and where forms, etc. are located in the office. When she has a list prepared, the Personnel Committee or Town Board, whomever, will be made aware. She said she still has month-end, year-end and account balances to do along with bringing everything up to date along with four Town Board meetings; all before December 31<sup>st</sup> and the Clerks' general business of the day to keep up. **Supervisor Fafinski** said the Town Operations Committee could set up a meeting with her. **Councilman Ingalsbe** suggested a meeting sooner than later; there are only 33 working days left. **Michelle Finley** said she asked Town Clerk Kleman about the 2010 tax bills and Clerk Kleman said she would speak to the Town Board about the Receiver of Taxes situation. It was decided that the Town Operations Committee would meet with the current Town Clerk & deputies, and the incoming Town Clerk, on Monday, November 23<sup>rd</sup> at 3:00 PM. **Councilman Ingalsbe** preferred a date sooner than the 23<sup>rd</sup>.

**TRAINING UNDER \$100.00:**

1. Deputy Town Clerk, Mary Thompson, attended Ontario County Town Clerk's Association Meeting, October 21, 2009, at a cost of \$8.00.
2. William Garlock to attend Genesee Valley Chapter Joint Meeting, November 20, 2009, at a cost of \$30.00.

With no further business, the meeting was adjourned, at 8:25 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

At 6:00 PM, November 24, 2009, the Town Board met in Workshop Session to discuss proposed changes to Chapter 165, Section 100 of the Zoning Law of the Town of Farmington as it pertains to Architectural Review Criteria for Site Plans and other Text Amendments to Chapter 165. Those present were:

**PRESENT:** Ted Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Michael Casale – Councilman  
Steve Holtz – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Ronald Brand** – Director of Planning & Development; **Floyd Kofahl** – Code Enforcement Officer; **Robert Kleman** – Planning Board; Cal Cobb – President of the Farmington Chamber of Commerce; John Malvaso (FSI Systems) – Farmington Chamber Business Council; Sue Stehling, Sherry Canzano, Ginger Bedard – Farmington Chamber of Commerce Board Members; John Mondorff; Pat Cobb, Dottie Mickelsen and several others.

They discussed Section 4, item 3. **Councilman Mickelsen** said he would not like to see it this way; MTOD may set guidelines but they are required to do it by the Planning Board. (**CEO Kofahl** said these are only reference guidelines.) **Councilman Mickelsen** said he feels it requires a Public Hearing; this allows the Planning Board to make changes without a Public Hearing. **Councilman Ingalsbe** said to give it a chance to work. **Councilman Casale** said to leave it the way it is and **Councilman Holtz** said it can be changed later.

**Ronald Brand**, Director of Planning & Development, suggested that the amended Zoning Law be added to the website. **Councilman Ingalsbe** said we don't want to see all home occupations come across the desk.

They discussed page 5 – Home Occupations. **Councilman Mickelsen** said he feels it should be two employees for a home occupation, minor; he said somebody needs to support small business – it does not give up his right as Councilman. **Supervisor Fafinski** said this may be a conflict of interest for Councilman Mickelsen as the changes suggested by him would change his home occupation from major to minor. **Councilman Mickelsen** said this will not affect him as he already has his Special Use Permit for his business.

There was discussion on section F-5. **CEO Kofahl** will tweak and re-word this section. They all agreed to delete the last sentence on page 9 (B-6).

Section 17 Home Occupations, item B-8 to be changed (Ron Brand will change this section).

Other amendments discussed by Ron Brand, Floyd Kofahl and the Town Board are as follows:

1. Section 8. Public Donation Bins was divided into Section 8 and Section 8 a. Section 8 amended Chapter 165, Sections 18 through 30, respectively, sub-sections C. Permitted Accessory Uses by adding Public Donation Bins subject to the provisions of Section 165-65.2.2. of the Town Code. Section 8 a. was amended to include the Supplementary Regulations, the Legislative Purpose, Public Donation Bins, Permit required, Public Donation Bins, Permit form and content, Public Donation Bins, Permit Fee, Public Donation Bins, permit number, dates of issuance and expiration, and Public Donation Bins, enforcement, penalties for offenses, injunctions.
2. Section 9. Definitions. Item #F. 5) was changed to read: "vehicles larger than a four wheel truck and/or a four wheel trailer, shall be stored within a completely enclosed building during non-business hours;"
3. Section 17. Home Occupations. Item # B. 6. was changed by deleting the last sentence that originally read "A Major Home Occupation may not be located in both a portion of the principal dwelling unit and a portion of an accessory structure located on the premises;"
4. Section 17. Home Occupations. Item #B. 8. was changed to read as follows: "The Major Home Occupation shall be subject to sketch site plan approval by the Planning Board;"
5. Section 22. Review and approval of signs by Planning Board was changed as follows: Sub-section B. to read - "All sign site plan applications to be heard by the Planning Board are subject to compliance with the provisions of Article 8, Part 617, of the State Environmental Conservation Law (State Environmental Quality Review Regulations). All applications for sign site plan approval must be accompanied by a completed Short Environmental Assessment Form."
6. Section 23. Schedule I, Lot Area, Bulk and Coverage Requirements was amended by deleting Minimum Building Area (%of Lot) to read "Lot Coverage Maximum Building Area (% of Lot)."

This will complete all of the requested changes discussed at this Workshop.

With no further business, the Workshop was adjourned, at 7:00 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 24<sup>th</sup> day of November 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Michael Casale – Councilman  
Steven Holtz – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent; **Floyd Kofahl** – Code Enforcement Officer; **Ed McLaughlin** – Highway & Parks Superintendent; **Ronald Brand** – Director of Planning & Development; **Robert Kleman** – Planning Board; **Michelle Finley** – Confidential Secretary; Cal Cobb – President of the Farmington Chamber of Commerce; John Malvaso (FSI Systems) – Farmington Chamber Business Council; John Hotto – Lu Engineers; Sue Stehling, Sherry Canzano, Ginger Bedard – Farmington Chamber of Commerce Board Members; John Mondorff; Joe DeGeorge – St. Pauly Textiles; Dottie Mickelsen; Pat Cobb; eight students and several others.

A motion was made by **Councilman Casale**, seconded by **Councilman Holtz**, that the minutes of the November 10, 2009 meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** Joe DeGeorge – St. Pauly Textiles

**Mr. DeGeorge** spoke on behalf of Section 8E, Public Donation Bin Rules in Chapter 165, Article V, Supplementary Regulations. He said some of those bins can hold up to 2,000 pounds of clothes. He is concerned about the size (of the bin) – it can cause a mess; people will throw stuff outside of bins also. He encouraged a fee be charged to help enforce the law and a maximum bin size of 8x16.

**SPECIAL PRESENTATIONS:** Farmington Business Council – John Malvaso and Lu Engineers – John Hotto Re: Farmington Gateway Project – Routes 332 & 96

A four phase project addressing each corner of the Routes 332 & 96 corridor was discussed. Phase 1 will address the Farmington Commons Plaza. Each phase will have a proposed theme; Phase 1 is community.

The following lists why we need this project:

- We need a downtown Farmington.
- We need to present a community presence to new, interested, potential businesses.
- We need to control the speed on Route 332.

Budget and timeline:

- Member companies have already pledged funding to seed project.
- Project will be funded by pledge level donations and the sale of engraved paver blocks.
- Donations in kind (sand, concrete, trees) will be sought from local Farmington businesses.
- Level sponsors will have names engraved on plaques.
- Mail campaign and project kickoff in Spring 2010 to solicit funding.
- Desire to break ground in fall 2010.

Town support requested:

- Grant proposal – Main Street project funding
- Speed limit reduction – Town to petition DOT with Congressman Eric Massa's support
- Maintenance of completed project (watering, normal sidewalk care, etc.)
- Utility (electric) cost – will require meter for lighting and optional clock.

**John Hotto**, Lu Engineers, showed an aerial shot of the 332 and 96 intersection and the marked off corners where this project is proposed along with a plan scale of the Gateway feature (on file in the Town Clerk's office).

**Supervisor Fafinski** said this was a nice project and commended the Business Council on this proposed project. The Chamber can work with Ronald Brand to do some research on grants available. The Board may waive fees for community projects.

## **REPORTS OF STANDING COMMITTEES:**

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

### **Water & Sewer:**

1. Superintendent Crane has some budget transfers tonight.
2. Reported on the reading device.
3. New pump stations.
4. Superintendent Crane has a few concerns with the company that provides their billing software.

5. Investigating flow monitoring device in sewer line areas (Routes 96 & 332). Checking on old lines.

## **TOWN BOARD MEETING**

**NOVEMBER 24, 2009**

### **REPORTS OF STANDING COMMITTEES: (Continued)**

6. Attorney has paperwork for final approval of Phillips Landing lighting district.

#### **Highway & Parks:**

1. The carpet at the Town Hall will be cleaned.
2. Gave an update on Farmbrook Park parking lot.
3. Looking for hot water extraction system.
4. Senior citizens group using Mertensia Lodge for their meetings.
5. Discussed forming a committee to study the highway building project to take place in the next couple of years.
6. He is looking at getting an AED device for the lodge.
7. There will be resolutions for end of year budget transfers.
8. Discussed winter sidewalk cleaning.
9. Received a letter, from a Hunters Drive resident, regarding the need for a swing set at Mertensia Park. This could be set for next spring.
10. Discussed trails and snowmobiles.
11. Discussed the stone walkway around the lodge.
12. Discussed the highway five-year road improvement plan.

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

1. This Committee met with the Town Clerk and Michelle Finely to discuss the transition for January 1, 2010.
2. Also met with Mark Cain regarding the part-time Recreation Director position and Councilman Casale suggested the Town Board interview Mark Cain for the position.

#### **Website Committee: Councilman Ingalsbe reported:**

1. At the point now where, sometime next week, it (the website) could go live; additions and enhancement will continue. He has had good cooperation along with (the help of) Michelle Finely and Steve Schmidt. Look for something next week.

### **REPORTS OF TOWN OFFICIALS:**

#### **Supervisor Fafinski:**

1. Reported the 2010 Budget in complete and has gone to the County. Real Property Tax Office usually goes over it also.
2. Supervisor Fafinski said he has a new Confidential Secretary who will start December 7<sup>th</sup>. He is pleased to hire Jessica Pierce-Youngman. She will bring many skills including being able to work on the new website as Councilman Ingalsbe and Michelle Finley have worked hard with the "web guy" to get the website all set-up and ready to go sometime next week.
3. Councilman Ingalsbe said minutes of the Town Board, Planning, Zoning, Conservation, etc. will all be on the website; some are already. There will be links also for the libraries, fire department and Chamber if they desire.

**Highway & Parks Superintendent Ed McLaughlin:** No report.

**Town Clerk Rose M. Kleman:** No report.

#### **Water & Sewer Superintendent Jim Crane:**

1. Reported the paperwork for the proposed lighting district (Phillips Landing) is being given to the Town Attorney.

#### **Code Enforcement Officer Floyd Kofahl:**

1. Aldi's will open December 1<sup>st</sup>.
2. He said there are some vacant commercial and residential lots his office is tracking. He asked if this is something we would want on our website.
3. His office is doing a breakdown on building hazards and fire inspections and will make this information available to the Fire Department.

#### **Director of Planning & Development Ronald Brand:**

1. Reported he is continuing to work with the Rochester Broadway Theatre League. He will set up a tour of the Racetrack facility for them. It is down to final site presentations.

#### **Planning Board Member Bob Kleman:**

1. Reported it was a short meeting to review and approve release of two letters of credit.

### **COMMUNICATIONS:**

1. Liquor renewal application notice form from NYS Division of Alcoholic Beverage Control Re: Finger Lakes Racing Association, Inc.
2. Letter to Code Enforcement Officer from Young Explosives Re: Fireworks displays at Finger Lakes Gaming & Racetrack.
3. Letter to Supervisor from Time Warner Cable Re: Channel changes.

4. Letter to Supervisor from Assemblyman Errigo Re: Congratulations on recent election.

**TOWN BOARD MEETING**

**NOVEMBER 24, 2009**

**COMMUNICATIONS: (Continued)**

- 5. Letter of No Permit Jurisdiction from NYS DEC Re: Senior Housing Facility on State Route 332.
- 6. Email from J. Ochterski to Director of Planning and Development Re: Municipal Agricultural and Farmland Protection Plan Development.
- 7. Public Notice – Workshop to discuss proposed changes to Chapter 165, Section 100 of the Zoning Law pertaining to Architectural Review Criteria for Site Plans and other Text Amendments to Chapter 165.
- 8. Letter to Supervisor from ESAAL Re: Proposed Senior Housing Projects.
- 9. Memo to Town Board from R. Kleman Re: Resignation as Receiver of Taxes-effective November 16, 2009.
- 10. Letter to S. Best from Highway/Parks Superintendent Re: Mertensia Park amenities.
- 11. Memo to Rose Kleman from Highway/Parks Superintendent Re: Office Cleaning.
- 12. Letter to Supervisor from Ontario ARC Re: Congratulations on recent re-election.
- 13. Policy Cancellation Notice from Farm Family - Meyer Lakeside Construction, Inc.
- 14. Reinstatement Notice – Carnival Supplies and Rentals.
- 15. Certificate of NYS Workers’ Compensation Insurance Re: Gordon Beh Excavating Contractors, Inc.

**REPORTS & MINUTES:**

- 1. Justice Law Monthly Report – October 2009.
- 2. Justice Gligora Monthly Report – October 2009.
- 3. Detail of Expenditures – October 31, 2009.
- 4. Monthly Report of Supervisor – October 2009.
- 5. Historic Preservation Meeting Minutes – November 5, 2009.
- 6. Conservation Board Meeting Minutes – October 26, 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #283-2009:**

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

**AUTHORIZING ADOPTION OF LOCAL LAW NO. 5 OF 2009 ENTITLED A LOCAL LAW TO ABOLISH THE TOWN RECREATION COMMISSION**

**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 October 27, 2009, at 7:00 p.m. at the 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 Abolish the Town Recreation Commission”; and

**WHEREAS**, notice of said Public Hearing was duly advertised in the official newspaper of the Town of Farmington, on November 1, 2009, and other notices required to give by law were properly served, posted or given; and

**WHEREAS**, said Public Hearing was duly held, on November 10, 2009, 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. 5 of 2009, entitled “A Local Law to Abolish the Town Recreation Commission”, a copy of which is attached hereto and made a part of this Resolution; and

**BE IT FURTHER 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, Rose M. Kleman, 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 November 24, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Michael Casale, Councilman	X	
Steven M. Holtz	X	

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #283-2009: (Continued)**

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

- Section 1. Article I of Chapter 9 of the Code of the Town of Farmington is hereby repealed in its entirety.
- Section 2. Articles II and III of Chapter 9 of the Code of the Town of Farmington are hereby renumbered to become Articles I and II respectively.
- 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 #284-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN 2010 ANNUAL CONTRACTS FOR DOG CONTROL SERVICES**

**WHEREAS**, the Town of Farmington budgeted monies, in the 2010 Budget, for Dog Control Services; and

**WHEREAS**, Ontario County has submitted the Annual Contracts for signature.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Annual Contracts, for Dog Control Services, with Ontario County for 2010; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward three (3) signed originals to Ontario County.

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

**RESOLUTION #285-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for Water & Sewer Petty Cash held by the Town Clerk since she took office and is no longer needed; and

FROM:	A1990.4	Contingency	\$150.00
TO:	A9901.9	Inter-fund Transfers	(\$150.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copies of this Resolution to the Finance and Account Specialist and Water & Sewer Superintendent.

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

**RESOLUTION #286-2009:**

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

**AUTHORIZING A BUDGET TRANSFER FOR THE SEWER FUND FOR PERSONAL SERVICES**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the Sewer Fund, for Personal Services; and

FROM:	SS8130.1	Sewage Treatment/Disposal PS	\$6,510.00
TO:	SS8130.12	Sewage Treatment/Disposal PS OT	(\$6,510.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

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

**NOVEMBER 24, 2009**

**RESOLUTION #287-2009:**

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

**AUTHORIZING THE ATTENDANCE OF EMPLOYEES TO THE ASSOCIATION OF TOWNS  
2010 TRAINING SCHOOL**

**RESOLVED**, the Farmington Town Board authorizes the attendance of Michelle Finley, Steven Holtz, Peter Ingalsbe, Ted Fafinski and Sheree Hooper to the Association of Towns 2010 Training School, January 13–15, 2010, in Rochester, New York at a cost of \$150.00 each.

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

**RESOLUTION #288-2009:**

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

**APPOINTMENT OF INTERIM RECEIVER OF TAXES TO FILL UN-EXPIRED TERM**

**WHEREAS**, Receiver of Taxes Rose M. Kleman tendered her resignation, effective November 16, 2009; and

**WHEREAS**, it will be necessary to prepare the tax roll for mailing during December 2009, and collection of any taxes that are paid prior to January 1, 2009; and

**WHEREAS**, the salary of the Receiver of Taxes is combined with the salary of Town Clerk and legal counsel recommends that, without a separate salary line, the appropriation portion of the Town Clerk’s salary cannot be recovered.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Farmington appoints Michelle Finley Interim Receiver of Taxes, effective immediately, with a term to expire on December 31, 2009, at a salary rate of \$170.00 per pay period, and authorizes a budget amendment to the 2009 town budget to add A1330.1 Tax Collector Personal Services and authorizes a budget amendment from contingency fund A1990.4 in the amount of \$510.00 to Tax Collector PSA1330.1.

**BE IT FURTHER RESOLVED**, the former Receiver of Taxes will immediately turn over, to the Interim Receiver of Taxes, all materials to include, but not limited to, procedures pertaining to the office of Receiver of Taxes, including access to the BAS Tax Program located in the Town Clerk’s Office. The Town Clerk shall prepare the necessary Oath of Office to be administered within three business days of this Resolution. A certified copy of this Resolution shall be furnished to the Interim Receiver of Taxes and the Ontario County Office of Real Property Tax within 2 business days.

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

**Supervisor Fafinski** requested, with no objections, that Agenda Items 7 thru 10 be blocked:

**RESOLUTION #289-2009:**

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

**AUTHORIZATION TO MOVE CASH IN BUDGET FROM GENERAL FUND 2008 VLT MONIES  
TO HIGHWAY FUND FOR MILL/FILL OF TOWN ROADS**

**RESOLVED**, the Farmington Town Board authorizes moving \$300,000.00 cash, in budget, from General Fund 2008 VLT monies to Highway Fund for mill/fill of Town roads, and

**BE IT FURTHER RESOLVED**, the Town Clerk is directed to forward copies of this Resolution to the Finance and Account Specialist and the Highway Department.

**AUTHORIZES A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, for attorney expenditures; and

FROM:	A1990.4	Contingency	\$2,911.09
TO:	A1420.4	Law CE	(\$2,911.09)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**AUTHORIZING A CASH TRANSFER OF FUNDS FROM THE 2008 VLT FUNDS**

**RESOLVED**, the Farmington Town Board authorizes the cash transfer of funds, from 2008 VLT Funds, to the General Fund Building Line (A1620.46V08) to cover the reconstruction of the Town Hall parking lot, at an amount not to exceed \$34,804.25; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #289-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance and Account Specialist and Highway Department.

**AUTHORIZING THE TRANSFER OF \$100,000.00 FROM THE HIGHWAY FUND BALANCE**

**WHEREAS**, the Highway Superintendent has requested a transfer of \$100,000.00, from the Highway Fund Balance, to Equipment Capital Reserve, for future equipment purchases.

**THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the transfer of \$100,000.00, from the Highway Fund Balance, to the Equipment Capital Reserve Fund for future equipment purchases; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward copies of this Resolution to the Finance & Account Specialist and Highway Department.

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

**Supervisor Fafinski** requested, with no objections, that Agenda Items 11 and 12 be blocked:

**RESOLUTION #290-2009:**

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

**LETTER OF CREDIT RELEASE #6 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated November 18, 2009, recommending that the above referenced Letter of Credit Release #6 be approved, in the total amount of \$290,921.95, for work completed in the Phase 3 portion of the Auburn Meadows 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. 6, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$567,755.90 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$276,833.95 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted November 18, 2009, recommended the release of the requested amount, \$290,921.95.

**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.

**BE IT FINALLY RESOLVED** that the release is to be issued to the Letter of Credit holder, Ernie Ackerman of A&D Development Company.

**LETTER OF CREDIT RELEASE #7 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated November 18, 2009, recommending that the above referenced Letter of Credit Release #7 be approved, in the total amount of \$87,589.14, for work completed in the Phase 3 portion of the Auburn Meadows 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. 7, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$276,833.95 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$189,244.81 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted November 18, 2009, recommended the release of the requested amount, \$87,589.14.

**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.

**BE IT FINALLY RESOLVED** that the release is to be issued to the Letter of Credit holder, Ernie Ackerman of A&D Development Company.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #290-2009: (Continued)**

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

**RESOLUTION #291-2009:**

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

**REGARDING THE CONSENT TO DEDICATE AMBER DRIVE IN AUBURN MEADOWS**

**WHEREAS**, upon reading the dedication of Amber Drive in Auburn Meadows Subdivision, Phase 3 North, dated the 17<sup>th</sup> day of September, 2009, and the Release related thereto dated the 17<sup>th</sup> day of September, 2009, all in the above entitled matter, wherein the owner of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes.

**NOW, THEREFORE BE IT RESOLVED** that consent be, and the same hereby is, given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said dedication, dated the 17<sup>th</sup> day of September 2009, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

I, Rose M. Kleman, 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 November 24, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Michael Casale, Councilman	X	
Steven M. Holtz	X	

**RESOLUTION #292-2009:**

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

**REGARDING THE CONSENT TO DEDICATE LILLYBROOK COURT IN AUBURN MEADOWS**

**WHEREAS**, upon reading the dedication of Lillybrook Court in Auburn Meadows Subdivision, Phase 3 South, dated the 17<sup>th</sup> day of September, 2009, and the Release related thereto dated the 17<sup>th</sup> day of September, 2009, all in the above entitled matter, wherein the owner of lands described therein have released the same to the Town of Farmington and its Highway Superintendent for highway purposes.

**NOW, THEREFORE BE IT RESOLVED** that consent be, and the same hereby is, given to the Town Superintendent of Highways of the Town of Farmington to make an order laying out the lands described in said dedication, dated the 17<sup>th</sup> day of September 2009, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

I, Rose M. Kleman, 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 November 24, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Michael Casale, Councilman	X	
Steven M. Holtz	X	

**RESOLUTION #293-2009:**

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

**AUTHORIZING ACCEPTANCE OF EASEMENTS FROM A&D DEVELOPMENT COMPANY**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with A&D Development Company ("Owner") regarding the Town's obtaining Storm/Utility, Sanitary Sewer, Temporary Turn-Around, Storm Sewer and Sanitary Sewer/Utility Easements over portions of its respective properties in the Auburn Meadows Subdivision (Phase 3 North and South), as shown on maps attached to the easements; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that said Owner grants to the Town these easements over said lands of said Owner; and

**WHEREAS**, said easements have been offered by the Owner to the Town of Farmington; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #293-2009: (Continued)**

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered easements on behalf of said Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said easements to be fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the Easements, attached hereto as Exhibit 1, (on file in the Town Clerk’s office) from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner; and

**BE IT FURTHER RESOLVED** that the Town Supervisor shall be, and hereby is, authorized to take any and all further action necessary to carry forth the intent of this Resolution including, but not limited to, the execution of all documents necessary to complete the conveyance of the premises referenced herein.

I, Rose M. Kleman, 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 November 24, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Michael Casale, Councilman	X	
Steven M. Holtz	X	

**RESOLUTION #294-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**WHEREAS**, the Victor Free Library applied for a grant under the Summer Reading Program; and

**WHEREAS**, the Town received a check, from New York State, for the Summer Reading Program grant submitted by the Victor Free Library.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the General Fund; and

FROM:	A3089	State Aid-Other	\$1,434.00
TO:	A7410.4	Library CE	(\$1,434.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #295-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN CONTRACT WITH EDIRECTHOST FOR HOSTING TOWN WEBSITE**

**WHEREAS**, the Town has spent the last several months updating the Town’s website with eDirectHost; and

**WHEREAS**, eDirectHost will provide the website at no cost to the Town for the first 12 months and \$19.95 thereafter.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the contract with eDirectHost for hosting town website.

**Discussion:** **Councilman Ingalsbe** said there is no cost to the Town for the first year and then it is \$19.95 per month.

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

**RESOLUTION #296-2009:**

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

**TOWN BOARD MEETING**

**NOVEMBER 24, 2009**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #296-2009: (Continued)**

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #22-2009**

General	\$ 104,980.67
Highway Fund	25,879.46
Storm Drainage	6,956.30
Lighting	6,532.55
Payroll	2,105.49
Sewer District	45,526.32
Water District	135,901.57
<b>Total</b>	<b>\$327,882.36</b>

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

**TRAINING UNDER \$100.00:**

1. James Morse and Floyd Kofahl to attend Local Government Training Workshop in Batavia, NY, November 20, 2009, at a cost of \$50.00 each.
2. Michelle Finley to attend Office of the State Comptroller Teleconference, December 8, 2009, in Canandaigua, NY, at a cost of \$15.00.
3. Jim Crane, Paul Fleig and Matt Curran to attend Finger Lakes Water Works Winter Meeting, December 3, 2009, at a cost of \$22.00 each.

With no further business, the meeting was adjourned, at 8:20 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Casale**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD WORKSHOP**

**December 8, 2009**

At 6:00 PM, December 8, 2009, the Town Board met in Workshop Session, with our current Recreation Director Mark Cain, to discuss his plans for expanding recreation within the Town over the next several months and to consider expanding his hours in 2010 in accordance with the Recreation Plan presented by Passero Associates earlier this year. Those present were:

- PRESENT:** Ted Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman **NECESSARILY ABSENT**  
Michael Casale – Councilman  
Steve Holtz – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Mark Cain** – Recreation Director and **Ed McLaughlin** – Highway & Parks Superintendent

**Mark Cain** said the Recreation Department will be holding a Christmas Party for children at Mertensia Lodge on December 18<sup>th</sup>. He will send a notice to the news media and schools.

Mr. Cain gave the Board a list of his 2010 Recreation goals:

1. To incorporate technology in the marketing and development of the Farmington recreation website.
  - Begin and maintain campaign to acquire & maintain email addresses in order to disseminate information regarding the programs and services available to the residents of the Town of Farmington.
  - Maintain the CURRENT informational page for the Town of Farmington residents to be able to quickly reference programs, services and contact information.
  - These efforts will, in the long run, help the Town of Farmington save money in postage and advertising expenses and disseminate information quicker and more efficiently.
2. To continue to meet the ever changing needs of the community and provide quality recreation opportunities for the Town of Farmington.
  - Continue to grow and enhance the existing Summer Recreation program.
  - Develop quarterly programs for the Town of Farmington residents (first aid, CPR and babysitting course) that are currently available in other towns.

- Research grants that will allow the Recreation to possibly purchase equipment that will enhance recreational programs.
  - Continue to research cost-effective recreational programs that are enticing to all ages and “pocketbooks”. For example, Adventure Out Outdoor Programs.
3. To develop cooperation between towns for recreation needs.
- Collaborate with the Town of Canandaigua to create a more enjoyable experience for the participants as well as combining existing resources.

**Supervisor Fafinski** said the Town Board will appoint a Recreation Advisory Committee. **Mr. Cain** said both Tom Schwarzweiler and Tom Adams will probably not continue on the Recreation Commission. **Mr. Cain** said he has worked with Farmington Recreation since 1989 and been Recreation Director since 1994; he has seen new parks open up in the Town and growth in numbers with Recreation and, in the last three years, almost a 50% increase in children attending (summer recreation program). He feels that, having that information available on the website (including email capability), it will grow even more.

**Supervisor Fafinski** asked the Board’s feelings about having Mr. Cain continue on with the Recreation Department. **Councilman Holtz** asked Mr. Cain if he has the additional time to put in on Recreation. **Mr. Cain** said he would have the hours it takes. Councilman Ingalsbe discussed the budget and the numbers. Mr. Cain could come back later and say he needs an assistant. **Mr. Cain** said, probably in the summer, he could use an Assistant. It was the consensus of the Board that Mark Cain continue as Recreation Director with additional hours not to exceed 1,000 hours per calendar year.

They discussed miniature golf, bowling, etc.

**Councilman Ingalsbe** said the Town needs to advertise for Recreation Advisory Committee members well in advance. They should have a meeting the end of January with Mr. Cain again.

Mr. Cain will email Michelle Finley regarding encumbering 2009 funds in budget.

With no further business, the Workshop was adjourned, at 6:45 PM.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

**TOWN BOARD MEETING**

**DECEMBER 8, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 8<sup>th</sup> day of December 2009, at 7:00 PM, there were:

- PRESENT:** Theodore Fafinski – Supervisor  
 Peter Ingalsbe – Councilman  
 Timothy P. Mickelsen – Councilman    **NECESSARILY ABSENT**  
 Michael Casale – Councilman  
 Steven Holtz – Councilman  
 Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ed McLaughlin** – Highway & Parks Superintendent, **Robert Kleman** – Planning Board and three students.

A motion was made by **Councilman Casale**, seconded by **Councilman Holtz**, that the minutes of the November 24, 2009 workshop & meeting, given to members for review, be approved as presented. **CARRIED.**

**REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. They have resolutions on tonight’s agenda.
2. DEC reporting operational testing and what will be involved in the next few years.
3. They are working with a new company on the billing software.
4. There’s been no response to the Town’s counter-offer on the cell tower agreement with the water storage tank.
5. Equipment purchases on hold for the remainder of the year.

**Highway & Parks:**

1. Received quotes on carpet cleaning; they do two good cleanings per year and a third in the high traffic areas.
2. Plan to paint the Town Clerk’s office at the end of the month.
3. He will keep us abreast of the cost for plans for Farmbrook Park.
4. Site map for land purchase the Town is looking at.

**REPORTS OF STANDING COMMITTEES: (Continued)****Town Operations Committee: Councilman Casale reported:**

1. We have some new businesses interested in coming into Town.
2. He suggested that the Operations Committee meet with CEO Kofahl twice a month for updates - the same as Public Works does.

**Website Committee: Councilman Ingalsbe reported:**

1. A week ago yesterday, the new website was up and running; everyone get the word out. **Supervisor Fafinski** said there will be a public announcement regarding the website soon.

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

1. Reported on a new law, effective January 1, 2010, regarding elected and appointed employees receiving New York State Retirement – reports required every three months for each employee. He explained the process of the law.

**Highway & Parks Superintendent Ed McLaughlin:**

1. Reported his office has been upgraded to an advanced user; now his request for stakeouts goes directly to the utility companies.

**Town Clerk Rose M. Kleman:** No report.**Water & Sewer Superintendent Jim Crane:**

1. Reported that, once the EPA and Department of Health receives his Stage 11 Monitoring Report, they will notify him regarding the completion of said Report.
2. He met with representatives for an owner of property on Hook and Collett Roads regarding a proposed sanitary sewer line. He said they will try to get him the easements.
3. **Councilman Casale** asked if the sewer plant takes any outside vendors waste. **Superintendent Crane** answered no.

**Code Enforcement Officer Floyd Kofahl:**

1. Reported on the Senior Housing project; they are having issues with the foundation and wall system. The company doing the building decided that they are going to change the code specifications for the project without getting approval. He had a meeting with them this afternoon and they will meet again in the morning to set the procedure for the proper channel for them to make changes. They have a third party inspection service that is required and they were told they were not needed. This time of year, there is weather sensitivity for concrete; he gave them the specs regarding this. He told them a tag would be placed on the site if proper procedures were not followed; he will keep the Town Board updated. The same company is doing the building at Saratoga Crossing with no issues on that project. **Councilman Ingalsbe** asked CEO Kofahl if MRB Group should be in on the meeting being held tomorrow morning. **CEO Kofahl** said that is what CME was hired to do and if the procedures are not followed, he will put a stop work order on until they comply. **Councilman Ingalsbe** asked about the utilities. **CEO Kofahl** explained how the utilities were set up; they have all been taken care of but, because there is a change to the approved site plan, they are going back to the Planning Board for its review and approval/concerns.
2. He met with the 1816 Meetinghouse Committee about moving the house; the meeting went well. The contractor put a structural stabilization on it so that the building can be moved. They will start the application site plan process in January and hope to be completed with that by the end of May and have a foundation in next year to move it to but won't move it until 2016 on the 200 year anniversary of the structure. **Supervisor Fafinski** said maybe the Town Board could waive the fees for it due to it being a historical project; he will prepare a resolution for the next Town Board meeting waiving the Planning and Zoning Board fees and any variance fees as needed.

**Planning Board Member Bob Kleman:**

1. Reported that, at their last meeting, the Board approved a two year permit for One Stop Auto on Collett Road and a two lot subdivision on Sheldon Road and County Road 8.
2. Also, they discussed, with Ron Brand, the proposed Local Law making changes to Chapter 165, Section 100, of the Zoning Law.

**COMMUNICATIONS:**

1. Letter to Macedon Public Library from Supervisor Re: 2010 budget process.
2. Letter to Wood Library from Supervisor Re: 2010 budget process.
3. Letter to Victor Free Library from Supervisor Re: 2010 budget process.
4. Memo to Supervisor from Ron Brand Re: Review of Empire State Association of Assisted Living Newsletter.
5. Letter to Macedon Public Library from Supervisor Re: 2010 budget and library contract.
6. Referral from Ontario County Planning Board Re: Amendments to Chapter 165 of the Town Code.
7. Letter from Supervisor to Victor-Farmington Volunteer Ambulance Corp. Re: 2010 Agreement for Service.
8. 2009 Farmington Summer Recreation final report.

**TOWN BOARD MEETING**  
**COMMUNICATIONS: (Continued)**

**DECEMBER 8, 2009**

9. Policy reinstatement notice from Farm Family Casualty Insurance Company.
10. Letter from Ed McLaughlin to Samantha Best of Hunters Drive Re: Mertensia Park amenities.
11. Letter from Assemblyman Joseph Errigo to Supervisor Re: Assembly Minority Task Force on Small Business.
12. Letter to the Town Board from the Department of Health Re: Public Water Supply.
13. Letter to Supervisor from Reynolds Battery L 1<sup>st</sup> NY Light Artillery Re: Seeking donation for “rally round the flag” effort.
14. Letter from Ron Brand to Walter Baker of DSB Engineers & Architects Re: Incentive zoning for Beaver Creek West subdivision.
15. Resolution from Ontario County Board of Supervisors Re: Removal of health hazard – Town of Farmington.
16. Letter from Time Warner Cable to Supervisor Re: Agreements with programmers.
17. E-mail from Supervisor to Jim Crane Re: Routine Sanitary Survey.
18. Letter from Supervisor to Ontario County Real Property Tax Re: Landscaping at 30 Gannett Road.
19. Letter from Supervisor to Ontario County Real Property Tax Re: Landscaping at 793 Hook Road.
20. Certificates of Liability Insurance Re: Chrisantha Construction Corp. and Iversen Construction Corp.

**REPORTS & MINUTES:**

1. Judge Gligora Monthly Report – November 2009.
2. Monthly Report Supervisor – November 2009.

**ORDER OF BUSINESS:**

**RESOLUTION #297-2009:**

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

**CORRECTION TO FINANCIAL JOURNALS TO RECORD ACTUAL PETTY CASH**

**WHEREAS**, a clarification to the Town’s and Water and Sewer Department financial records is necessary; and

**WHEREAS**, the Water and Sewer Department financial records showed petty cash issued to the Town Clerk’s office in a total amount of \$150.00 (\$100.00 from Water and \$50.00 from Sewer); and

**WHEREAS**, the Town’s financial records, in the General Fund, also recorded the same \$150.00 as petty cash in the Town Clerk’s office.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board hereby authorizes a correction to update the petty cash amounts in the Town’s General Fund financial records, and the financial records of the Water and Sewer Department, to make a correction in the ledgers and record the actual cash on hand.

**BE IT FURTHER RESOLVED** that, on November 10, 2009, the Town Clerk returned the petty cash, in the amount of \$100.00 to the Canandaigua/Farmington Water District and \$50.00 to the Farmington Sewer District. Petty Cash was received as inter-fund revenue. A journal entry will be recorded to show a fund balance which will update and correct the financial records. This authorization will correct and update the actual Water and Sewer petty cash amounts shown in the financial records and will now reflect actual petty cash on hand. Trial balance entries, required to record the true petty cash on hand in the Water and Sewer financial records, are as follows:

Debit:	SW1-909	Fund Balance-unreserved	\$ 50.00
Credit:	SW1-210	Petty Cash	\$ 50.00
Debit:	SS909	Fund Balance-unreserved	\$100.00
Credit:	SS210	Petty Cash	\$100.00

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

**RESOLUTION #298-2009:**

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

**DIRECTING THE TOWN CLERK TO PETITION THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT AN AREA SPEED LIMIT SURVEY**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a request from John Malvaso, Chair, Farmington Business Council (hereinafter referred to as Business Council), for the New York State Department of Transportation to conduct a traffic survey along a portion of State Route 332; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #298-2009: (Continued)**

**WHEREAS**, the Town Board shares the Business Council’s expressed concerns for the safety of pedestrians using the intersection of State Routes 96 and 332, the four corners within the established Hamlet of Farmington, this community’s center of business; and

**WHEREAS**, the Town Board desires to promote the health, safety and general welfare of the residents of, and visitors to, the Town of Farmington, and the County of Ontario, by having a safe and attractive four corners; and.

**WHEREAS**, the Town Board agrees with the need to determine the feasibility of a reduction in the posted speed along the north-south corridor of State Route 332, commencing 1,500 feet north of the intersection of State Routes 96 and 332, and extending south to the intersections of State Route 332 and County Road 41, to be determined by an Area Speed Limit Survey.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby direct the Town Clerk to petition the Region 4 Director of the New York State Department of Transportation to conduct an Area Speed Limit Survey of the area described above herein.

**BE IT FINALLY RESOLVED** that, in addition to the Town Board, the Town Clerk is to provide copies of said petition to the Town Director of Planning and Development, the Town Highway Superintendent, the Town Planning Board Chairperson and the Chair of the Farmington Business Council.

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

**RESOLUTION #299-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN BAS AGREEMENT FOR THE PURCHASE OF THE INTEGRATED PROPERTY SYSTEM**

**WHEREAS**, the Farmington Town Board approved the purchase of an Integrated Property System, from BAS, for the Building Department.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the BAS Agreement; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward the signed Agreement to BAS with copies to the Building Department and Finance & Account Specialist.

**Councilman Casale** requested this Resolution be **TABLED**.

**RESOLUTION #300-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, for the General Fund, to cover the reconstruction of the Town Hall Parking Lot as follows:

FROM:	A599	Appropriated Fund Balance	\$34,804.25
TO:	A1620.46V08	Bldg CE-Mill, Pave Town Hall Parking Lot	(\$34,804.25)

**BE IT FURTHER RESOLVED**, the Town Clerk forward copies of this Resolution to the Highway Department and Finance & Account Specialist.

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

**RESOLUTION #301-2009:**

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

**AUTHORIZING THE ATTENDANCE OF THE TOWN JUSTICES AND ONE COURT CLERK TO THE NYS ASSOCIATION OF TOWNS CONFERENCE**

**WHEREAS**, both Justices and one Court Clerk would like to attend the New York State Association of Towns Annual Conference, in New York City, February 14–17, 2010, at a total cost of \$3,122.00; and

**WHEREAS**, the Court would like to use funds from the 2009 budget to pay for registration fees and hotel costs.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #301-2009: (Continued)**

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the attendance of the Town Justices and one court clerk to attend NYS Association of Towns Conference, February 14-17, 2010, at a total cost of \$3,122.00 and the use of 2009 funds available; and

**BE IT FURTHER RESOLVED**, the Farmington Town Board authorizes any budget amendment needed for this Conference; and

**BE IT FINALLY RESOLVED** that the Town Clerk forward a copy of this Resolution to the Town Court and Finance & Account Specialist.

**Councilman Ingalsbe** requested this Resolution be **TABLED**.

**Supervisor Fafinski** requested, with no objections, that Agenda Items 6 and 7 be blocked:

**RESOLUTION #302-2009:**

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

**AUTHORIZING A BUDGET TRANSFER FOR THE CANANDAIGUA-FARMINGTON WATER DISTRICT**

**RESOLVED**, the Farmington Town Board authorizes the following budget transfer for the Canandaigua-Farmington Water District:

FROM:	W1-8340.41	Transmission & Distribution CE	\$49,900.00
TO:	SW1-8340.4	Transmission & Distribution CE	(\$49,900.00)

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance & Account Specialist.

**AUTHORIZING BUDGET TRANSFERS FOR THE FARMINGTON SANITARY SEWER DISTRICT**

**RESOLVED**, the Farmington Town Board authorizes the following budget transfers for the Farmington Sanitary Sewer District:

FROM:	SS-1950.4	General Govt Support- Special Items	\$6,000.00
		Taxes & Assessments on Property	
TO:	SS-8110.4	Sewer Administration-CE	(\$6,000.00)
FROM:	SS-8120.1	Sanitary Sewers PS	\$2,000.00
TO:	SS-8120.12	Sanitary Sewers PS OT	(\$2,000.00)
FROM:	SS-8130.1	Sewage Treatment & Disposal PS	\$2,500.00
TO:	SS-8130.12	Sewage Treatment & Disposal PS OT	(\$2,500.00)

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Finance & Account Specialist.

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

**RESOLUTION #303-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN 2010 AMBULANCE AGREEMENT**

**WHEREAS**, the Farmington Town Board budgeted monies for 2010 general ambulance services.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Ambulance Agreement, with Victor-Farmington Volunteer Ambulance Corps., at a cost not to exceed \$6,600.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of the Agreement to the Ambulance Corps. and to the Supervisor's Office.

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

**RESOLUTION #304-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN 2010 LIBRARY CONTRACTS**

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #304-2009: (Continued)**

**WHEREAS**, the Farmington Town Board budgeted monies for 2010 library services.

**THEREFORE BE IT RESOLVED** the Farmington Town Board authorizes the Supervisor to sign the 2010 Library Agreements.

**BE IT FURTHER RESOLVED** that the Town Clerk forward the signed Agreements to the Libraries with copies to the Supervisor’s Office.

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

**RESOLUTION #305-2009:**

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

**SET A PUBLIC HEARING FOR THE 2010 FIRE CONTRACTS**

**WHEREAS**, the Town Board has met with the Fire Departments to discuss the 2010 budget.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board sets a Public Hearing, for the 2010 Fire Contracts, for December 22, 2009, at 7:00 p.m., at the Farmington Town Hall; and

**BE IT FURTHER RESOLVED** that the Town Clerk post the Notice of Public Hearing in the Daily Messenger; and

**BE IT FINALLY RESOLVED** that the Town Clerk forward a copy of this Resolution to the Supervisor’s Office.

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

**RESOLUTION #306-2009:**

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

**AUTHORIZING THE PURCHASE OF A NEW COMPUTER AND PRINTER FOR THE TOWN CLERKS OFFICE**

**WHEREAS**, the newly elected Town Clerk has requested the purchase of a computer and printer for her office; and

**WHEREAS**, two quotes were obtained for a computer and it is recommended to accept the quote from Keyser Computer Services, due to onsite service.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the purchase of a new computer and printer for the Town Clerk’s Office, at a cost not to exceed \$1,554.35 (\$1,354.35 computer/\$200.00 printer); and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Supervisor’s Office.

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

**RESOLUTION #307-2009:**

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

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #23-2009**

General	\$ 69,202.46
Highway Fund	58,964.28
Storm Drainage	8,770.20
Payroll	162.44
Sewer District	36,123.97
Water District	15,861.30
<b>Total</b>	<b>\$189,084.65</b>

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

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

**DECEMBER 8, 2009**

**WAIVER OF THE RULE:**

**Councilman Ingalsbe** requests a Waiver of the Rule to add Resolution #308-2009. All Town Board Members in agreement.

**RESOLUTION #308-2009:**

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

**CONTRACT FOR TEMPORARY SERVICES OF AN INTERNAL AUDITOR**

**WHEREAS**, the Internal Auditor is unavailable, for medical reasons, and may not return to provide internal audit services until Spring of 2010; and

**WHEREAS**, Sheree Hooper, Finance & Accounting Specialist, interviewed two interested candidates to provide the internal audit services during this temporary absence; and

**WHEREAS**, the two qualified candidates charge \$20.00 per hour and \$85 per hour, respectively.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board authorizes the Supervisor to contract for internal auditor services, at a rate not to exceed \$20.00 per hour, until the regular Internal Auditor returns.

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

**DISCUSSION:**

1. Victor Lions Club Annual Sports Car & Vintage Auto Festival. Superintendent McLaughlin has no problem with this being held in the Town Park. Supervisor Fafinski read the request letter received from the Lions Club. The Board will pass a resolution at their next meeting.
2. Councilman Ingalsbe asked about the credit card (Municipal) contract and where it stands. Supervisor Fafinski said it is before the Town Attorney; he is working it out with Municipal.

**TRAINING UNDER \$100.00:**

1. Jim Crane, Eric Feistel and William Garlock to attend Genesee Valley Chapter Winter Meeting December 18 at the Canandaigua American Legion for a total of \$75.00.

With no further business, the meeting was adjourned, at 7:45 PM, by motion from **Councilman Casale**, seconded by **Councilman Holtz**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_

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**TOWN BOARD MEETING**

**DECEMBER 22, 2009**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 22<sup>nd</sup> day of December 2009, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Michael Casale – Councilman  
Steven Holtz – Councilman  
Rose M. Kleman – Town Clerk

Also present were: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Ed McLaughlin** – Highway & Parks Superintendent, **Ronald Brand** – Director of Planning & Development, **Robert Kleman** – Planning Board, **Donna LaPlant** – Assessor, **Michelle Finley** – Town Clerk-elect, **Margaret Hartsough** – Town Historian and approximately twenty others.

**PUBLIC HEARINGS:** 1. 2010 Fire Contracts  
2. Local Law Amending Chapter 165 (Zoning Law) of the Town Code

At 7:00 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning the new 2010 Fire Contracts. The Town Clerk read the Legal Notice, as published in the Town's designated newspaper, regarding new Fire Contracts with the Farmington Fire Association, the Village of Manchester and Village of Shortsville.

Supervisor Fafinski opened the Hearing.

**TOWN BOARD MEETING**  
**PUBLIC HEARINGS: (Continued)**

**DECEMBER 22, 2009**

No one wishing to be heard, for or against the foregoing subject matter, the Hearing was declared closed at 7:05 PM.

At 7:06 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning a Local Law amending various sections of Chapter 165 (Zoning Law) of the Town Code. The Town Clerk read the Legal Notice, as published in the Town's designated newspaper.

Supervisor Fafinski opened the Hearing.

No one 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**, (**Councilman Mickelsen** abstained due to being absent) that the minutes of the December 8, 2009 workshop & meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** Margaret Hartsough, Town Historian – History relating to the Town Clerk's Office

Town Historian Margaret Hartsough gave a history relating to the Town Clerk's office. The Town Clerk's office was one of the first offices of the Town of Farmington as established in 1797. Isaac Hathaway, Town Clerk, wrote the first minutes of the Town on April 4, 1797. **Mrs. Hartsough** thanked Rose Kleman, present Town Clerk, for having all the Town records preserved and microfilmed (up to date). **Town Clerk Kleman** stated she is the first Town Clerk to work outside of her home as Clerk; all prior Clerks worked from home offices. **Mrs. Hartsough** thanked Rose Kleman for her thirty-six years of service to the Town and for being the longest serving Town Clerk for Farmington.

**REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. Discussed various outages in early December and the affect it had on pump stations.
2. Discussed water breaks including Purdy Road where there have been several breaks.
3. They are working some of the bugs out of the billing software.

**Highway & Parks:**

1. Discussed future truck needs.
2. Discussed the 2010 Highway Contract.
3. Discussed lodge clean-up procedures.
4. The Highway Department has a full salt barn and they are ready for the weather/snow.

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

1. They discussed the Resolution regarding the BAS Integrated Property System. They decided that the Town will not pay for the Companies travel expenses.
2. The Agricultural Advisory Committee will apply for a grant. Ron Brand will follow-up on that and give copies to Board members. They will have a workshop regarding that January 12, 2010.
3. Lu Engineers is working on the maps for the Comprehensive Plan.
4. There is a need to update our zoning map. The Committee will check with Mr. Brand and CEO Kofahl to check to see if we can use Ontario County Planning; they offer forty free hours.
5. Councilman Casale reported we lost the trail grant.
6. The Rochester Broadway Theatre League is still out there; we do not know anything on that yet.

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski:**

1. The Recreation Christmas party went very well at Mertensia Lodge with 70 to 80 people attending; he congratulated Mark Cain, Michelle Finley and Jessica Youngman – a lot of people read about it in the press.
2. The website is up and going well with pictures and minutes from the Boards.
3. He explained a new law regarding State Retirement.
4. The 2010 Organizational meeting will be held January 5<sup>th</sup> at 4:00 PM.
5. There will be a Town Board Workshop with the Agricultural Advisory Committee January 12<sup>th</sup> at 6:00 PM.

**Highway & Parks Superintendent Ed McLaughlin:** No report.

**Town Clerk Rose M. Kleman:**

1. Reported there are still some lost/found items in the safe; besides the items reported before, there are two cell phones, a camera and a man's watch. **Supervisor Fafinski** said, possibly, the lost & found items from the parks could be noted somewhere on the website; Councilman Ingalsbe will check into this.

**REPORTS OF TOWN OFFICIALS: (Continued)**

**Water & Sewer Superintendent Jim Crane:** No report.

**Code Enforcement Officer Floyd Kofahl:**

1. Reported over \$36 million in construction costs – 50 new homes with over 420 permits. A full report, for 2009, to follow at next meeting.

**Director of Planning & Development Ronald Brand:** No report.

**Planning Board Member Robert Kleman:**

1. The Planning Board had a light agenda – 1 application for a Special Use Permit which was approved.

**Assessor Donna LaPlant:**

1. She reported on the 2010 census. There were errors regarding the streets; 1,098 addresses were incorrect; she is appealing 794 of those (75%). She wrote letters and gave information to follow up on that. She has spent over one hundred hours in the last two weeks on this. **Supervisor Fafinski** explained why it is so important to get an accurate count. It affects your representatives in the Senate and Assembly Districts as well as State Aid (these are dependent on your population). He thanked Donna for all her work on this.
2. She asked about the Cold War Veteran Exemption. **Supervisor Fafinski** said she should discuss this with the Town Operations Committee if she wants to bring it before the Town Board in 2010.

**Receiver of Taxes Michelle Finley:**

1. Reported taxes are on schedule.

**COMMUNICATIONS:**

1. Ontario County Board of Supervisors resolution Re: 2010 Calm Lake lighting district tax levy.
2. 2010 Agreement for Dog Control Services with the Humane Society of Ontario County.
3. Letter to Ron Brand, Jim Crane and Ed McLaughlin from Supervisor Re: Auction of state-owned land in Farmington.
4. Cancellation of certificate of Workers' Compensation Insurance Re: Paynes Construction, Inc.
5. Notice of claim from John L. DiMarco II vs. the Town.
6. Letters from the Supervisor to Planning Board, Zoning Board of Appeals, Conservation Board, Historic Preservation Board and Agricultural Advisory Board members and chairs whose terms are to expire at the end of 2009 Re: Inquiry if they are interested in another term.
7. Letter to Town Clerk from Melissa Doyle, Office of Real Property Taxes Re: Board of Assessment Review appointments.
8. Certificates of Insurance from the New York State Workers' Compensation Board Re. Chrisantha Construction Corp., and Iversen Construction Corp.
9. Press Release sent to local media Re: "An Evening with Santa" December 18 at the Lodge at Mertensia Park.
10. Memo from the Supervisor to members of the Town Board and department heads Re: Organizational meeting set for January 5.
11. Letter to Supervisor from Pat Pavelsky of Cornell Cooperative Extension Re: Cornell's Annual Report for 2009.
12. Continuing education certificates for Edward Hemminger,
13. State Supreme Court in Ontario County ruling Re: RC McCarthy Holdings, LLC vs. the Town Assessor, the Board of Assessment Review and the Town of Farmington.
14. Notice of groundbreaking ceremony for the new senior living facility, Farmington Gardens, on December 14 at 10 a.m.
15. E-mail to Supervisor from Patricia Evans at the Victor Free Library Re: 2010 Youth Bureau Application.
16. Letter to the Town from Selective Insurance Re: Notice of Claim filed by John DiMarco II.
17. Letter to the Town Board from the New York State Department of Health Re: Public Water Supply, Canandaigua-Farmington Water District
18. Memo from Ron Brand to Supervisor Re: TriStar Investors, Inc. Letter of Interest for a lease for tower at Town Hall.
19. Press release, for Farmington's new website, sent to local media.
20. Memo from Supervisor to Town Clerk Re. Oath of Office forms.
21. E-mail to Supervisor from resident Jay Soper Re: Soper Powersports Environmental Status.
22. E-Mail reply to resident Jay Soper and response from Mr. Soper Re: Inquiry for Soper Powersports property.
23. Notice from the New York State Department of Labor Re: Issuance of Magazine Certificate to Lake Country Fireworks.
24. Certificate of liability insurance from Rose & Kiernan, Inc. for Frank J. Marianacci, Inc. of Bloomfield.

**REPORTS & MINUTES:**

1. Building Department Monthly Report – October 2009.
2. Judge Lew Monthly Report - November 2009.

3. Town General Fund Detail of Expenditures - November 2009.

**ORDER OF BUSINESS:**

(This Resolution was previously **TABLED** at the December 8, 2009 meeting.)

**RESOLUTION #299-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN BAS AGREEMENT FOR THE PURCHASE OF THE INTEGRATED PROPERTY SYSTEM**

**WHEREAS**, the Farmington Town Board approved the purchase of an Integrated Property System, from BAS, for the Building Department.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the BAS Agreement; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward the signed Agreement to BAS with copies to the Building Department and Finance & Account Specialist.

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

(This Resolution was previously **TABLED** at the December 8, 2009 meeting.)

**RESOLUTION #301-2009:**

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

**AUTHORIZING THE ATTENDANCE OF THE TOWN JUSTICES AND ONE COURT CLERK TO THE NYS ASSOCIATION OF TOWNS CONFERENCE**

**WHEREAS**, both Justices and one Court Clerk would like to attend the New York State Association of Towns Annual Conference, in New York City, February 14-17, 2010, at a total cost of \$3,122.00; and

**WHEREAS**, the Court would like to use funds from the 2009 budget to pay for registration fees and hotel costs.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the attendance of the Town Justices and one court clerk to attend NYS Association of Towns Conference, February 14-17, 2010, at a total cost of \$3,122.00 and the use of 2009 funds available; and

**BE IT FURTHER RESOLVED**, the Farmington Town Board authorizes any budget amendment needed for this Conference; and

**BE IT FINALLY RESOLVED** that the Town Clerk forward a copy of this Resolution to the Town Court and Finance & Account Specialist.

**Councilman Ingalsbe** requested this Resolution be **TABLED**, seconded by **Councilman Mickelsen**. All voting to table, the Resolution was **TABLED**.

**RESOLUTION #309-2009:**

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

**AUTHORIZING THE USE OF THE TOWN HALL PARK FOR THE ANNUAL SPORTS CAR AND VINTAGE AUTO FESTIVAL ON JUNE 5 AND 6, 2010**

**WHEREAS**, the Victor Lions Club has asked to use the Farmington Town Hall Park on Saturday, June 5 and Sunday, June 6, 2010 for the 39<sup>th</sup> annual Sports Car and Vintage Auto Festival; and

**WHEREAS**, about 700 show cars and up to 5,000 spectators are expected to attend; and

**WHEREAS**, organizers are seeking additional areas for spectator parking between Collett Road and Route 332, as they did in recent years, and plan to run a food tent, as they did in 2009.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Victor Lions Club to, once again, use the Town Hall Park for their Annual Sports Car and Vintage Auto Festival, on June 5 and 6, 2010; and

**BE IT FINALLY RESOLVED** that the Town Clerk forward a copy of this Resolution to the Code Enforcement Office and Highway Superintendent.

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

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

**DECEMBER 22, 2009**

**RESOLUTION #310-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN THE 2010 FIRE CONTRACTS WITH THE FARMINGTON, MANCHESTER AND SHORTSVILLE FIRE DEPARTMENTS**

**WHEREAS**, the Town Contracts for fire protection with the Farmington, Manchester and Shortsville Fire Departments expire December 31, 2009; and

**WHEREAS**, new Contracts have been written, for each of the three departments, for fire protection; and

**WHEREAS**, the Contract with the Shortsville Fire Department is for \$11,440.00 in 2010, \$11,440.00 in 2011 and \$11,784.00 in 2012; and

**WHEREAS**, the Contract with the Manchester Fire Department is for \$37,000.00 in 2010, \$42,000.00 in 2011 and \$45,000.00 in 2012; and

**WHEREAS**, the Contract with the Farmington Fire Department is for \$428,720.00 in 2010.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign each of the three Contracts.

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

**RESOLUTION #311-2009:**

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

**LETTER OF CREDIT RELEASE #8 – AUBURN MEADOWS SUBDIVISION, PHASE 3**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated December 16, 2009, recommending that the above referenced Letter of Credit Release #8 be approved, in the total amount of \$30,829.96, for work completed in the Phase 3 portion of the Auburn Meadows 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. 8, for the Auburn Meadows Project, signed by all department heads; and

**WHEREAS**, there is currently a total of \$189,244.81 remaining in this Letter of Credit; and

**WHEREAS**, there will be a total of \$158,414.85 remaining in the Letter of Credit; and

**WHEREAS**, the Planning Board has, in a Resolution adopted December 16, 2009, recommended the release of the requested amount, \$30,829.96.

**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.

**BE IT FINALLY 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 #312-2009:**

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

**AUTHORIZING SUPERVISOR TO SIGN APPLICATION FOR CREDIT CARD SERVICES WITH NATIONWIDE PAYMENT SOLUTIONS/MUNICIPAY**

**WHEREAS**, the Farmington Town Board, the Farmington Town Clerk and the Farmington Town Clerk-elect Michelle Finley have met with a representative from Muncipay regarding offering credit card services to Town residents; and

**WHEREAS**, the Agreement has been reviewed by the Town Attorney, who raised no concerns.

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Agreement with Muncipay for credit card services; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #312-2009: (Continued)**

**BE IT FINALLY RESOLVED** that the Town Clerk provide Town Clerk-elect Michelle Finley with a certified copy.

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

**RESOLUTION #313-2009:**

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

**AUTHORIZING THE RETURN OF BOND NO. 6362492 FOR EMPIRE PIPELINE**

**WHEREAS**, the Highway Superintendent has asked for a Resolution authorizing the return of Bond No. 6362492 of \$12,500.00 for Empire Pipeline, per letter of request for release, dated December 3, 2009; and

**WHEREAS**, all construction of the pipeline is complete and all road crossings are finished to required standards.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board return the bond to Empire Pipeline.

**BE IT FINALLY RESOLVED** that the Town Clerk forward a copy of this Resolution to the Highway Superintendent.

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

**RESOLUTION #314-2009:**

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

**AUTHORIZING THE APPOINTMENT OF TOWN CLERK-ELECT MICHELLE FINLEY AS REGISTRAR OF VITAL STATISTICS, EFFECTIVE JANUARY 1, 2010.**

**WHEREAS**, in order to process marriage and death certificates after January 1, 2010, the Registrar of Vital Statistics needs to submit required paperwork to the State Department of Health prior to January 1, 2010; and

**WHEREAS**, Michelle Finley was elected Town Clerk, in November 2009, and will be sworn in after the Town Board meeting on December 22, 2009.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board appoints Michelle Finley Registrar of Vital Statistics, effective January 1, 2010; and

**BE IT FURTHER RESOLVED** the Town Clerk furnish a certified copy of this Resolution, and a copy of the oath of office for the position, to the newly elected Town Clerk, Michelle Finley.

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

**RESOLUTION #315-2009:**

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

**AUTHORIZING HIGHWAY DEPARTMENT EMPLOYEE ERIC VANCAESELEE TO CARRY OVER ONE WEEK OF VACATION INTO 2010**

**WHEREAS**, Town Highway Department employee Eric VanCaeselee has requested to carry over one week of vacation time, into 2010, for his wedding in January; and

**WHEREAS**, Eric VanCaeselee received his third week of vacation time in December 2009 because it was the month he was originally hired; and

**WHEREAS**, the Highway Superintendent has indicated it would be difficult for Eric VanCaeselee to use said vacation time in December because of other planned vacations among department workers.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes Eric VanCaeselee to use one week of vacation time, granted in 2009, by March 31, 2010.

**BE IT FINALLY RESOLVED** that the Town Clerk forward copies of this Resolution to the Highway Superintendent, Supervisor's Secretary and the Finance and Account Specialist.

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

**RESOLUTION #316-2009:**

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

**SETTING THE PAY RATE OF TWO DEPUTY TOWN CLERKS**

**WHEREAS**, newly elected Town Clerk Michelle Finley has the authority to appoint two people to the position of Deputy Town Clerk to assist her in her duties; and

**WHEREAS**, said appointments will be effective January 1, 2010; and

**WHEREAS**, Town Clerk-elect Michelle Finley has met with the Personnel Committee regarding the rate of pay and there were no objections.

**THEREFORE BE IT RESOLVED** the Farmington Town Board authorizes Town Clerk-elect Michelle Finley to set the Deputy Town Clerk's hourly rate at a rate not to exceed \$11.50 an hour; and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to Town Clerk-elect Michelle Finley.

**Councilman Ingalsbe** voting "Nay"; all others voting "Aye", the Resolution was **CARRIED**.

**RESOLUTION #317-2009:**

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

**ESTABLISHING THE RECREATION ADVISORY BOARD**

**WHEREAS**, the Town of Farmington's Parks and Recreation Master Plan was outdated and in need of an update and The Town of Farmington Town Board solicited proposals for the update of the plan and subsequently accepted a Proposal from Passero and Associates, along with Kotz and Associates, for planning services for a Parks and Recreation Master Plan; and

**WHEREAS**, the Town Board of the town of Farmington formed a Recreation Task Force to work with Passero and Kotz in developing the Parks and Recreation Master Plan; and

**WHEREAS**, Passero and Kotz completed the Parks & Recreation Plan and presented it to the Recreation Task Force, Town Recreation Commission and the Town Board. One significant recommendation that is key to moving forward in improving the recreation programs in the Town is disbanding the Recreation Commission and Establishing a Recreation Advisory Board overseen by the Town Board with an appropriate organizational structure.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington, after disbanding the former Recreation Commission, hereby establishes a Recreation Advisory Board overseen by the Town Board with duties to advise the Town Board on administrative, policy, program, funding, budgetary and other appropriate matters. Be it further; and

**BE IT FURTHER RESOLVED**, the Town Board will appoint up to seven members to the Advisory Board with initial terms of two years for 3 members and three years for 2 members and four years for 2 members and, thereafter, four year terms on the expiration of initial terms of office. The Town Board will, each January, appoint a Chairperson for the Advisory Board at the Town Board Organizational Meeting. In considering members for the Advisory Board, the Town Board shall consider former members of the Recreation Commission if they desire to serve on the Advisory Board and, in all cases, shall ensure that members are qualified and have sufficient time to devote to Board matters. Each member of the Recreation Advisory Board shall be subject to the Public Officers Law and shall be required to promptly execute an Oath of Office to be filed with the Town Clerk within thirty days of appointment, failure to execute the Oath of Office within thirty days shall cause the appointment to be null and void; and

**BE IT FURTHER RESOLVED**, the defined responsibilities of the Advisory Board shall include but not be limited to:

- a. Advise on policies regarding the delivery of recreational services.
- b. Propose standards for facilities and programs.
- c. Identify the recreational needs of the Town as it continues to grow, with underlying supporting documentation for recommendations.
- d. Recommend town recreational services with that of other providers of recreational services. Such as not-for-profit and private recreational providers.
- e. Make recommendations for capital and operating budget items.
- f. Assist in selection and development of parks and facilities.
- g. Coordinate with other Town agencies, such as the Town Planning Board and Zoning Board, on matters affecting recreation and parks.
- h. Assist, when requested, in selection of Town recreation staff.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #317-2009: (Continued)**

- i. Provide the public with information about the Town’s Parks and recreation programs through the use of the Town’s web site.
- j. Advise the Parks Superintendent on matters pertaining to the parks and development of future parks and trails.
- k. Work on the acquisition of ,and funding of, parks and trails including the incorporation of parks with trails.

**BE IT FINALLY RESOLVED** that certified copies of this Resolution be provided to each member appointed to the Recreation Advisory Board, Highway and Parks Superintendent, Recreation Director, Planning and Development Director, Chairman of the Planning Board, Chairman of the ZBA, Chairman of the Conservation Committee and each Town Board Member.

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

**RESOLUTION #318-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, for the purchase of a computer for use by Town Clerk-elect Michelle Finley; and

FROM:	A1990.4	Contingency Account	\$1,354.35
TO:	A1680.2	Central Communications/EQ	(\$1,354.35)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #319-2009:**

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

**AUTHORIZING ACCEPTANCE OF EASEMENTS**

**WHEREAS**, the Town of Farmington, by its officers or representatives, has engaged in discussions with Farmington Venture, LLC; Ontario Square Realty Corp. and Emporium Leasing, LLC regarding the Town’s obtaining a permanent Storm Drainage Easement, from each of them, over portions of premises located in the Town of Farmington owned by each of them respectively; and

**WHEREAS**, Town of Farmington officials have recommended to the Town Board that Farmington Venture, LLC; Ontario Square Realty Corp and Emporium Leasing, LLC each grant to the Town a permanent Storm Drainage Easement over said lands of said Owners; and

**WHEREAS**, said Easements have been offered by Farmington Venture, LLC; Ontario Square Realty Corp. and Emporium Leasing, LLC to the Town of Farmington; and

**WHEREAS**, the Town Board of the Town of Farmington is desirous of accepting said offered Easements on behalf of said Town; and

**WHEREAS**, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described above to be fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Farmington does hereby accept the Easement attached hereto (on file in the Town Clerk’s office) as Exhibit 1 from Farmington Venture, LLC; the Easement attached hereto (on file in the Town Clerk’s office) as Exhibit 2 from Ontario Square Realty Corp. and the Easement attached hereto (on file in the Town Clerk’s office) as Exhibit 3 from Emporium Leasing, LLC, in accordance with the terms and conditions contained in said instruments, and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fee for said recording to be borne by the Town; and

**BE IT FURTHER RESOLVED** that the Town Supervisor, and/or his designee, shall be, and hereby is, authorized to take any and all further action necessary to carry forth the intent of this Resolution, including, but not limited, the execution of all documents necessary to complete the conveyance of the premises referenced herein.

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

**RESOLUTION #320-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #320-2009: (Continued)**

**APPROVING THE 2010 WAGE LIST**

**WHEREAS**, the attached 2010 Farmington town employee salary list reflects wages of all employees and has been reviewed.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board approves the 2010 salary list as attached.

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution and the salary list to the Finance and Accounts Specialist.

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

**TOWN BOARD MEETING**

**DECEMBER 22, 2009**

**ORDER OF BUSINESS: (CONTINUED)**

**RESOLUTION #320-2009: (Continued)**

<b>EMPLOYEE</b>	<b>HIRE DATE</b>	<b>TITLE</b>	<b>2009 RATE</b>	<b>INCREASE</b>	<b>2010 RATE</b>	<b>PROPOSED SALARY</b>	
<b><u>PARKS DEPT.</u></b>							
Daniel Ronk	4/17/1996	MEO Light	\$ 16.24	\$ 0.40	\$ 16.64	\$ 34,611.60	
Edward Vanderwall	4/20/1987	MEO Light	\$ 16.58	\$ 0.40	\$ 16.98	\$ 35,318.80	
Jeff Ransco	11/26/2001	MEO Light	\$ 15.73	\$ 0.40	\$ 16.13	\$ 33,550.60	Per Payperiod
		Total Point 1 lines				\$ 103,481.00	\$ 3,980.04
		<b>A7110.1 &amp; A1620.1</b>					
VACANT		Seasonal-MEO Light	\$ 9.18	\$ -	\$ 9.18	\$ 7,344.00	
VACANT		Seasonal-MEO Light	\$ 9.18	\$ -	\$ 9.18	\$ 7,344.00	
		Total Point 1 lines					
		<b>A7110.11</b>				\$ 118,169.00	
<b><u>Entitlements</u></b>							
Dan Ronk	5/1/2004	Working Supervisor	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 1,000.00	Pd Qrtly
Ed McLaughlin		Oversees Parks Dept.	\$ 12,000.00	\$ -	\$ 12,000.00	\$ 12,000.00	\$3,250.00
		Total Point 1 lines				\$ 13,000.00	
		<b>A7110.13</b>					
Paul Crandall		Public Safety	\$ 550.00	\$ -	\$ 550.00	\$ 550.00	<b>A3989.1</b>
<b><u>BUILDING DEPT.</u></b>							
Janyce Feistel	1/9/1992	Sec't to Plan/Zoning Dept.	\$ 14.76	\$ 0.29	\$ 15.05	\$ 4,816.00	
	Salary Adj.	Eff. 3/1/2010	\$ 15.05	\$ 0.20	\$ 15.25	\$ 26,840.00	
Pat Eddy		Clerk of the Boards	\$ 8.75	\$ 0.25	\$ 9.00	\$ 4,500.00	
Leslie O'Malley		Clerk of the Boards	\$ 8.75	\$ 0.25	\$ 9.00	\$ 4,500.00	
Mary Richter	10/1/1999	Clerk of the Boards	\$ 10.50	\$ -	\$ 10.50	\$ 2,100.00	
*James Morse	7/20/2006	Code Enforcement Off	\$ 37,227.00	\$ 4,773.00	\$ 42,000.00	\$ 42,000.00	
Floyd Kofahl	7/31/2006	Code Enforcement Off	\$ 48,835.00	\$ -	\$ 48,835.00	\$ 48,835.00	
VACANT		PT CEO	\$ -	\$ -	\$ -	\$ -	
Philip Robinson	8/14/2006	Code Enforcement Off	\$ 28,835.00	\$ -	\$ 28,835.00	\$ 28,835.00	
		Total Point 1 line				\$ 157,926.00	Per Payperiod
		<b>A3620.1</b>					\$ 6,074.08

\* Salary Adjustment Eff. 1/1/2010

**TOWN BOARD MEETING**

**DECEMBER 22, 2009**

**ORDER OF BUSINESS: (CONTINUED)**

**RESOLUTION #320-2009: (Continued)**

<b>EMPLOYEE</b>	<b>HIRE DATE</b>	<b>TITLE</b>	<b>2009 RATE</b>	<b>INCREASE</b>	<b>2010 RATE</b>	<b>PROPOSED SALARY</b>	
<b><u>JUSTICE</u></b>							
Morris Lew	1/1/2003	Town Justice	\$ 18,500.00	\$370.00	\$ 18,870.00	\$ 18,870.00	
John Gligora	1/1/2006	Town Justice	\$ 18,500.00	\$370.00	\$ 18,870.00	\$ 18,870.00	
Stephany Baldwin	10/20/2008	Deputy Court Clerk	\$ 12.50	\$ 0.25	\$ 12.75	\$ 26,520.00	
Claudia Seehoffer	9/4/2007	Deputy Court Clerk	\$ 12.70	\$ 0.25	\$ 12.95	\$ 26,936.00	
Holland, Bob	1/2/2008	Bailiff PT-12 hrs per month	\$ 14.40	\$ 0.30	\$ 14.70	\$ 2,116.80	
		Total Point 1 line				<b>\$ 93,312.80</b>	
		<b>A1110.1</b>					<b>\$ 93,312.80</b>
<b><u>CLERKS OFFICE</u></b>							
Michelle Finley (8/5/1996)	1/1/2010	Town Clerk/Rec. of Taxes	\$ 48,307.00	\$966	\$ 49,273.00	\$49,273.00	
		Deputy Town Clerk			\$ 11.50	\$ 23,920.00	
		Deputy Town Clerk	\$ -	\$ -	\$ 11.25	\$ 23,400.00	
		incl. .25 incr. 6/1/2010			\$ 0.25	\$ 260.00	
Vacant-Rec. Management		Clerk PT	\$ 10.00	\$ -	\$ -		
		Total Point 1 line				<b>\$ 96,853.00</b>	
		<b>A1410.1</b>					<b>\$ 96,853.00</b>
<b><u>SUPERVISOR'S</u></b>							
Jessica Pierce-Youngman	12/7/2009	Confidential Secretary	\$ 13.75		\$ 13.75	\$ 28,600.00	
		.25 increase eff. 5/7/10			\$ 0.25	\$ 290.00	
Sheree Hooper	6/5/2002	Finance Specialist	\$ 41,835.00	\$ 837.00	\$ 42,672.00	\$ 42,672.00	
Ted Fafinski	1/1/1990	Supervisor	\$ 36,450.00	\$ -	\$ 36,450.00	\$ 36,450.00	
		Total Point 1 line				<b>\$ 108,012.00</b>	
		<b>A1220.1</b>					<b>\$ 108,012.00</b>
Ted Fafinski		Budget Officer	\$8,960.00	\$0	\$8,960.00	\$8,960.00	
		<b>A1340.1</b>					<b>\$8,960.00</b>

**TOWN BOARD MEETING****DECEMBER 22, 2009****ORDER OF BUSINESS: (CONTINUED)****RESOLUTION #320-2009: (Continued)**

<b>EMPLOYEE</b>	<b>HIRE DATE</b>	<b>TITLE</b>	<b>2009 RATE</b>	<b>INCREASE</b>	<b>2010 RATE</b>	<b>PROPOSED SALARY</b>	
<b><u>ASSESSORS</u></b>							
Donna LaPlant	1/31/2005	Assessor - 6/24/2006 1/1/2010 +\$1,000	\$ 37,835.00	\$ 1,000.00	\$ 38,835.00	\$ 20,417.00	
	Market Adj.	7/1/2010 +\$2,000	\$ 38,835.00	\$ 2,000.00	\$ 40,835.00	\$ 20,418.00	
Donna Ciardi	9/2/2008	Assessor Aide	\$ 10.40	\$ 0.20	\$ 10.60	\$ 22,048.00	
		Total Point 1 line				\$ 62,883.00	\$ 62,883.00
		<b>A1355.1</b>					
<b><u>TOWN BOARD</u></b>							
Timothy Mickelsen	1/1/2000	Town Board Member	\$ 4,600.00	\$0.00	\$ 4,600.00	\$ 4,600.00	
Michael Casale	1/1/2006	Town Board Member	\$ 4,600.00	\$0.00	\$ 4,600.00	\$ 4,600.00	
Steven Holtz	1/1/2010	Town Board Member	\$ 4,600.00	\$0.00	\$ 4,600.00	\$ 4,600.00	
Peter Ingalsbe	1/1/2008	Town Board Member	\$ 4,600.00	\$0.00	\$ 4,600.00	\$ 4,600.00	
		Total Point 1 line				\$ 18,400.00	\$ 18,400.00
		<b>A1010.1</b>					
<b><u>WATER &amp; SEWER</u></b>							
Michael Abraham	1/6/1986	W/S Maint. Asst	\$ 21.23	\$ 0.43	\$ 21.66	\$ 45,052.80	
Jean Bresnan	9/1/1997	Acct Clerk Typist	\$ 15.40	\$ 0.31	\$ 15.71	\$ 32,676.80	
Paul Fleig	8/13/1990	PW Maint. Asst.	\$ 20.77	\$ 0.45	\$ 21.22	\$ 44,137.60	
William Garlock	2/21/1989	Chief STP Operator III	\$ 21.23	\$ 0.43	\$ 21.66	\$ 45,052.80	
Tom Parker	5/19/1998	W/S Maint. Asst	\$ 20.77	\$ 0.42	\$ 21.19	\$ 44,075.20	
Steve Rodas	6/3/1996	PW Maint. Asst.	\$ 20.34	\$ 0.37	\$ 20.71	\$ 43,076.80	
Thomas Simonds	11/14/1988	PW Maint. Asst.	\$ 20.77	\$ 0.42	\$ 21.19	\$ 44,075.20	
Cori Stapleton	2/2/2007	Acct Clerk Typist	\$ 12.25	\$ 0.40	\$ 12.65	\$ 26,312.00	
Eric Feistel	7/13/2004	STP Operator III	\$ 18.75	\$ 0.40	\$ 19.15	\$ 39,832.00	
Matthew Curran	5/11/2004	PW Maint. Asst.	\$ 17.75	\$ 0.50	\$ 18.25	\$ 37,960.00	
Joshua Fagner	5/11/2004	PW Maint. Asst.	\$ 18.00	\$ 0.50	\$ 18.50	\$ 38,480.00	

**TOWN BOARD MEETING**

**DECEMBER 22, 2009**

**ORDER OF BUSINESS: (CONTINUED)**

**RESOLUTION #320-2009: (Continued)**

EMPLOYEE	HIRE DATE	TITLE	2009 RATE	INCREASE	2010 RATE	PROPOSED SALARY	
Kevin Scherbyn	6/1/2009	STP Operator II	\$ 13.75	\$ 0.27	\$ 14.02	\$ 29,161.60	
Michael Abraham Jr.	1/2/2007	MEO Light	\$ 10.00	\$ 0.20	\$ 10.20	\$ 10,608.00	
Vacant		PWWA	\$ 12.50	\$ -	\$12.50- \$13.75	\$ 28,800.00	
Vacant		PWMA_MEO	\$ 11.75		\$12.00- \$13.00	\$ 28,800.00	
Vacant		PWMA	\$ 12.50	\$ -	\$12.00- \$13.00	\$ 27,000.00	
Vacant		PT Acct. Clerk	\$ 10.00		\$9.00-\$10.00	\$ 11,440.00	
Vacant	Eff. 7/1/2010	MEO Seasonal	\$ 9.00	\$ -	\$ 9.00	\$ 13,275.00	
Ron Reynolds	9/15/2003	Meter Reader PT	\$ 9.78	\$ 0.20	\$ 9.98	\$ 10,379.20	
Tim Gray	8/18/2008	Maint. Mechanic	\$ 17.00	\$ 0.35	\$ 17.35	\$ 36,088.00	
Vacant	3/27/2006	STP Operator Trainee	\$ 14.00	\$ -	\$ 14.00	\$ 29,120.00	Per Payperiod
Trainee grade increases			\$ 2,200.00	\$ -	\$ 5,000.00	\$ 5,000.00	
						<b>\$ 670,403.00</b>	<b>\$25,784.73</b>
Ted Fafinski		Budget Officer/Spec. Dist.	\$ 4,790.00	\$ -	\$ 4,790.00	\$ 4,790.00	
Jim Crane	6/4/1984	W/S Superintendent	\$ 65,251.00	\$ 1,305.00	\$ 66,556.00	\$ 66,556.00	
Jack Henehan	1/2/2005	Construction Inspector	\$ 44,124.00	\$ 882.00	\$ 45,006.00	\$ 45,006.00	
		Total Point 1 lines from water and sewer				<b>\$ 116,352.00</b>	
							Per Payperiod
<b>SS8130.1, SW1 8310.1</b>	<b>SS8110.1, SS8120.1, SW18340.1</b>				<b>TOTAL PAYROLL</b>	<b>\$ 786,755.00</b>	<b>\$ 4,475.08</b>
Edward McLaughlin	9/13/1995	Highway Superintendent	\$ 58,041.00	\$ 1,161.00	\$ 59,202.00	\$ 59,202.00	Per Payperiod

**TOWN BOARD MEETING**

**DECEMBER 22, 2009**

**ORDER OF BUSINESS: (CONTINUED)**

**RESOLUTION #320-2009: (Continued)**

EMPLOYEE	HIRE DATE	TITLE	2009 RATE	INCREASE	2010 RATE	PROPOSED SALARY	
		Total Point 1 line					<b>\$ 2,277.00</b>
		<b>A5010.1</b>					
Gerald Bowerman	3/30/1992	MEO	\$ 20.77	\$ 0.40	\$ 21.17	\$ 44,033.60	
Kevin Ciardi	4/1/2002	MEO	\$ 20.77	\$ 0.40	\$ 21.17	\$ 44,033.60	
Keith Keukelaar	9/30/2002	MEO	\$ 20.14	\$ 0.42	\$ 20.56	\$ 42,764.80	
Donald Giroux	10/13/1992	MEO	\$ 20.77	\$ 0.40	\$ 21.17	\$ 44,033.60	
Eric Vancaeseele	12/11/2006	MEO	\$ 17.78	\$ 0.42	\$ 18.20	\$ 37,856.00	
Dale Keuer	4/11/1977	MEO/Laborer	\$ 20.30	\$ 0.40	\$ 20.70	\$ 43,056.00	
James Power	7/23/1990	MEO	\$ 20.57	\$ 0.40	\$ 20.97	\$ 43,617.60	
Bruce Robbins	5/11/1984	MEO, Light	\$ 19.37	\$ 0.42	\$ 19.79	\$ 41,163.20	
Steven Straight	1/20/1993	MEO	\$ 20.77	\$ 0.40	\$ 21.17	\$ 44,033.60	
Scott Whittaker	11/1/1976	MEO	\$ 20.77	\$ 0.40	\$ 21.17	\$ 44,033.60	
Loren LaPlant	10/7/2007	MEO	\$ 17.15	\$ 0.53	\$ 17.68	\$ 36,774.40	
Richard Wolack	4/26/1993	MEO	\$ 20.64	\$ 0.42	\$ 21.06	\$ 43,804.80	
Paul Crandall	5/3/2004	MEO	\$ 19.70	\$ 0.42	\$ 20.12	\$ 41,849.60	
							Per Payperiod \$21,194.40
		Total Point 1 lines				<b>\$ 551,054.40</b>	
<b>DA 5142.1, DA 5140.1</b>		<b>SD 8540.1, DA 5148.1</b>					<b>Per Payperiod</b>
<b>DA 5120.1, DA 5112.1</b>		<b>DA 5110.1</b>					<b>\$21,195</b>
<b>A3310.1, A5410.1</b>							
<b>QUARTERLY ENTITLEMENTS-HIGHWAY</b>							
Scott Whittaker	1/1/2003	Deputy Highway Spt.	\$ 2,114.00	\$0.00	\$ 2,114.00	\$ 2,114.00	
Vacant		Working Foreman	\$ -	\$0.00	\$ -	\$ -	
Gerald Bowerman	1/1/2004	Working Foreman	\$ 750.00	\$0.00	\$ 750.00	\$ 750.00	
		<b>DA 5110.13</b>					<b>\$ 2,864.00</b>

**TOWN BOARD MEETING****DECEMBER 22, 2009****ORDER OF BUSINESS: (CONTINUED)****RESOLUTION #320-2009: (Continued)**

<b>EMPLOYEE</b>	<b>HIRE DATE</b>	<b>TITLE</b>	<b>2009 RATE</b>	<b>INCREASE</b>	<b>2010 RATE</b>	<b>PROPOSED SALARY</b>	
Linda Whipple	7/20/1999	Acct. Clerk Typist	\$ 13.65	\$ 0.32	\$ 13.97	\$ 29,057.60	
		Total Point 1 line				\$ 1,117.60	Per Payperiod
		<b>DA5132.1</b>					
Tim Ford	3/11/1991	Auto Machanic	\$ 21.70	\$ 0.40	\$ 22.10	\$ 45,968.00	
		Total Point 1 line				\$ 1,768.00	Per Payperiod
		<b>DA5130.1</b>					

**QUARTERLY EMPLOYEES****ZONING BOARD OF APPEALS**

Chris Dunfey	1/1/2006	Zoning Board Member	\$ 816.00	\$16.00	\$ 832.00	\$ 832.00	
Leslie O'Malley	1/1/2008	Zoning Board Member	\$ 816.00	\$16.00	\$ 832.00	\$ 832.00	
Larry Potter	1/1/2008	Zoning Board Member	\$ 816.00	\$16.00	\$ 832.00	\$ 832.00	
Ed Hemminger	5/1/1998	Zoning Board Chairman	\$ 1,025.00	\$20.00	\$ 1,045.00	\$ 1,045.00	
Gary Scribner	5/15/1998	Zoning Board Member	\$ 816.00	\$16.00	\$ 832.00	\$ 832.00	
		Total Point 1 Line	\$ 4,289.00			\$ 4,373.00	
		<b>A8010.1</b>					

**PLANNING BOARD**

David Degear	9/13/1988	Planning Board Chairman	\$ 3,975.00	\$79.00	\$ 4,054.00	\$ 4,054.00	
Robert Kleman	1/11/2005	Planning Board Member	\$ 2,720.00	\$54.00	\$ 2,774.00	\$ 2,774.00	
Meg Godly	5/10/2000	Planning Board Member	\$ 2,720.00	\$54.00	\$ 2,774.00	\$ 2,774.00	
Scott Makin	8/1/1982	Planning Board Member	\$ 2,720.00	\$54.00	\$ 2,774.00	\$ 2,774.00	
Ron Herendeen	1/1/2000	Planning Board Member	\$ 2,720.00	\$54.00	\$ 2,774.00	\$ 2,774.00	
		Total Point 1 Line	\$ 14,855.00			\$ 15,150.00	
		<b>A8020.1</b>					

Margaret Hartsough	1/8/1988	Historian	\$ 1,200.00	\$30.00	\$ 1,230.00	\$ 1,230.00	
Marc Zarfes	8/16/1989	Health Officer	\$ 1,200.00	\$0.00	\$ 1,200.00	\$ 1,200.00	

**TOWN BOARD MEETING****DECEMBER 22, 2009****ORDER OF BUSINESS: (CONTINUED)****RESOLUTION #320-2009: (Continued)**

<b>EMPLOYEE</b>	<b>HIRE DATE</b>	<b>TITLE</b>	<b>2009 RATE</b>	<b>INCREASE</b>	<b>2010 RATE</b>	<b>PROPOSED SALARY</b>
<b><u>ANNUAL EMPLOYEES</u></b>						
Hathaway		Election Custodian	\$ -	\$0.0	\$ -	\$ -
Vacant		Election Custodian	\$ -	\$0.0	\$ -	\$ -

**OTHER**

Assessment Review Board Member			\$ 8.00	\$ -	\$ 8.00	\$ 8.00
Election Inspectors/Machine Checker			\$ 7.15	\$ -	\$ 7.15	\$ 7.15
Jurors per Trail Day			\$ 10.00	\$ -	\$ 10.00	\$ 10.00

**RECREATION**

(1) Director of Recreation	11.40/hr PT	0.20	11.60/hr
(1) Recreation Director	765/week	15.00	780/week
(4) Recreation Leaders	\$15,000.00	0.00	\$15,000.00
	(1) 440.00/wk		
	(1) 420.00/wk		
	(1) 360.00/wk		
	(1) 320.00/wk		
(4) Recreation Specialists	(2)\$320.00/wk		
	(2)\$300.00/wk		
(17) Recreation Assistants	(1) \$7.55		
	(1) \$7.35		
	(2) \$7.15		
	(3) \$6.95		
	(10) \$6.75		
(2)Adult Education Instructors	(2)\$400.00		

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

**DECEMBER 22, 2009**

**RESOLUTION #321-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, for the payment of Elections Inspectors, which is to be reimbursed to the Town by Ontario County; and

FROM:	A.1990.4	Contingency Account	\$1,140.00
TO:	A.1450.4	Elections – CE - Supplies	(\$1,140.00)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #322-2009:**

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

**AUTHORIZING THE HIGHWAY SUPERINTENDENT TO PLACE AN ORDER FOR ONE SIX-WHEEL DUMP TRUCK NOT TO EXCEED \$180,000.**

**WHEREAS**, the Farmington Highway Superintendent has asked that the Town Board authorize him to place an order for one six-wheel dump truck, fully equipped, from Regional International, per state bid, not to exceed \$180,000.00; and

**WHEREAS**, the truck will be paid for from the 2010 budget and will not be ordered or procured until after January 1, 2010.

**NOW, THEREFORE BE IT RESOLVED** that the Farmington Town Board authorizes the Highway Superintendent to order a six-wheel dump truck, from Regional International, per state bid, not to exceed \$180,000.00; and

**BE IT FURTHER RESOLVED** that the Town Clerk provide a copy of this Resolution to the Highway Superintendent and the Finance and Account Specialist.

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

**RESOLUTION #323-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**WHEREAS**, the Farmington Town Board, in Resolution #130-2009, approved a bi-weekly salary, for Deputy Town Supervisor Lawrence Potter, for performance duties of the Supervisor, for several weeks, starting in May 2009, during the Supervisor’s absence due to medical issues; and

**WHEREAS**, the Farmington Town Board, with Resolution #269- 2009, approved the payment of a Confidential Secretary in-training from December 7, 2009 to January 1, 2010 to replace Town Clerk-elect Michelle Finley; and

**WHEREAS**, the Town of Farmington has payroll accruals for 3.5 days of December 2009.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the contingency account in the general fund, to the Supervisor’s payroll account; and

FROM:	A1990.4	Contingency Account	\$15,090.13
TO:	A1220.1	Supervisor- PS	(\$14,017.77)
TO:	A9030.8	Social Security	(\$ 1,072.36)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #324-2009:**

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

**RECALLING AND AMENDING RESOLUTION NO. 288 of 2009 TO CHANGE EXPENDITURE**

**ORDER OF BUSINESS: (Continued)****RESOLUTION #324-2009: (Continued)**

**WHEREAS**, the Town Finance and Account Specialist realized an expenditure line in Resolution #288-2009 was not created on the Town books and needs to be amended from A1330.1 to A1410.1.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board recalls and amends Resolution #288-2009 to reflect the change in expenditure lines; and

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #325-2009:**

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

**RESOLUTION OVER-RIDING COUNTY PLANNING RECOMMENDATION OF DENIAL FOR COUNTY PLANNING REFERRAL 186-2009**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Board) has reviewed the Public Hearing record on the draft Local Law (hereinafter referred to as Local Law) which is intended to amend various Sections of Chapter 165 of the Town Code; and

**WHEREAS**, the Board has also reviewed the Ontario County Planning Board Referral #189-2009 (hereinafter referred to as County Referral) that recommends denial of all Sections of the Local Law; and

**WHEREAS**, the Board has reviewed the County Referral, in particular the reasons cited in the December 9, 2009 Draft County Planning Board Meeting Minutes, for the County's recommendation; and

**WHEREAS**, the Board has decided to take Action, by at least a majority plus one vote of its entire membership, to adopt said Local Law in its final form as submitted to the County Planning Board.

**NOW, THEREFORE BE IT RESOLVED** that the Board does hereby take Action to override the County Planning Board's Referral (#189-2009), Recommendation of Denial, for the following reasons:

1. The Board finds that the reasons cited in the December 9, 2009 Draft County Planning Board Meeting Minutes do not satisfy the requirements of the New York State General Municipal Law for the County to justify recommendation of denial of the entire draft Local Law.
2. The Board finds that, upon further review of other referrals addressed at the above referenced County Planning Board Meeting, there appears to be inconsistency applied by the County Planning Board in its cited reasons for approvals with modifications of other referrals that evening and the Town's Referral.
3. The County lists reasons for denial that are limited to only two of the twenty-three (23) Sections of the draft Local Law, therefore, the County has failed to provide any justification for the Town Board to have to deny all 23 Sections of the draft Local Law.
4. The County's reasons for denial appear to be based upon Staff comments that are inaccurate in that ... "A great amount of the town would now be eligible for buildings of a height that are currently permitted only in industrial districts and a few isolated areas within the cities of Canandaigua and Geneva." A review of the Draft County Planning Board December 9, 2009 Meeting Minutes finds that the County Planning Board had no concerns with a proposed six story hotel, located within a PUD District at the north end of Canandaigua Lake. The area of the proposed hotel is neither isolated, nor is it within an industrial district.
5. The County's reason for denial of the changes in height for buildings in the GB General Business District is based upon the possibility that increasing the permitted heights of structures within the GB General Business District involves ... "a large area adjacent to the important State Route 332 corridor." A review of the Town's Official Zoning Map finds that all of the GB District is located within the Major Thoroughfare Overlay District. Town-wide, there is a total of 23,450.73 acres of land according to Town Records. Of this total, there is 810.70 acres of land zoned GB General Business (or 3.45% of the total land acreage in the Town). When the acreage for the Finger Lakes Racing and Gaming Casino (417.6 acres) is removed, there remains a total of 393.1 acres of land zoned GB General Business (or 1.67% of the total land acreage). It is not clear how the County Planning Board came to the finding that 3.45% is a large area, or that there is reason to believe that all of the GB District lands located within the Town will be developed in the future with seven story tall buildings.
6. The Town Board does not follow the logic the County Planning Board is attempting to use by citing that ... "the town has the flexibility necessary to accommodate isolated larger scale projects such as the water park or the performing arts center at the Finger Lakes Racetrack through rezoning those properties to Planned Development." The site being proposed for the performing arts center at the Finger Lakes Racetrack involves only approximately 25 acres of their 417.6 acres of land. It is not known at this time whether or not the site will remain under unified control of Delaware North. Therefore, it may or may not meet the definition of a Planned Development (PD) site. Furthermore, the Town Board questions whether the County Planning Board would still not recommend denial of a rezoning request involving a seven story – 80 foot high building as part of any PD application occurring along this State Highway corridor.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #325-2009: (Continued)**

- 7. The Town Board finds there is a lack of consistency that was made by the County Planning Board at their meeting about how approving a six story high hotel at the north end of Canandaigua Lake does not .... “threaten to negatively impact the character of the whole region for both local residents, regional commuters and tourists,” yet a similar height regulation for structures within the General Business District along Route 332 in Farmington does threaten to negatively impact the character of the whole region for both local residents, regional commuters and tourists. This inconsistency is especially true since within the GB General Business District, the Major Thoroughfare Overlay District regulations specify a minimum front setback for all properties to be 100 feet. Given the varying right-of-way widths along State Route 332, and the coverage of the MTOD, the performing arts building could be several hundred feet off from the State Highway. Such a setback would, in many instances, be far larger than that associated with a six story hotel on Lakeshore Drive at the north end of Canandaigua Lake.
- 8. The Town Board finds that any additional signage that may be associated with sites along the MTOD would afford adequate identification of the services to motorists traveling at 55 miles per hour along the four lane State Route 332 so as to permit maximum reaction time for motorists seeking the services of said facility and to safely exit this high speed highway. It is the Town Board’s finding that promoting the safety of motorists is an important county-wide and inter-community consideration for local residents, regional commuters and tourists, and is therefore, not a detriment to the character of this commercial corridor.
- 9. The Board further finds that any additional signage that may result from the enactment of the new sign regulations will not unnecessarily detract the attention of motorists from traveling along the Route 332 State highway; and, therefore, it is felt enacting these regulations will be consistent with the County Planning Board’s philosophy of limiting excessive signage along this primary travel corridor identified by the County.

I, Rose M. Kleman, 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 December 22, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Steven M. Holtz, Councilman	X	
Michael Casale, Councilman	X	

**RESOLUTION #326-2009:**

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

**CRITERIA FOR DETERMINING SIGNIFICANCE ACTION - Local Law No. 6 of 2009.**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has determined the proposed November 24, 2009 final draft of a Local Law, identified as Local Law Number 6 of 2009 (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 does hereby accept, Parts 1 and 2 of the Short Environmental Assessment Form, dated November 24, 2009, prepared by Ronald L. Brand, Town of Farmington Director of Planning & Development; and

**WHEREAS**, the Town Board has reviewed, and does hereby accept, the supplemental information provided by the Director of Planning & Development, dated November 24, 2009; and

**WHEREAS**, the Town Board finds that the Short Environmental Assessment Form, and supplemental information, creates a reasoned elaboration of the impacts likely to result from the Town Board’s action to approve the proposed text amendments to Chapter 165 of the Farmington Town Code; and

**WHEREAS**, the Town Board has conducted a Public Hearing on said Action, has given consideration to the Ontario County Planning Board’s referral #186-2009 and has given consideration to the recommendation made therein; and

**WHEREAS**, the Town Board has reviewed the comments provided at a Public Hearing on said Action, held on this date; and

**WHEREAS**, the Town Board, as the designated lead agency under the State Environmental Quality Review (SEQR) Regulations, has given consideration to the comments received from Involved and Interested Agencies; and

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**  
**RESOLUTION #326-2009: (Continued)**

**DECEMBER 22, 2009**

**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.

**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 amend the text of the various Sections of Chapter 165 of the Farmington Town Code.

- (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;

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 amend the text of the various Sections of Chapter 165 of the Farmington Town Code.

- (xiii) there are no known Critical Environmental Area(s) that will be allowed to be disturbed, or which will be impaired, as the result of the proposed Action;

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

- (xiv) the overall density of the sites to be affected by the proposed regulations will be consistent with the adopted Town Comprehensive Plan land use recommendations;

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 amend the text of the various Sections of Chapter 165 of the Farmington Town Code.

- (xv) there will be no disturbance of any known important historical, archeological, architectural, or aesthetic resources, 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 amend the various Sections of Chapter 165 of the Town Code.

- (xvi) 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 to amend the text of the various Sections of Chapter 165 of the Farmington Town Code.

- (xvii) 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 amend the text of the various Sections of Chapter 165 of the Town Code.

- (xviii) 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 amend the text of the various Sections of Chapter 165 of the Town Code.

- (ix) there will not 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;

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #326-2009: (Continued)**

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 amend the text of the various Sections of Chapter 165 of the Town Code.

- (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 amend the text of the various Sections of Chapter 165 of the Town Code.

- (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 two or more of the above elements of the environment that, when considered together, would likely be affected from the Action to amend the text of the various Sections of the Chapter 165 of the Town Code.

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

The Town Board finds that there are not two or more related identified adverse impacts associated with any of the above elements of the environment that would likely be affected from the Action to amend the various Sections of Chapter 165 of the Town Code.

**BE IT FURTHER RESOLVED** that, based upon the information and analysis above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

**BE IT FURTHER RESOLVED** that the Town Board does hereby make a Determination of Non-Significance upon said Action and directs the Town Supervisor to sign and date the Short Environmental Assessment Form and the supporting information.

**BE IT FINALLY RESOLVED** that the Town Board does hereby direct the Town Supervisor to file said documents with the Town Clerk’s Office.

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

**RESOLUTION #327-2009:**

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

**ADOPTION OF LOCAL LAW NUMBER 6 OF 2009 – AMENDING VARIOUS SECTIONS OF CHAPTER 165 OF THE TOWN CODE**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has conducted a Public Hearing on the above referenced Local Law; and

**WHEREAS**, the Town Board has reviewed the Ontario County Planning Board Referral #186-2009 on said Action; and

**WHEREAS**, the Town Board has reviewed the Public Hearing record on said Action; and

**WHEREAS**, the Town Board has made a determination of non-significance upon said Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board has considered the Town Planning Board’s recommendation of approval of the adoption of said Local Law; and

**WHEREAS**, the Town Board has adopted a Resolution to over-ride the Ontario County Planning Board’s Referral Recommendation to deny the entire Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby adopts the above referenced Local Law, as submitted on November 24, 2009.

**BE IT FURTHER RESOLVED** that the Town Board does hereby direct the Town Clerk to complete and sign the Department of State Certification Form and to submit a final version of all documentation to the Town Attorney for signature and filing with the New York State Secretary of State.

**BE IT FINALLY RESOLVED** that this Local Law shall become effective upon filing with the Secretary of State.

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**  
**RESOLUTION #327-2009: (Continued)**

**DECEMBER 22, 2009**

I, Rose M. Kleman, 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 December 22, 2009 by the following vote:

	<b>Aye</b>	<b>Nay</b>
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman		X
Steven M. Holtz	X	
Michael Casale, Councilman	X	

**Local Law No. 6 of the year 2009.**

A Local Law "To Amend Chapter 165, Section 100 of the Zoning Law of the Town of Farmington as it pertains to Architectural Review Criteria for Site Plans and other Text Amendments to Chapter 165."

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

Section 1. Title.

This Local Law shall be known as Amendments to Chapter 165, Section 100. of the Town of Farmington Town Code and shall be entitled "Site Development Plan Regulations – Architectural and Landscape Standards and other Text Amendments to Chapter 165, including Zoning Schedule I."

Section 2. Authority.

Town Planning Board Site Plan Review Authority, Chapter 165, Section 100. Subsection (1) (a) Principal Uses, is hereby amended in its entirety to read as follows:

- (a) Principal Uses:
  - [1] All Principal Uses permitted in this Chapter, with the only exceptions being as follows:
    - (i) a single-family or two-family dwelling unit; and
    - (ii) a subdivided lot that is defined as a non-buildable lot due to the lack of details shown on the subdivision plat for the provision of water and on-site wastewater treatment; and
    - (iii) general farming or nursery uses permitted by right located within the A-80, RR-80 and RS-25 Districts; and
    - (iv) a change in use of a previously allowed use within a previously approved building or structure provided that there is no change in required parking, site drainage, access, lot coverage, or exterior alteration of the building or structure; and
    - (v) additions or structural alterations of a previously allowed structure or building that are greater than 1,000 square feet of ground coverage, provided that such additions or alterations do not affect parking requirements, site drainage and do not involve single-family or two-family dwellings.

Section 3. Planning Board review of Preliminary Site Plan.

Section 165-100 D. Planning Board review of preliminary site plan is hereby amended in its entirety to read as follows:

- D. Planning Board review of preliminary site plans located within the mapped Major Thoroughfare Overlay District (MTOD) are to be based upon uniform architectural and landscaping standards that promote tourism, protect the public welfare and preserves uniform site development by requiring new construction which is located along this Gateway to the Finger Lakes corridor of our community to adhere to the provisions contained in the Town Planning Board's adopted Site Design Guidelines and to the following provisions:

Section 4. Planning Board review of Preliminary Site Plan.

Section 165-100. D. (3) Planning Board review of preliminary site plan is hereby amended in its entirety to read as follows:

- (3) The Town Planning Board is hereby authorized to require, as part of Site Plan Approval, that the exterior design of all structures, buildings and landscaping on

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #327-2009: (Continued)**

property located within the mapped Major Thoroughfare Overlay District (MTOD), excluding single-family detached or two-family dwellings, be made in accordance with the Town Site Design Guidelines that are adopted each year by the Town Planning Board as part of their Organizational Meeting and filed with the Town Clerk.

Section 5. Planning Board review of Preliminary Site Plan.

Section 165-100. D. (4) Planning Board review of preliminary site plan is hereby amended in its entirety to read as follows:

- (4) The Town Planning Board shall require a separate landscaping plan to be presented for all sites located within the mapped Major Thoroughfare Overlay District (MTOD), excluding single-family detached or two-family dwellings, be made in accordance with the Site Design Guidelines adopted by the Town Planning Board each year, as part of their Organizational Meeting.

Section 6. Planning Board review of Preliminary Site Plan.

Section 165-100. D. (5) Planning Board review of preliminary site plan is hereby established to read as follows:

- (5) Public Hearing. The Planning Board may conduct a Public Hearing on the preliminary site plan. If a Public Hearing is considered desirable by a majority of the members of the Planning Board, such Public Hearing shall be conducted within 45 days of the receipt of a complete application for preliminary site plan approval and shall be advertised in the official newspaper of the Town at least five (5) days before the Public Hearing. Following the close of a Public Hearing, the Planning Board shall make a decision upon said application within 62 days.

Section 7. Zoning Schedule I, Lot Area, Bulk and Coverage Requirements, Height Limitations.

Zoning Schedule I, Height Limitations for the RMF, GB, LI and GI Districts are hereby amended to read as follows:

	Maximum Structure Height (feet)	Maximum Number of Stories
RMF	50 feet	3
GB	80 feet	7
LI	50 feet	3
GI	50 feet	3

Section 8. Public Donation Bins.

Chapter 165, Sections 18 through 30, subsections C. is hereby amended as follows:

Permitted Accessory Uses, subsection C., listed in the A-80 Agriculture District, RR-80Rural/Residential District, RS-25 Residential-Suburban District, R-7.2 Planned Subdivision District, R-1-15 Residential Single-Family District, R-1-10 Residential Single-Family District, R-2 Residential Two-Family District, RMF Residential Multiple-Family District, RB Restricted Business District, NB Neighborhood Business District, GB General Business District, and LI Limited Industrial District are each hereby amended to add after the last enumerated Accessory Use in each of these existing subsections, a new subsection in the sequence to read as follows:

Public Donation Bins subject to the provisions of §165 - 65.2.2 of this chapter.

Section 8a. Public Donation Bins Rules.

Chapter 165, Article V, Supplementary Regulations is amended by adding a new Section 65.2 to read in its entirety as follows:

§165-65.2 Public Donation Bins.

Chapter 165, Article V, Supplementary Regulations, is amended by adding a new subsection 65.2.1. to read in its entirety as follows:

§165-65.2.1. Legislative Purpose.

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #327-2009: (Continued)**

The use of Public Donation Bins for the collection of donated clothing, household items, toys and other goods for the benefit of religious, governmental, scientific, literary, sporting, educational or charitable not-for-profit organization is beneficial to the general welfare of this community, provided that such bins are placed at suitable locations, are well maintained, and are operated for the true benefit of a designated not-for-profit organization, and are operated for the true benefit of a designated not-for-profit organization. It is the intent of this Section to regulate the placement and operation of Public Donation Bins so they serve this declared purpose.

Chapter 165, Article V, Supplementary Regulations, is amended by adding a new subsection 65.2.2. to read in its entirety as follows:

§165-65.2.2. Public Donation Bins, Permit required.

No person shall cause or permit the erection and/or maintenance of a Public Donation Bin (PDB), as defined elsewhere in this Chapter, to be placed outside of an enclosed building located on a site where a Public Building is either a permitted principal use or a special permitted use; or on a site within the RB Restricted Business, NB Neighborhood Business, GB General Business, or LI Limited Industrial District where there is a permitted or special permitted public building or use, except as authorized by a zoning permit that has been issued by the Code Enforcement Officer (CEO) in accordance with the following conditions:

- a) The PDB shall be placed outside of an enclosed building located on either an approved Lot within the GB General Business District, or within any other zoning district on an approved Lot on which the PDB's Sponsor owns or operates a principal use that complies with the Chapter.
- b) The PDB shall not be located within the Front Yard portion of a Lot.
- c) The PDB shall not be located anywhere on a Lot on which a residential dwelling is located.
- d) The PDB is hereby identified as an Accessory Use and Structure subject to all set back criteria for said Use and Structure as provided elsewhere in this Chapter of the Town Code except as otherwise set forth in this Section.
- e) The PDB shall be placed upon a solid dust free surface and anchored.
- f) The PDB shall be located so as to preserve adequate sight lines, on-site parking and driveway space, pedestrian access and any other elements determined by the CEO to preserve safe and adequate vehicle and pedestrian circulation on the premises.
- g) The PDB shall be entirely enclosed except for an opening that is the minimum size necessary to allow for the deposit of donations. There shall be a door used to access the PDB which shall be locked so that the contents may not be accessed by anyone other than those responsible for the retrieval of the contents. No PDB shall be allowed that involves a one-way trap door device.
- h) The maximum size of a PDB shall not exceed eight (8) feet by sixteen (16) feet, nor exceed ten (10) feet in height.
- i) Signs inviting donations may be placed on each of the sides of the Public Donation Bin (PDB), provided that no such sign shall be placed on a side that faces a Lot Line of an abutting residential district. Each sign shall identify the PDB's Sponsor and the charitable, religious, scientific, literary, sporting, educational, governmental purpose of the Sponsor that will be advanced by donations to the PDB. Each sign shall also contain the current telephone number for the public to contact in the event said PDB is not being adequately maintained in the manner specified in subsection k) below. Such authorized signs shall not exceed two (2) feet by four (4) feet in dimension and shall not be illuminated.
- j) Each PDB shall also be clearly posted with a sign that specifies what types of items may and may not be deposited therein. Such posting may be included on the signs identified in subsection i) above, or an additional sign on the PDB near the opening for the deposit of donations. Any additional sign to that authorized in subsection i) above shall not exceed one (1) foot by two (2) feet in dimension and shall not be illuminated.
- k) Every PDB shall be maintained on a regular basis to prevent overflow, the accumulation outside the PDB of discarded items, deterioration or malfunction of the PDB, other unsightly, unsafe or unhealthy conditions. There shall be no overflow of a PDB allowed. In the event of overflow, or other problem condition cited above, the Code Enforcement Officer shall immediately notify the contact person that is designated by the PDB's Sponsor to correct the problem. All such problems shall be corrected within 24 hours of a violation notification. A permit issued for a PDB shall be revoked and the PDB removed within 48 hours of notice being provided, if within 24 hours after delivery of the

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**  
**RESOLUTION #327-2009: (Continued)**

**DECEMBER 22, 2009**

third violation notice the designated contact person fails to correct the problem condition or otherwise indicates by word, action or inaction that the Sponsor is no longer willing or able to maintain the PDB.

Chapter 165, Article V, Supplementary Regulations, is amended by adding a new subsection 65.2.3. to read in its entirety as follows:

§165-65.2.3. Public Donation Bins, Permit form and content.

The application for the zoning permit for a PDB shall be made in writing upon a form prescribed by the CEO that shall contain information sufficient for the CEO to determine whether the proposed PDB structure and use will comply with this Section and Chapter, including without limitation:

- a) The name and contact information for the Sponsor; and
- b) A description of the not-for-profit status of the Sponsor and the charitable, religious, scientific, literary, sporting, educational or charitable purpose to be served by the collection of items donated to the PDB; the name and contact information of the owner of the Lot where the PDB is proposed to be located; the name and contact information of the Sponsor's designated contact person who is responsible Sponsor's maintenance of the PDB; and
- c) information on the dimension, design, signage, and location of the proposed PDB.

Chapter 165, Article V, Supplementary Regulations, is amended by adding a new subsection 65.2.4. to read in its entirety as follows:

§165-65.2.4. Public Donation Bins, Permit Fee.

Fees. A fee of \$50.00, per bin, shall be charged for each permit.

Chapter 165, Article V, Supplementary Regulations, is amended by adding a new subsection 65.2.5. to read in its entirety as follows:

§165-65.2.5. Public Donation Bins, Permit number, dates of issuance and expiration.

- a) Permit number. Each approved application shall be given a drop-off bin permit number issued by the Town Code Enforcement Officer that shall be affixed to the bin as required elsewhere by this Chapter.
- b) A PDB Permit shall be affixed to every Public Donation Bin device used by permittee for the collection and storage of new or used clothing, toys or other items, and the permit shall be affixed to the bin prior to placement of the bin.
- c) The permit shall be placed on the same side of the bin as the chute used for the deposit of donated items. Upon the sale or transfer of a bin, a new permit shall be required and shall be affixed to the bin prior to placing it in service.
- d) A permit issued under this Section shall be valid from the date of issuance until February 28 of the following odd-numbered year.

Chapter 165, Article V, Supplementary Regulations, is amended by adding a new subsection 65.2.6. to read in its entirety as follows:

§165-65.2.6. Public Donation Bins, Enforcement; Penalties for offenses; injunctions.

- a) The owner, lessee, or other person or legal entity in control of the property where a Personal Donation Bin is being maintained in violation of this Section and the person or entity which owns, maintains, or operates a bin in violation of this Section shall be jointly and severally liable therefore.
- b) Code Enforcement Officer(s) of the Town Development Office and the Ontario County Sheriff's Department are hereby authorized to issue summonses or appearance tickets, returnable to Town Court, for any violations of this Section.
- c) Additionally, the Town Attorney may, in an appropriate case, institute an injunction action in the name of the Town to assure compliance with the terms of this Section.
- d) Any person, owner, tenant, lessee and/or agent having a legal interest in the subject property, who has upon his/her property a Personal Donation Bin (1) without a valid permit or (2) which is overflowing or has items located on the ground around the bin, shall be in violation of this Section and punishable subject to the Penalties for Offenses set forth in Chapter 165, Section 113 of this Code.

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**  
**RESOLUTION #327-2009: (Continued)**

**DECEMBER 22, 2009**

Section 9. Definitions.

Chapter 165, Section 10. Definitions. Is hereby further amended in alphabetical order to include the following terms:

HOME OCCUPATION, MAJOR – Any home occupation that is not a Minor Home Occupation.

HOME OCCUPATION, MINOR – Any home occupation that:

- A. Involves no employee other than persons residing on the premises; and
- B. Shows no visible evidence (including signage or outdoor storage of any product) from the exterior of the dwelling unit; and
- C. Generates no additional traffic and no need for off-street parking beyond the customary needs of the occupants of the dwelling unit; and
- D. Uses no equipment which would not customarily be used by the occupants of the single-family dwelling unit; and
- E. Is conducted entirely inside the principal dwelling unit on the premises; and
- F. Involves -
  - 1) no retail sales where the public visits the premises to purchase; and
  - 2) no exterior display or storage of goods, materials, equipment, or inventory; and
  - 3) no other activities requiring a permit; and
  - 4) no noise other than that which is customarily generated by the occupants of the dwelling unit; and
  - 5) no vehicles larger than a four wheel truck and/or a four wheel trailer, unless said vehicle is stored within a completely enclosed building during non-business hours; and
  - 6) no internal or external alterations or involve the construction features or use of mechanical equipment not customary in a dwelling and that the entrance to the space devoted to such occupation shall be only from within the dwelling; and the lesser of 15 percent (15%) or 350 square feet of gross floor area of the principal dwelling unit.

PUBLIC DONATION BIN (PDB) - An enclosed bin, container, or structure held out to the public for the collection of donated clothing, household items, toys or other goods that are then collected by a religious, governmental, scientific, literary, sporting, educational or charitable organization and used for the advancement of said organization.

Section 10. A-80 Agricultural District.

Chapter 165, Section 18. C. Permitted accessory uses; Section 22. C. Permitted accessory uses is hereby amended by adding a new sub-section (7) to read as follows:

§ 165-18. A-80 Agricultural District.

- C. Permitted accessory uses:
  - (7) Minor Home Occupations.

Section 11. R-1-15 Residential Single-Family District.

Chapter 165, Section 22. C. Permitted accessory uses is hereby amended by adding a new sub-section (8) to read as follows:

§ 165-22. R-1-15 Residential Single-Family District.

- C. Permitted accessory uses:
  - (8) Minor Home Occupations.

Section 12. Planned Development District.

Chapter 165, Section 31. F. Permitted Accessory Uses is hereby amended with the addition of a new Paragraph F. to read as follows:

§ 165-31. PD Planned Development District.

- F. Permitted Accessory Uses:

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #327-2009: (Continued)**

- (1) Private garages.
- (2) Customary residential storage structures, subject to the provisions of § 165-58 of this chapter.
- (3) Private swimming pools, subject to the provisions of § 165-62 of this chapter.
- (4) Signs, subject to the provisions of § 165-38 of this chapter.
- (5) Fences, subject to the provisions of § 165-61 of this chapter.
- (6) Off-street parking and loading, subject to the provisions of § 165-37 of this chapter.
- (7) Domestic pet shelters, subject to the provisions of § 165-62 of this chapter.
- (8) Minor Home Occupations.

Section 13. A-80 Agriculture District.

§ 165-18. A-80 Agriculture District, subsection D. Special permit uses, subsection (2) Home Occupations. is hereby amended to read as follows:

- (2) Major Home Occupations.

Section 14. RS-25 Residential-Suburban District.

§ 165-20. RS-25 Residential-Suburban District, subsection D. Special permit uses, is hereby amended to read as follows:

- (1) Major Home Occupations.

Section 15. RMF Residential Multiple-Family District.

§ 165-25. RMF Residential Multiple-Family District, subsection D. Special permit uses, sub-section (1), is hereby amended to read as follows:

- (1) Major Home Occupations.

Section 16. PD Planned Development District.

§ 165-31. PD Planned Development District. is hereby amended with the addition of a new Paragraph G. to read as follows:

G. Special permit uses, is hereby established to read as follows:

- (1) Major Home Occupations.

Section 17. Home Occupations.

Chapter 165, Section 72. Home Occupations, is hereby deleted in its entirety and a new Section 165-72 shall be inserted in its place and read as follows:

§ 165-72. Major Home Occupations

A. It is the intent of this Section to allow a variety of Major Home Occupation pursuits as specially permitted uses in residential districts while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. A Major Home Occupation may be allowed as a Special permitted use in the A-80, RR-80, RS-25, R-7.2, R-1-15, R-1-10, R-2, RMF and PD Districts. It is recognized that while Major Home Occupation pursuits are specially permitted under the conditions provided for in this Section, it is the primary purpose of this Section to preserve and maintain the residential atmosphere, appearance and character of residential districts. It is the stated intent that the special permitted Major Home Occupation use will always be second and subordinate to the principal residential use of the premises and that the Major Home Occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted Major Home Occupation become so extensive that it predominates the principal permitted residential use of the premises. It is further the intent of this Section to establish specific performance standards and controls to limit Major Home Occupations so as to minimize the adverse impacts a home occupation could have on a neighborhood or district and to assure that it does not become the predominant use of the property. Finally, it is the intent of this Section to exclude family or group family day care as first defined in New York State Social Services Law, Section 3069(l)(d) and (e)

**ORDER OF BUSINESS: (Continued)****RESOLUTION #327-2009: (Continued)**

which are exempt from the provisions of this Chapter, from having to comply with these regulations.

- B. A Major Home Occupation, as defined in Chapter 165 of the Town Code, shall first require the issuance of a Special Use Permit by the Planning Board. The Planning Board may condition or restrict the Special Use Permit for a Major Home Occupation if, in the Board's judgment, such restriction is required to minimize the impact of the use upon the neighborhood or district. No Special Use Permit shall be issued unless the Planning Board makes a finding that all of the following criteria have been met:
1. The property is in full compliance with the provisions of the Town Code; and
  2. The Major Home Occupation is determined to be clearly subordinate to the permitted principal residential use of the premises; and
  3. No other Major Home Occupation is conducted upon the premises; and
  4. The Special Use Permit must be issued to the owner of the premises who is an actual resident of the premises; and
  5. No more than two employees, whether full-time or part-time, whether paid or unpaid, who are not residents of the premises shall be permitted; and
  6. The Major Home Occupation must be carried on within an existing or proposed building on the premises. A Major Home Occupation located within the principal dwelling unit may not exceed 25% of the total gross floor area, or 500 square feet of the principal dwelling unit. A Major Home Occupation may only be located within an Accessory Structure that is smaller in size than the principal dwelling and may not exceed 50 % of the total gross floor area of the principal dwelling. A Major Home Occupation may not be located in both a portion of the principal dwelling unit and a portion of an accessory structure located on the premises; and
  7. A Major Home Occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants, musical and dancing institution to groups exceeding four pupils, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles and other trades and businesses of a similar nature; and
  8. The Major Home Occupation shall be subject to site plan approval by the Planning Board; and
  9. The Major Home Occupation must be fairly transparent and unobtrusive. The standard, fairly transparent and unobtrusive, requires that the non-residential character of the home occupation shall not be apparent to the Planning Board. The Planning Board shall consider the following standards when making this determination:
    - a. Noise. The Board must find that the noise produced by the Major Home Occupation is not likely to create any potentially significant adverse impact upon the adjacent neighborhood; and that the type of noise and times of day of noise generation are not inconsistent with the primary residential use of the premises and the adjacent neighborhood.
    - b. Pedestrian traffic. The Board must find that the major home occupation is not likely to produce significantly more pedestrian traffic to and from said premises than would exist in the case of a residence without a Major Home Occupation and that the timing of such traffic is not inconsistent with traffic likely to be generated by the primary residential use.
    - c. Vehicular traffic. The Board must find that the major home occupation is not likely to produce significantly more vehicular traffic to and from said premises than would exist in the case of a residence without a Major Home Occupation; and that timing of such traffic is not inconsistent with the primary residential use.
    - d. Parking. The Board must find that the major home occupation does not create a need for more than three additional off-street parking spaces. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces shall be adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties, or public rights-of-way.
    - e. Lighting. The Board must find that the major home occupation does not create light trespass onto adjacent properties or public rights-of-way which would be inconsistent with the Town's lighting standards.
    - f. Aesthetics. If any change is proposed to the exterior of the building, the Board must find that the change will not materially alter a characteristic architectural feature of the building, such as fascia, window style or roofline.
    - g. Trash. The Board must find that the major home occupation does not create additional waste products that are not properly contained within receptacles normally associated with the principal residential use of the premises.

Where there is found to be additional waste products associated with a major home occupation that can not be stored within such receptacles then there must be provision for adequately securing such waste products within a screened and landscaped facility. Such a facility should be located behind the principal dwelling unit, or behind the accessory structure used for the Major Home Occupation and must be effectively screened from adjacent properties and the public right-of-way.

- h. Exterior Display. The Board must find that the major home occupation does not involve the exterior display or storage of goods, materials, equipment or inventory; and
- 10. One commercial speech sign shall be permitted as provided for elsewhere in this chapter; and
- 11. Any Special Use Permit, issued hereunder, shall be transferable and will run with the land provided all conditions of approval are complied with. The Special Use Permit shall terminate upon the Planning Board's finding of a change in the performance standards, or approved conditions of approval; and
- 12. In applying the above criteria, the Planning Board may consider the following:
  - a. The size of the lot (i.e. acreage, lot width and depth, shape, etc.); and
  - b. The size and/or number of vehicles (including machinery) used in connection with such Major Home Occupation; and
  - c. The density and/or character of the neighborhood and the proximity of neighboring properties and residences; and
  - d. The necessity for screening and/or buffering of the major home occupation from adjacent properties or public rights-of-way; and
  - e. The size and type of highway (i.e. state, county, town) upon which such Major Home Occupation is located along.
- C. Revocation of home occupation permits. A major home occupation permit shall be deemed revoked upon the occurrence of any of the following:
  - 1. a subsequent Major Home Occupation special use permit is issued; or
  - 2. the Major Home Occupation does not meet the conditions of approval by the Planning Board; or
  - 3. there is a substantial change in the nature of the major home occupation; or
  - 4. the Major Home Occupation is not commenced within six months of the issuance of a permit; or
  - 5. the Major Home Occupation ceases operation or is discontinued for a period of one year for any reason.
- D. Application. Each application for a Major Home Occupation permit shall be:
  - 1. on a form provided by the Development Office which has first been approved by the Town Board; and
  - 2. accompanied by a complete site plan, drawn to scale, showing the location of all buildings or structures on the premises and the area where the proposed home occupation will be conducted; and
  - 3. accompanied by an application fee, in the amount established by the Town Board, prior to the issuance of the permit.

Section 18. Chapter 165, Section 43, Signs.

Sub-section B. Commercial and Industrial Uses, (1) (c) is hereby amended in its entirety to read as follows:

§ 165-43. B. (1) (c) In addition to a building-mounted business identification sign, there may be erected one two-sided ground business identification sign on the premises. Said ground business identification sign may contain a maximum total sign area of 64 square feet and extend up to 15 feet above grade. The edge portion of said ground sign shall not be located nearer than 15 feet to a public right-of-way. Every ground sign shall be subject to sign site plan approval by the Planning Board.

Section 19. Off-street parking and loading.

Section 165-37. Off-street parking and loading. Sub-section (11) Required parking spaces is hereby amended by deleting off-street parking space required for Home Occupations and replacing it by defining off-street parking for Major Home Occupations. In addition, this sub-section is further amended by increasing the off-street parking spaces required for a shopping center or group of stores over 20,000 square feet in gross floor area. This sub-section is to read as follows:

§ 165-37. Required parking spaces.

Use

Number of Parking  
Spaces Required

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #327-2009: (Continued)**

Home Occupations, Major, exclusive of off-street parking required for the dwelling. 3

Shopping center or group of stores over 20,000 Square feet of gross floor area. Parking spaces equal to 4.5 spaces per 1,000 square feet of gross floor area.

Section 20. RB Restricted Business District.

§ 165-26. RB Restricted Business District, sub-section D. Special permit uses, sub-section (5) All uses permitted as principal uses in the NB Neighborhood Business District is hereby deleted.

Section 21. Landscaping.

§ 165-60. Landscaping. Sub-section A. is hereby deleted in its entirety and is replaced in its entirety to read as follows:

A. A landscaping plan for any Permitted or Special Permitted Use shall be presented for all sites located within the MTOD Major Thoroughfare Overlay District, excluding single-family and two-family dwellings. Said landscaping plan shall be in accordance with the Site Design Guidelines adopted by the Town Planning Board each year as part of their Organizational Meeting and filed with the Town Clerk.

Section 22. Review and approval of signs by Planning Board.

§ 165-44. B. is hereby amended to read in its entirety as follows:

B. All sign site plan applications to be heard by the Planning Board are subject to compliance with the provisions of Article 8, Part 617, of the State Environmental Conservation Law (State Environmental Quality Review Regulations). All applications for sign site plan approval must be accompanied by a completed Short Environmental Assessment Form.

Section 23. Schedule I, Lot Area, Bulk and Coverage Requirements

The column heading that reads Lot Coverage Minimum Building Area (% of Lot) is hereby amended to read in its entirety as follows: Lot Coverage Maximum Building Area (% of Lot).

Section 24. Invalidity.

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 25. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION #328-2009:**

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

**AUTHORIZING THE SUPERVISOR TO SIGN CONTRACT FOR ONTARIO COUNTY TO REIMBURSE MUNICIPALITIES FOR VOTING MACHINE CUSTODIAN SERVICES**

**WHEREAS**, contracts to reimburse all Towns and the City of Geneva, for lever voting machine custodian services, expired at the end of 2008;and

**WHEREAS**, in order for the County to process payment to reimburse said costs, each municipality needs to complete the 2009 Contract in order to be reimbursed.

**NOW, THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Supervisor to sign the Contract with Ontario County; and

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #328-2009: (Continued)**

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist and the signed contract to the Ontario County Board of Elections.

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

**Councilman Mickelsen** requested, with no objections, that Agenda Items 23-27 be blocked:

**RESOLUTION #329-2009:**

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

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, for additional expenditures, for the law firm Boylan, Brown, for legal services provided to the Assessor.; and

FROM:	A.1990.4	Contingency Account	\$2,174.75
TO:	A.1420.4	Attorney - CE	(\$2,174.75)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, for the payment of additional expenditures for Mertensia Lodge and

FROM:	A.1990.4	Contingency Account	\$356.88
TO:	A.1650.41	Central Communications - CE	(\$356.88)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, for the payment of office expenditures:

FROM:	A.1990.4	Contingency Account	\$133.57
TO:	A.1660.4	Central Storeroom - CE	(\$133.57)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, to set up four new computers in the Code Enforcement Officer's Department and repair problems with the Planning Department Director's computer; and

FROM:	A1990.4	Contingency Account	\$405.15
TO:	A1680.4	Central Data Processing – CE	(\$405.15)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

**AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment, from the General Fund, to pay for increases in street lighting charges:

FROM:	A.1990.4	Contingency Account	\$257.07
TO:	A.5182.4	Street Lighting - Contractual	(\$257.07)

**BE IT FURTHER RESOLVED**, the Town Clerk forward a copy of this Resolution to the Finance and Account Specialist.

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

**RESOLUTION #330-2009:**

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

**ORDER OF BUSINESS: (Continued)**

**RESOLUTION #330-2009: (Continued)**

**PAY AUDITED BILLS**

The following claims/vouchers were audited by the Town Board and approved for payment:

**ABSTRACT #24-2009**

General	\$ 34,148.11
Highway Fund	30,144.67
Storm Drainage	3,187.34
Payroll	1,591.86
Lighting	6,646.02
Sewer District	34,753.00
Water District	3,650.44
<b>Total</b>	<b>\$114,121.44</b>

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

**TRAINING UNDER \$100.00:**

1. Phil Robinson, James Morse and Floyd Kofahl, from the Code Enforcement Office, to receive membership in the Finger Lakes Building Officials Association at a cost of \$55.00/per person.

**Supervisor Fafinski** thanked the Town Board and Town staff for a successful year in 2009 and wished Town Clerk Rose Kleman well in 2010. Individual Town Board members expressed well wishes to the Town Clerk.

With no further business, the meeting was adjourned, at 7:55 PM, by motion from **Councilman Mickelsen**, seconded by **Councilman Ingalsbe**. **CARRIED**.

Rose M. Kleman, Town Clerk: \_\_\_\_\_