

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 April, at 7:00 PM, there were:

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

Also present were: **Floyd Kofahl**– Code Enforcement Officer, **James Crane**- Water & Sewer Superintendent, **Paul Conrad** – Fire Chief, **Donna LaPlant**- Assessor, and Students.

**PUBLIC HEARINGS:**

**APPROVAL OF MINUTES:**

A motion was made by Councilman Casale, seconded by Councilman Holtz, that the minutes of the March 22, 2011, meeting, given members for review, be approved. Carried.

**PRIVILEGE OF THE FLOOR:**

**REPORTS OF STANDING COMMITTEES:**

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

**Water & Sewer:**

1. Discussed resolutions on for tonight.
2. Discussed vehicles going to auction.
3. Update of Route 96 Sewer main and repair.
4. Software update.
5. Discussed Gypsum Mills pumpstation.
6. Discussed 20 manholes are repaired.
7. Discussed new hire.

**Highway & Parks:**

1. Highway employee Tim Ford attended meeting.
2. Discussed Farmbrook Park renovations.
3. Discussed truck bids – bid awarded to West Herr Ford.
4. Discussed getting 3 Pick-Up trucks off of state bid list.
5. Discussed Truck No. 3-lost engine.
6. Discussed the summer schedule for roadwork.
7. Discussed MS4 draft to coalition- joint report to DEC.

**Town Operations Committee: None.**

**Town Personnel Committee: None.**

**Town Comprehensive Plan Committee: Councilman Holtz reported:**

1. Meet last week – presented with an updated draft of Chapters 3 & 4, staff added MS4 stuff, viewed sewer maps and existing and future land use maps.
2. Meeting next week- hopefully will be presented with a full draft and then the committee will be getting ready to hold a public hearing

**Town Finance Committee: None.**

**Town Public Safety Committee: None.**

**REPORTS OF TOWN OFFICIALS:**

**Supervisor Fafinski :**

1. Workplace Violence training is scheduled.
2. Discussed write up from CEO for smoking violation against the town. Setup a smoking policy.

**Highway & Parks Superintendent Ed McLaughlin:** Necessarily Absent.

**Town Clerk Michelle Finley:**

1. Discussed \$300 scholarship received from Ontario County Clerks Association for training.  
Supervisor Fafinski stated that he appreciates the Town Clerk taking all the opportunities to obtain scholarships for a cost savings perspective however, he thinks the Clerks training is necessary and great for the Clerks professional development.

**Water & Sewer Superintendent Jim Crane:**

1. Discussed watermain break –Emerson Road.

**Code Enforcement Officer Floyd Kofahl:**

1. Discussed meeting on a couple of projects: expansion project on County Road 41, Shooters, and Billy Q's and former Cassidy's place.
2. He will have Synopsys of Building Code and Evaluation Report at next meeting.

**Director of Planning and Development: None.**

**Assessor Donna LaPlant: Supervisor reported:**

1. Wrapping up informals
2. Grievance Day in May.

**Fire Chief Paul Conrad:**

1. Discussed air packs are in.
2. Discussed truck out for service.
3. Vehicle accidents are down.

**Planning Board Chairman Dave Degear: None.**

**Ontario County Planning Board Member Mary Neale: None.**

### **COMMUNICATIONS:**

1. Invoices from the Supervisor's Office for legal and engineering fees.
2. Letter from Sen. Michael Nozzolio to the Supervisor. Re: Finger Lakes Gaming and Racetrack and VLT funds.
3. Letter to Young Explosives from the Town Clerk. Re: permit to perform the fireworks display July 3<sup>rd</sup>.
4. Letters to Paul Presutti, P.E. of Erdman Anthony and Associates, Inc. and Roseann Schmid, P.E. of Fisher Associates from the Director of Planning and Development. Re: Auburn Trail.
5. Letters to Victor High School students from the Supervisor. Re: congratulations on recent recognition by Finger Lakes Community College.
6. Letter from the Supervisor to various companies who received copies of the town's 2010 Annual Financial Report Update Document.
7. Letter to Royal Purdy from Town Supervisor, along with certificate of liability insurance and agreement. Re: Use of property for July 3<sup>rd</sup> fireworks.
8. Letter from Tomra's billing department. Re: Incomplete tax information.
9. Letter to Town Attorney Jeffrey Graff from the Construction Inspector. Re: Farmington Ponds.
10. Letter from NYS Department of Environmental Conservation to the Supervisor. Re: Eastern Sand and Gravel Inc.
11. Media release on the Auburn Trails extension project from the Supervisor's Office.
12. Letter from Computel Consultants to Town Supervisor. Re: Cable Television franchise audit.
13. Letter from Department of Transportation to Town Clerk. Re: Speed limit investigation on Martz Road.
14. Letter from Department of Transportation to Town Clerk. Re: Speed limit investigation on Holtz Road.
15. Letter from Department of Transportation to Town Clerk. Re: Speed limit investigation on Elizabeth Way.
16. Letter from Department of Transportation to Town Clerk. Re: Speed limit investigation on Ellsworth Road.
17. Certificate of final special franchise, full value, from the New York State Department of Taxation and Finance.

18. Letter from Mercy Flight Central to the Supervisor. Re: Annual contribution of funds.
19. Letter from Nixon Peabody to Town Supervisor. Re: Ontario County Industrial Development Agency.
20. Letter from Ontario County Department of Human Resources to Ontario County towns. Re: Vacancies.
21. Letter from State Comptroller to Town of Farmington. Re: vendor update.
22. Letter from Bernard P Donegan, Inc of Victor to Town Clerk. Re: request for AUD and other information.
23. Minutes and other misc. info provided by the Farmington Quaker Meetinghouse Committee.
24. Letter from MRB Group to Director of Development. Re: 5829 County Road 41 building expansion.
25. Minutes from the March 2011 Farmington Highway Campus meeting.
26. Invitation to the 2<sup>nd</sup> Technology Farm Open House on May 5, 2011
27. Thank you note from Victor Hiking Trails for allowing them to use Mertensia Park Lodge on March 12<sup>th</sup>.
28. Notice of ribbon cutting ceremony for the opening of Shooters Bar and Grill on April 12, 2011 at 11:30 a.m.
29. Cancellation of Insurance for George N. Stanton, III of Canandaigua.
30. Certificates of Liability Insurance for Skylight Signs Inc; Penfield Plumbing and Heating; Design Pool and Spa, LTD; Chrisantha Construction Corp.; Legacy Concepts Inc.; and the Farmington Historical Society.
31. Cancellation of Workers Compensation Insurance certificate for Kenneth F. Mast DBA Mast Restoration.
32. Certificates of Workers Compensation Insurance for American Plumbing Inc.; Hibbs Enterprises Inc.; Skylight Signs Inc.; Penfield Plumbing and Heating Inc.; DGA Building Inc.; Frank J Marianacci Inc.; Cutri Construction Inc.; Roger John Perrin.
33. Letter from Cynthia Newcomb of the USDA to (Water and Sewer Department) Town of Farmington. Re: Request for 2010 year end reports.
34. Letter from Confidential Secretary to Rochester Gas and Electric. Re: Supplier enrollment changes.
35. Letter from NYS Department of Labor to Town Clerk. Re: Employment questionnaire.
36. Letter from the Supervisor to US Gas and Electric. Re: Attempt to change accounts.
37. Letter from Pat Pavelsky of Cornell Cooperative Extension to the Supervisor. Re: Gratitude for supporting 8<sup>th</sup> Annual Agriculture Appreciation Banquet.
38. Copies of resolutions from the Ontario County Board of Supervisors.

**REPORTS & MINUTES:**

1. Historic Preservation meeting minutes from February 3, 2011.
2. Historic Preservation meeting minutes from March 2, 2011.
3. Monthly Supervisor's report for March 2011.
4. Monthly Supervisor's report for February 2011.
5. Judge Lew's monthly report for March 2011.
6. Judge Gligora's monthly report for March 2011.
7. Building report for March 2011.
8. Town Planning Board meeting minutes from March 16, 2011.
9. Comprehensive Plan meeting minutes from March 17, 2011.

**ORDER OF BUSINESS:****RESOLUTION #108-2011:**

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

**RESOLUTION AUTHORIZING HIGHWAY/PARKS SUPERINTENDENT TO AWARD BIDS ON TWO HEAVY DUTY DUMP TRUCKS**

**WHEREAS**, the Highway/Parks Superintendent has asked that he be authorized to award bids for two 2011 or newer and unused heavy duty 18,000# GVWR dump trucks to West Herr Ford, and

**WHEREAS**, the bids he would like to award are as follows:

- |    |                          |             |
|----|--------------------------|-------------|
| 1. | Highway Department Truck | \$52,901.00 |
| 2. | Park Department Truck    | \$57,756.00 |

**AND WHEREAS**, the following other bids were received:

- |    |                  |                           |
|----|------------------|---------------------------|
| 1. | Van Bortel Ford  | \$116,252.00 for 2 trucks |
| 2. | Vision Ford Inc. | \$132,206.00 for 2 trucks |

**(Order of Business Continued):**

NOW THEREFORE BE IT **RESOLVED** that the Town Board hereby authorizes the Highway/Parks Superintendent to award the aforementioned bid to West Herr Ford for the purchase of the two trucks and be it further

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the Supervisor’s Secretary, the Bookkeeper and to the Highway/Parks Department.

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

**RESOLUTION #109-2011:**

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

**RESOLUTION AUTHORIZING HIGHWAY/PARKS SUPERINTENDENT TO RELEASE PAYMENT FOR THE INSTALLATION OF THE HOOK ROAD SEWER LINES**

**WHEREAS**, the Highway/Parks Superintendent has asked for authorization from the Town Board to release payment to B. Beardsley Mgt. and Ent., Inc. for the installation of the Hook Road sewer lines at the Hook Road Highway Campus in the amount of \$47,800.00,

NOW THEREFORE BE IT **RESOLVED** that the Town Board hereby authorizes the aforementioned release of payment and be it further,

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the Supervisor’s Secretary, the Bookkeeper and the Highway/Parks Department.

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

**RESOLUTION #110-2011:**

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

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

**WHEREAS**, by written Petition dated March 23, 2011, submitted in due form by Petitioner, containing the required signatures, which has been presented and filed with the Town Board of the Town of Farmington, Ontario County, New York, for Farmington Ponds Lighting District (“District”) to serve the several parcels of land within the proposed District; and

**WHEREAS**, the Town Board deems it to be in the best interests of the residents of the Town of Farmington to pursue the District, pursuant to a Map and Plan prepared by David W. Andersen, and filed with the Town Clerk on March 31, 2011, (See Exhibit 1 attached hereto and made a part hereof.).

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

**Discussion:** Councilman Ingalsbe asked if this was going to be billed to the taxpayers or the developer. Supervisor Fafinski replied to the developer. He added that the construction of this is zero expense for debt service but there is an estimated \$3,000.00 expense for maintenance and operation and that there are six poles. Councilman Ingalsbe asked that eventually it will go to the taxbase, Supervisor Fafinski replied yes.

I, Michelle Finley, Town Clerk of the Town of Farmington do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Farmington on April 12, 2011, by the following vote:

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

**ORDER CALLING FOR PUBLIC HEARING**

**WHEREAS**, a written petition dated March 23, 2011, has been submitted in due form by Petitioners (“Petitioner”), containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, for the creation of Farmington Ponds Lighting District (“District”), the boundaries of which are described in Exhibit 1, attached hereto and made a part hereof, and

**TOWN BOARD MEETING**  
**(Order of Business Continued):**

**APRIL 12, 2011**

**WHEREAS**, David W. Andersen has prepared a map, plan and report 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 District are set forth in Exhibit 1, attached hereto and made a part hereof; and

**WHEREAS**, the improvements proposed consist of the construction and maintenance of street lights 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 Petitioners are not requesting the Town to construct any improvements for the District.

**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 an estimated \$3,000.00 for operation and maintenance charges. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges.

**NOW, THEREFORE**, be it **ORDERED**, that a meeting of the Town Board of the Town of Farmington will be held on May 10, 2011, at 7:00 p.m. at the Town Hall, 1000 County Road 8, Farmington, New York, to consider the petition to establish the District, including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

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

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

**RESOLUTION #111-2011:**

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

**RESOLUTION AUTHORIZING THE EXPENDITURE OF \$57,000.00 FROM THE PARKLANDS/RECREATION RESERVE FUND FOR FARBROOK PARK WORK**

**WHEREAS**, the Town Highway/Parks Department plans to commence work on Farmbrook Park with improvements such as lighting, stone wall, blacktop, fences, and a basketball court, and

**WHEREAS**, a transfer of an estimated \$57,000.00 from the Town of Farmington Parklands/Recreation Reserve Fund to the General Fund is needed to pay for the project in the following amounts:

1.	Lights	\$8,500.00
2.	Stone Wall	\$7,000.00
3.	Blacktop	\$4,500.00
4.	Concrete	\$16,000.00
5.	Labor	\$5,000.00
6.	Fences	\$2,800.00
7.	Basketball Crt.	\$8,700.00
8.	Topsoil	\$4,500.00

**TOTAL AMOUNT TO BE TRANSFERRED: \$57,000.00**

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the aforementioned transfer and be it further

**RESOLVED**, that this resolution is the subject of a permissive referendum and that the Town Clerk provide copies of it to the Bookkeeper, Supervisor's Secretary and Highway/Parks Department.

**Discussion:** Supervisor Fafinski stated that this was discussed at public works and that this is for the tail end of the project. Councilman Holtz asked if this was the last of the expenditures. Supervisor Fafinski replied that this supposedly the last according to Ed McLaughlin. He added that this resolution is also subject to permissive referendum.

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

**(Order of Business Continued):**

**RESOLUTION #112-2011:**

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

**Confirming Resolution Authorizing Emergency Sewer Line Repair – Route 96**

**WHEREAS**, the sewer main along NY State Route 96 just west of NY State Route 332 has collapsed and has created an emergency condition, whereby this section will have to be replaced, and

**WHEREAS**, this resolution is to confirm the hiring of Skanex Pipe Services Corporation a Victor based company who was hired to perform the replacement of 255’ of 10” HDEP pipe and the Television Inspection work needed to replace this section of sewer main, and

**WHEREAS**, the project involves Skanex Pipe Services Corporation’s Television Inspection and necessary scope of work before beginning the pipe bursting of the existing 10” sanitary sewer and pulling in the new 10” HDEP pipe.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby confirms the authorization of emergency repairs to the Water and Sewer Superintendent to pay Skanex Pipe Services Corporation of Victor, New York for performing the Televising and Inspection of the existing 10” sewer main at a cost not to exceed \$5,400.00.

**BE IT FURTHER RESOLVED**, that funding for the pipe slip lining is from SS 8120.4.

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

**RESOLUTION #113-2011:**

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

**Confirming Resolution authorizing Emergency Sewer Line Repair – Route 96**

**WHEREAS**, the sewer main along NY State Route 96 just west of NY State Route 332 has collapsed and has created an emergency condition, whereby this section will have to be replaced, and

**WHEREAS**, this resolution is to confirm the hiring of Skanex Pipe Services Corporation a Victor based company who was hired to perform the replacement of 255’ of 10” HDEP pipe and the necessary work needed to replace the sewer main, and

**WHEREAS**, the project involves Skanex Pipe Services Corporation’s pipe bursting the existing 10” sanitary sewer and pulling in new 10” HDEP pipe into place as replacement.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby confirms the authorization of emergency repairs to the Water and Sewer Superintendent to pay Skanex Pipe Services Corporation of Victor, New York to perform the pipe bursting of the existing 10” sewer main at a cost not to exceed \$24,500.00.

**BE IT FURTHER RESOLVED**, that funding for the pipe slip lining is from SS 8120.2.

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

**RESOLUTION #114-2011:**

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

**Confirming Resolution authorizing Emergency Sewer Line Repair Route 96**

**WHEREAS**, the sewer main along NYS Route 96 just west of NYS Route 332 has collapse and has created an emergency condition, where-by this section will have to be replaced, and

**WHEREAS**, this resolution is confirm the hiring of, Beardsley Management & Enterprises, Inc Of Lima NY was hired to perform the repair work needed to replace this section of the 10” sewer main, prior to Chemical Slip-lining and

**WHEREAS**, The Project involves Beardsley Management to assist, with equipment and man power in the repair of the existing 10” sanitary sewer prior to Skanex installing the Chemical liner.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Farmington Sewer District hereby confirms the authorization of emergency repairs to the Water and Sewer

**(Order of Business Continued):**

Superintendent to pay Beardsley Management & Enterprises Corporation of Lima, New York for perform the repair of the existing 10" sewer main at a cost not to exceed \$6,000.00.

**BE IT FURTHER RESOLVED**, that funding for the pipe slip lining is from SS 8120.4.

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

**RESOLUTION #115-2011:**

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

**WHEREAS**, the following piece(s) of vehicle/equipment used by the Water and Sewer Department are now obsolete and/or surplus:

1. 1995 Chevrolet 1 ton 4x4 Truck w flat bed body VIN #IGBJK34K5SE180002
2. 1997 Chevrolet 3/4 ton 4x4 Truck w/utility body & snow plow VIN #IGCGK24R3VE125467
3. Parts and rims from 1991 International Dump Truck.

**WHEREAS**, the annual Palmyra Municipal Equipment Auction is scheduled to be held May 14, 2011, at the Town of Palmyra Highway Department.

NOW, THEREFORE BE IT **RESOLVED**, that the Town Board of the Town of Farmington acting on behalf of the Water and Sewer Districts, hereby declares the listed equipment surplus and authorizes the Water and Sewer Superintendent to have this equipment sold at this auction.

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

**RESOLUTION #116-2011:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO DECLARE EQUIPMENT SURPLUS SO IT MAY BE DISPOSED OF AT AUCTION**

**WHEREAS**, the Town Highway/Parks Superintendent has asked that the following items be declared surplus so they may be disposed of at the annual Palmyra Municipal Auction to be held on May 14, 2011:

- 2000 Ford Tractor TS90 with Alamo Boom Mower
- 2001 Chevy Silverado Pick-Up
- 2005 Ford F-550 4X4 One-Ton Dump
- Parks Truck No. 3: 1999 Ford F-550 4X4 One-Ton Dump
- 1998 Chevy S10 Pick-Up

NOW THEREFORE BE IT **RESOLVED** that the Town Board hereby authorizes that the above listed equipment be declared surplus and disposed of at the annual Municipal Equipment Auction in Palmyra on May 14, 2011, and be it further

**RESOLVED**, that the Town Clerk provide copies of this resolution to the Bookkeeper, Supervisor's Secretary and Highway/Parks Department.

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

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

**RESOLUTION # 117-2011- TO PAY AUDITED BILLS**

The bills were audited by the Town Board

**ABSTRACT #7-2011**

General	\$ 39,609.26
Highway Fund	\$ 43,435.75
Sidewalks	\$ 200.00
Storm Drainage	\$ 56.98
Payroll	\$ 184.65
Sewer District	\$ 80,909.83
Water District	\$292,322.35
Highway Campus	\$ 53,053.12
Lighting	\$ 6,500.41
<b>TOTAL</b>	<b>\$516,272.35</b>

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

**DISCUSSION:**

Supervisor Fafinski stated that he received a letter from the Code Enforcement Officer regarding a violation he observed. Supervisor Fafinski asked Code Enforcement Officer Kofahl to give an over of a complaint he had to deal with regarding a discarded cigarette butt in the mulch area out the back door at the Town Hall. CEO Kofahl stated that on a traffic court night in March someone reported that someone attending court threw their cigarette butt in the mulch area before entering the building, that person notified the court clerk about the situation and was directed to see him. He then went to investigate the situation and sure enough it was "igniting" and it was put out. He added that a complaint was made and there were several butts around which is a hazardous situation. He stated that he looked in the code and had to cite the town for the violation, it doesn't matter if we know who did it or not the town still gets cited because it's on their property the incident occurred. The town was issued an order to comply. He added that this is a state code violation not a health code violation. CEO Kofahl stated that the areas need to be posted and the smoking areas need to be moved away from the occupied structures. Supervisor Fafinski stated that it was his understanding that the property owner (in this case the Town Board) determines some enforcement in rectifying the violations i.e like how far from the building smoking can occur, Kofahl said right and in this situation the board is the deciding factor, the board proposes a policy and it has to be reviewed the authority that has jurisdiction which is himself. Supervisor Fafinski suggested that he thinks it's reasonable to have a 20 foot distance from all town owned buildings including the Lodge at Mertensia. CEO Kofahl stated that the only place the 20 feet wouldn't work is the entrance to the back of the town hall; that would require 34 feet due to the volume of the mulch area and the picnic table. Supervisor Fafinski stated that they would have to set a policy of 20 feet with the exception of the rear entrance to the town hall in which it would be 34 feet. CEO Kofahl replied correct. Councilman Ingalsbe asked if the 20 feet would work for the lodge, Kofahl replied yes because the mulch is not continuous it's broken up in areas. Councilman Ingalsbe stated that he observed & picked up approximately 40 cigarette butts on Saturday March 12th at Mertensia Lodge during the Victor Hiking Trails event. Kofahl stated that he would need to reinspect the lodge to make sure the 20 feet policy would work, Supervisor Fafinski stated to let him know tomorrow.

Councilman Casale asked how the policy will be enforced. Kofahl replied his office will enforce it, they will cite the property owner and the person. By the town posting the signs they have meet the requirements of the code. An incident is when someone throws a cigarette butt and leaves and violation is when the person is smoking within the 20 or 34 feet area. The town can't be fined for an incident but they can be cited for the violation. Kofahl stated that once the town gets the signs up and gets a policy in place then the town has done their due diligence and will be in compliance.

Councilman Ingalsbe said they also might want to consider having the court clerks or the bailiff to make an announcement before court regarding the smoking policy and the bailiff can handle those cases on an as needed bases.

Councilman Ingalsbe stated that he visited the lodge last Saturday and noticed 40 cigarette butts on the ground. CEO Kofahl suggested having that on the reservation form so they have an understanding of the smoking policy and that they could lose their cleanup deposit. Councilman Holtz stated that would be hard to prove.

Supervisor Fafinski suggested placing "No Smoking beyond this point" lines on the pavement, Councilman Holtz stated that he was not a hugh fan of that idea. Councilman Mickelsen stated that they either do the postings or ban smoking on the entire campus. Supervisor Fafinski stated the he didn't think it was reasonable to ban all the property.

CEO Kofahl stated that state code is looking at smoking from a fire issue standpoint verses the health code looks at it for health issues. He is going off of the state codes.

**TRAINING UNDER \$100:**

1. Ed McLaughlin will be attending the Southern Tier West conference at Houghton College on May 11, 2011 at a cost of \$40.00.

**EXECUTIVE SESSION: None.**

A motion was made by **Councilman Mickelsen** and seconded by **Councilman Casale** to adjourn the meeting at 7:55 p.m. Motion carried.

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