

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 9th day of August, at 7:00 PM, there were:

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

Also present were: **James Crane**- Water & Sewer Superintendent, **Ed McLaughlin** – Highway Superintendent, **Floyd Kofahl**- Code Enforcement Officer, **Dave Degear** – Planning Board Chairman, **Dotti Mickelsen** – resident.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES:

A motion was made by Councilman Holtz, seconded by Councilman Casale, that the minutes of the July 26, 2011, meeting, given members for review, be approved. Carried.

PRIVILEGE OF THE FLOOR: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Mickelsen reported:

Water & Sewer:

1. Discussed resolutions on tonight's board meeting.
2. Discussed billing software with BAS.
3. Discussed maintenance issues with pumps at the plant.
4. Discussed Newark Electric's work on panels.
5. FSI Monitoring Units are being programmed and uploaded.
6. Discussed vacancies – five budgeted positions.

Highway & Parks:

1. Discussed road repairs and maintenance overages- contributed factor is the increase in asphalt.
2. Discussed Highway Complex – hopefully to start moving dirt this fall.
3. Discussed repairs on New Michigan Road.
4. Discussed drainage issues being addressed.
5. Started milling and filling various roads.
6. Discussed Farmbrook Park updates.
7. Discussed Mertensia Park – new swing set.

Town Operations Committee: Councilman Casale reported:

1. Discussed list for part-time Code Enforcement Officer.
2. Discussed new builder interested in the corner of Hook and Collett Roads.
3. Discussed property on Commercial and Collett Roads. Incentive Zoning request – list of what the town wants to Pooler in order to move along. Councilman Ingalsbe stated that the Town Board steered the applicant to that property. Councilman Mickelsen asked if the Planning Board has reviewed this as a whole and make recommendations. Councilman Casale replied that they got some of the things ironed out by phone and feels the Planning Board is okay with the recommendations. Councilman Mickelsen stated that he was asking the Planning Board Chairman. Planning Board Chairman Dave Degear stated that he was okay with it but to answer the question if the whole board has seen it then the answer is no. CEO Kofahl stated that the Planning Board has not seen the list but has seen the application for the request to rezone. Councilman Holtz stated that in Town Operations they reviewed the Planning Board minutes from last week and it was taken into consideration. He added that they are looking for any other input the board may have. Supervisor Fafinski thought it looked good. Councilman Ingalsbe stated that the Director of Planning and Development talked with Engineers and Mr. Pooler understands the need for open discussion on the requirements and is open to it. Councilman Casale stated that the amenities are good. Planning Board Chairman Dave Degear stated that the Planning Board understands that the Town Board sets the amenities and only came up with suggestions. Councilman Holtz stated that since there's no objections they can proceed, Supervisor Fafinski stated there are none so go ahead.

Town Personnel Committee: None.

Town Comprehensive Plan Committee: None.

Town Finance Committee: None.

Town Public Safety Committee: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Fafinski :

1. Certificate of Appreciation to Floyd Kofahl for five years of service.
2. Discussed Budget Amendment – Roads- lucky they have savings to cover it.

Highway & Parks Superintendent Ed McLaughlin: None.

Town Clerk Michelle Finley: None.

Water & Sewer Superintendent Jim Crane:

1. Watermain break- County Road 28/Emerson Road.

Code Enforcement Officer Floyd Kofahl:

1. Swap Shop Meeting – reviewed different sites and requirements.

Director of Planning and Development: None.

Assessor Donna LaPlant: Necessarily Absent.

Fire Chief Paul Conrad: None.

Planning Board Chairman Dave Degear: None.

Ontario County Planning Board Member Mary Neale: None.

COMMUNICATIONS:

1. Notice of Town of Farmington's state equalization rate from the New York State Department of Taxation and Finance.
2. Copy of letter to Greg Powers, Administrator of the Ontario County Health Facility, from Mary Luckern, Town of Geneva Supervisor.
3. Letter to the Town Supervisor from Rev. James Knarr Jr. of the Wellspring Church in Clifton Springs. Re: Freedom Fighter movie premier.
4. Notice of second quarter sales tax distribution from the Ontario County Department of Finance.
5. Letter to John Malvaso of the Farmington Business Council from Director of Development Ron Brand. Re: Gateway Project.
6. Informational packet for the Town of Victor Swap Shop.
7. Letter to Ernie Ackerman of A&D Development from the Supervisor's Secretary. Re: Invoices.
8. Letter to the Farmington Planning Board from John Shields, Project Manager for 332 Industrial Park LLC. Re: Collett Road Industrial Park.
9. Letter to Cassie Guthrie of the Pioneer Library System from the Town Supervisor. Re: 2012 Budget planning.
10. Letter to the Town Supervisor from U.S. Sen. Charles Schumer. Re: 2011 Assistance to the Firefighters Grant Program.
11. Letter to the Town of Farmington from American Tower Corp. Re: Purchase offer for leased tower.
12. Memo from the Town Bookkeeper to the Town Supervisor and department heads. Re: Inventory and fixed assets.
13. Memo from the Town Bookkeeper to the Town Supervisor and department heads. Re: Vacation accruals.
14. Memo from the Town Bookkeeper to the Town Supervisor and department heads. Re: End of year encumbrances.
15. Letter to the Town Supervisor from U.S. Sen. Charles Schumer. Re: FY2011 Leaning Labs in Libraries and Museums Program.
16. Letter to the Town Supervisor from Noel Teru Gibson of Citizens Campaign for the Environment. Re: Annual house to house canvass in the Town of Farmington.
17. Letter to Elaine McCaig, Secretary of the Farmbrook Homes Association, from the Town Supervisor. Re: Concerns with property on Coachlight Circle.

- 18. Notice of Verified Petition in the case of Finger Lakes Racing Association Inc. and Canandaigua enterprises Corp. VS the Town of Farmington, its Assessor and the Board of Assessment Review.
- 19. Notice of Petition in the tax assessment case filed by Babcock Lumber Co. against the Town of Farmington, the Assessor and the Board of Assessment Review.
- 20. Certificates of Workers Comp insurance for: McNamara Construction LLC; Frank J. Marianacci Inc.; Pro Construction; RSM Construction; and Coccia Electric Inc.
- 21. Cancellation of certificate of Workers Comp insurance for: RSM Construction LLC; RSM Construction LLC.
- 22. Certificates of liability insurance for: Fireplace Fashions; Chemung Supply Corp.; New York State Fence Inc...
- 23. Copy of letter from Acting Supreme Court Justice Craig Doran to Daniel Purcell, Town of Farmington attorney. Re: Natapow vs. Town of Farmington tax certiorari case.
- 24. Copy of invoice from the Supervisor’s Office to the Victor Central School District.
- 25. Copy of invoice from the Supervisor’s Office to Ontario County.
- 26. Copy of Certificate of Attendance for Supervisor Theodore M. Fafinski for the “Risk and Vulnerability Assessments” training on July 20, 2011.
- 27. Letter from U.S. Sen. Charles Schumer to the Supervisor. Re: Access to Historical Records Project.
- 28. Letter to the Town from Wireless Capital Partners LLC. Re: Offer to purchase cell tower.

REPORTS & MINUTES:

- 1. Minutes from the June 14, 2011 Town Recreation Committee meeting.
- 2. July 2011 monthly report for Justice John Gligora.
- 3. July 2011 monthly report for Justice Morris Lew.
- 4. July 2011 monthly report for the Town Supervisor.

ORDER OF BUSINESS:

RESOLUTION #217-2011:

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

RESOLUTION REGARDING THE CONSENT OF THE TOWN BOARD TO DEDICATE SPARTAN DRIVE, OPAL DRIVE, ONYX DRIVE, CLOVERTRAIL DRIVE AND OMEGA DRIVE IN AUBURN MEADOWS SUBDIVISION, SECTION 4

WHEREAS, Upon reading the dedication of Spartan Drive, Opal Drive, Onyx Drive, Clovertrail Drive and Omega Drive in Auburn Meadows Subdivision, Section 4, dated the 20th day of May, 2011 and the Release related thereto dated the 20th day of May, 2011, 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 20th day of May, 2011, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto.

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 August 9, 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	

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

RESOLUTION #218-2011:

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

RESOLUTION 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 Sanitary Sewer and Utility, Temporary Turn-Around, and Drainage, Storm Sewer and Utility Easements over portions of its respective properties in the Auburn Meadows Subdivision (Section 4 and future sections), as shown on a map prepared by

TOWN BOARD MEETING
(Order of Business Continued):

AUGUST 9, 2011

D.S.B. Engineers & Architects, P.C. filed in the Ontario County Clerk's Office on September 14, 2010 as Map No. 031791; 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

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 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, 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 August 9, 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	

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

RESOLUTION #219-2011:

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

APPROVAL TO PURCHASE PUMP PARTS WWTP

WHEREAS, the Water and Sewer Department received a price quote from Pioneer Pump Systems for Maintenance parts for the Vaughan Mixing Pumps at the Wastewater Treatment Plant, and

WHEREAS, the current rotating assembly (impeller bearings, etc) for each of the Three - 4" pumps and each of the Three - 6" Pumps will then be rebuild as part of ongoing maintenance, Spare parts will then be reordered as part of the Asset Management Plan, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the Water and Sewer Superintendent to purchase Spare parts from Pioneer Pump Systems Inc, of Syracuse, NY for a total cost not to exceed \$13,841.33.

BE IT FURTHER RESOLVED, that as budgeted for this purchase will be expended from the Sanitary Sewer Budget lines SS-8130.4

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

RESOLUTION #220-2011:

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

AFFIRMING THE APPOINTMENT OF A NEW HIGHWAY/PARKS DEPUTY SUPERINTENDENT

WHEREAS, longtime Deputy Superintendent of the Highway/Parks Department Scott Whittaker is retiring, with his last day on the job July 28, 2011,

NOW BE IT RESOLVED, that the Town Board hereby acknowledges the appointment of employee Gerald Bowerman to fill the vacant position as Deputy Superintendent of the Highway/Parks Department, effective August 1, 2011, and be it

(Order of Business Continued):

FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to the Highway/Parks Superintendent and Supervisor’s Secretary.

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

RESOLUTION #221-2011:

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

RESOLUTION AFFIRMING THE HIRING OF CME TO PROVIDE SOIL AND COMPACTION TESTING AT THE SITE OF THE HIGHWAY CAMPUS

WHEREAS, the Town Highway/Parks Superintendent sought and received three quotes for soil and compaction testing at the future site of the Highway Campus on Hook Road, and

WHEREAS, the quotes received were as follows:

SJB: \$10,892.00

CME: \$16,457.10

ATL: \$16,881.00

AND WHEREAS, town Engineering consultants from the MRB Group have reviewed the three proposals and recommend the town hire CME Associates Inc.,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the Highway/Parks Superintendent to hire CME Associates Inc. at a cost not to exceed \$16,500.00, and be it

FURTHER RESOLVED that the Town Clerk provide copies of this resolution to the Highway/Parks Department and the Bookkeeper.

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

RESOLUTION #222-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the following budget amendment to transfer money for the retirement payment of Scott Whittaker:

FROM: DA5110.1	General Repairs PS	\$9,195.20
DA5142.1	Snow Removal PS	\$6,000.00
DA5148.1	Services, Other Gov	\$150.00
SD8540.1	Drainage PS	\$4,500.00
TO: DA5110.11	General Repairs PS Ret.	\$19,845.20

AND BE IT FURTHER RESOLVED that the Town Clerk provide copies of this resolution to the Highway/Parks Superintendent and the Bookkeeper.

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

RESOLUTION #223-2011:

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

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$141.10 FOR OVERNIGHT ACCOMODATIONS FOR THE BOOKKEEPER TO ATTEND TRAINING IN BATH, NY

WHEREAS Town Bookkeeper Sarah O’Brien will be attending a State Comptroller course in Bath, N.Y. October 4 through 6 at a cost not to exceed \$100.00, which does not require Town Board approval, and

WHEREAS, the Bookkeeper wishes to secure a reservation at the nearby Microtel Inn & Suites at a cost of \$141.10 for two-nights’ stay,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the Bookkeeper to make payment to the Microtel Inn & Suites for the two nights at the price of \$141.10, and be reimbursed for related travel and meal expenses while away for training, and be it

FURTHER RESOLVED that the Town Clerk provide a copy of this resolution to the Bookkeeper.

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

(Order of Business Continued):

RESOLUTION #224-2011:

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

RESOLUTION OF SYMPATHY

WHEREAS, the Town Board was deeply saddened to learn of the passing of Elma (Baker) Aldrich on her 88th birthday, July 27, 2011, and

WHEREAS, Mrs. Aldrich was the wife of longtime Town Board member Nathan Aldrich,

NOW THEREFORE BE IT **RESOLVED** that the Town Board adopts this resolution extending its sincere sympathy to the Aldrich family, and spreading her memory upon the minutes of this board, and be it

FURTHER **RESOLVED** that the Town Clerk forward a copy of this resolution to Nathan Aldrich.

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

RESOLUTION #225-2011:

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

AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN THE STATE DEPARTMENT OF TRANSPORTATION FORM 75N, PERMIT NUMBER 41328, FOR THE USE OF STATE-OWNED PROPERTY; AND AUTHORIZATION FOR THE TOWN'S INSURANCE AGENCY TO PROVIDE A CERTIFICATE OF LIABILITY IN THE AMOUNT NO LESS THAN \$2,000,000.00 NAMING THE PEOPLE OF THE STATE OF NEW YORK AS AN ADDITIONAL INSURED UNDER SAID INSURANCE POLICY FOR SAID STATE HIGHWAY WORK PERMIT NUMBER LISTED ABOVE HEREIN.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received written notification, dated July 14, 2011 from Steven Wanamaker, Real Estate Specialist 1, with the Region Four Office of the New York State Department of Transportation (hereinafter referred to as Notification) requesting the signing by the Town Supervisor of five copies of the State Form 75n, for the State Permit Number 41328; and

WHEREAS, State Form 75n is for work that is to be conducted by the Farmington Chamber of Commerce, within the rights-of-way of State Routes 96 and 332, at the southwest corner of said intersection; and

WHEREAS, the Notification requires an insurance certificate of liability insurance in the amount no less than \$ 2,000,000.00 naming the People of the State of New York as an additional insured; and

WHEREAS, the Town Board has authorized the Town Supervisor to apply for said Highway Work Permit (State Form 75n).

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Stan Steele Agency, Inc., the Town's insurance agency, to issue a Certificate of Liability Insurance, naming the People of the State of New York as additional insured for Permit number 41328.

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign all five copies of the State Form 75n, Permit Number 41328, include the above referenced Certificate of Liability Insurance and return all items to Steven Wanamaker, at the Region 4 Office of the State Department of Transportation.

BE IT FINALLY RESOLVED that the Town Clerk is hereby directed to provide certified copies of this Resolution to the Stan Steele Agency, Inc. and to Steven Wanamaker, at the Region 4 Office of the State Department of Transportation.

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

RESOLUTION #226-2011:

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

Authorization for Web Hosting & Support Agreement Geotilities Mapping

WHEREAS, the Town of Farmington is desirous in contracting with Pictometry International Corp. for the Geotilities Mapping including Web Hosting – License and Service Level Agreement; and

WHEREAS, in April 2007 the Highway Dept and the Water and Sewer Dept commenced a GIS Asset Management Project with Geotilities Corp of Canandaigua NY to create an intensive Geographic Information System (GIS) Database of the Departments infrastructure systems which would be integrated into the Pictometry Image Software then licensed to the Towns Departments; and

(Order of Business Continued):

WHEREAS, this agreement is for the Canandaigua/Farmington Water & Sewer Departments and the Town of Farmington Highway Department; and

NOW, THEREFORE BE IT RESOLVED, that the Farmington Town Board on behalf of the Water & Sewer Districts does hereby authorize the Supervisor and the Water and Sewer Supt to enter into the Geotilities Mapping and Web Hosting – License/Support Agreement with Pictometry International Corp, 100 Town Center Drive Suite A, Rochester NY, for the annual amount of \$5,000.00.

BE IT FURTHER RESOVLED, that funding for the annual cost for the Geotilities Web Hosting and Service Agreement will be from CFWD Budget line SW1 8340.4 and Sewer Districts SS 8120.4 and Highway Budget line SD-8540.42.

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

RESOLUTION #227-2011:

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

RESOLUTION AMENDING THE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES

WHEREAS, the Highway/Parks Superintendent has asked to be allowed to make changes to the “Agreement for the Expenditure of Highway Monies” that the Town Board approved with Resolution No. 363-2010, and

WHEREAS, the proposed changes are as follows:

Section 1B Permanent Improvements – Highways

Parts C, D, and E

Remove King Hill Drive, Squire Lane and Jensen Court/Colonie Drive and replace with an overlay on Crowley Road, 2.1 miles, with an estimated cost of \$151,000.000.

AND

Section 3 Equipment purchases and repairs

Total should be \$402,000.000 and Repairs should read \$115,000.00

NOW THEREFORE BE IT **RESOLVED** that the Town Board hereby authorizes the aforementioned changes to the “Agreement for the Expenditure of Highway Monies” and be it

FURTHER RESOLVED that the Town Clerk provide copies of this resolution to the Highway/Parks Department, the Supervisor’s Office and the Bookkeeper.

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

RESOLUTION #228-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the following budget amendment to transfer money from the Highway Fund Balance for road repairs and machinery:

FROM: DA 909 \$356,000.00

TO:	DA5110.4	\$300,000.00
	DA5130.4	\$25,000.00
	DA5130.2	\$31,000.00

AND BE IT FURTHER RESOLVED that the Town Clerk provide copies of this resolution to the Highway/Parks Superintendent and the Bookkeeper.

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

(Order of Business Continued):

RESOLUTION #229-2011:

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

RESOLUTION RECALLING AND AMENDING RESOLUTION NO. 200 OF 2011, AUTHORIZING THE SUPERVISOR TO SIGN A LAWN MOWING CONTRACT AND APPLY MOWING CHARGES TO THE PROPERTY TAX BILLS

WHEREAS, on July 12, 2011 the Town Board adopted resolution No. 200 of 2011 authorizing the Town Supervisor to sign a contract with Countrycare Landscape Management to mow four properties in the Town that had been in violation of town code, Chapter 112, despite numerous attempts by the Code Enforcement Officer to convince the owners to comply, and

WHEREAS, Resolution No. 200 of 2011 also authorized the Supervisor to ask the Ontario County Office of Real Property Tax to add the mowing charges and service fees to the owners' property tax bills, and

WHEREAS, It was subsequently noted that one of the four properties listed, at 5791 Oatfield Lane, had been mowed and therefore did not need to be groomed at the Town's expense, and,

WHEREAS, It was also discovered that the amount to be charged by Country Care for another of the properties was listed incorrectly in Resolution No. 200 of 2011,

NOW THEREFORE BE IT RESOLVED, the Farmington Town Board hereby recalls and amends Resolution No. 200 of 2011 to affirm the Supervisor's signing of the contract with Countrycare Landscape and ask that the county apply mowing charges as follows along with the 50 percent service charge:

1. 6061 Allen Padgham Road, Tax Map # 8.00-1-10.100 - \$400.00 plus \$200.00 service charge (\$600 total)
2. 1507 Emma Lane, Tax Map # 42.05-1-1.217 - \$300.00 plus \$150.00 service charge (\$450.00 total)
3. 5817 Mt. Ash, Tax Map # 41.16-1-8.000 - \$300.00 plus 150.00 service charge (\$450.00 total)

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Building Department, the Supervisor's Secretary and the Town Clerk.

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

RESOLUTION #230-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the following budget amendment to transfer money for the Farmington Sanitary Sewer District:

FROM: SS8120.1 SS-PS \$6,000.00

TO: SS8120.12 SS-PS OT \$6,000.00

AND BE IT FURTHER RESOLVED that the Town Clerk provide copies of this resolution to the Water and Sewer Superintendent and the Bookkeeper.

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

RESOLUTION #231-2011:

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

APPROVAL FOR ADDITIONAL SEASONAL EMPLOYEE FOR 2011 PROJECTS IN THE WATER & SEWER DEPARTMENT

WHEREAS, the Water and Sewer Department will be starting various Maintenance Projects, and

WHEREAS, additional manpower will be needed for these Projects.

THEREFORE BE IT RESOLVED, that the Farmington Town Board authorizes the Water & Sewer Superintendent to hire two (2) Seasonal Public Work Maintenance Assistant employees to work on the various projects at an hourly rate not to exceed \$9.00, for a period not to exceed August 10, 2011 to December 31, 2011.

BE IT FURTHER RESOLVED, that the persons hired for these seasonal positions will report to the Supervisor's Office in advance of their scheduled start date for processing.

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

RESOLUTION #232-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the following budget amendment to transfer money from Phase 1 Garage and Capital Outlay into Phase 2 Garage and Capital Outlay for the Highway Campus project:

FROM: HC5132.21 Garage and Capital Outlay Phase 1	\$65,861.12
TO: HC5132.22 Garage and Capital Outlay Phase 2	\$65,861.12

AND BE IT FURTHER RESOLVED that the Town Clerk provide copies of this resolution to the Highway/Parks Superintendent and the Bookkeeper.

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

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

RESOLUTION # 233-2011- TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT 15-2011

General	\$ 55,560.06
Highway Fund	\$ 283,244.78
Storm Drainage	\$ 3,775.87
Payroll	\$ 158.28
Sewer District	\$ 256,050.21
Water District	\$ 22,969.88
Highway Campus	\$ 14,631.48
Lighting	\$ 6,412.32
TOTAL	\$642,802.88

Councilman Casale abstained on Voucher #1991-2011.

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

RESOLUTION #234-2011:

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

GRANTING A TEMPORARY ACCOMMODATION TO INSTALL A FENCE TO THE OWNERS OF 1685 LILLYBROOK COURT IN THE AUBURN MEADOWS SUBDIVISION, TOWN OF FARMINGTON, ONTARIO COUNTY

WHEREAS, on June 8, 2004, the Farmington Town Board adopted Town Board Resolution #178-2004 which, among other things, established certain restrictions on the development of the Auburn Meadows Subdivision; and

WHEREAS, restriction #6 of Resolution #178-2004 stated, in part, that "no accessory structures shall be permitted with the patio home portion of the site"; and

WHEREAS, property located at 1685 Lillybrook Court in the Auburn Meadows Subdivision is a patio lot and, therefore, is not permitted by Resolution #178-2004 to have any accessory structures located on it; and

WHEREAS, despite accessory structures being prohibited by Resolution #178-2004, the owner of 1685 Lillybrook Court has requested that the Town permit her to construct a fence on the property as an accommodation for her son Cole's special needs, which special needs have been adequately documented to the Town and supported by evidence from the son's mother, Colleen Austin, and from qualified professionals who have examined Cole and are familiar with his condition, behaviors and needs; and

WHEREAS, based on advice of legal counsel, the Town has been advised that the United States Fair Housing Act applies to the Town and requires the Town, subject to several considerations, to provide an accommodation for persons with handicaps if the accommodation is reasonable and necessary to afford handicapped persons equal opportunity to use and enjoy housing; and

WHEREAS, Ms. Austin has submitted specific plans from Empire Fence dated June 25, 2011, attached hereto and made a part hereof, for the installation of fencing on her property and the Town Code Enforcement Officer has informed the Town Board that the fencing set forth in such plans complies with the fence regulations contained in the Town Zoning Code; and

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (10) on this list includes "construction, expansion or placement of minor accessory/appurtenant residential structures, including . . . fences . . . not changing land use or density". This action involves the adoption of a local legislative decision that is granting a temporary accommodation to construct a fence, subject to certain conditions, which construction will not change land use or density.

NOW, THEREFORE, BE IT RESOLVED that the Town Board is satisfied with the documentation provided by Ms. Austin and by the professionals who have examined Cole, all which document Cole's special needs, and the Town Board finds that the totality of such evidence indicates that the installation of a fence 1685 Lillybrook Court, where Cole presently resides, is recommended for Cole's well-being and safety; and

BE IT FURTHER RESOLVED that the Town Board finds that permitting the installation of a fence, which is an accessory structure, on 1685 Lillybrook Court is a fundamental alteration of the zoning scheme established for the Auburn Meadows Subdivision with restriction #6 of Resolution #178-2004; and

BE IT FURTHER RESOLVED that, despite the installation of a fence on 1685 Lillybrook Court being a fundamental alteration of the zoning scheme established for the Auburn Meadows Subdivision, the Town Board further finds that, given (i) Cole's special needs, (ii) the requirements of the Fair Housing Act, (iii) the recommendations of the professionals who have examined Cole, (iv) the totality of the circumstances presented by Ms. Austin and all of the professionals who have submitted documentation relative to this issue and (v) the totality of the circumstances when applying the facts to the law, permitting the accommodation of a fence in these specific circumstance is not an undue burden to the Town; and

BE IT FURTHER RESOLVED that the Town Board, in furtherance of the requirements and ideals of the United States Fair Housing Act, hereby approves as a temporary accommodation for Cole Austin's special needs, as documented to the Town, the installation of a fence on 1685 Lillybrook Court subject to the following conditions:

1. A building permit be obtained from the Town of Farmington for the erection of the fence prior to any construction being started and the building permit application shall be signed by all of the owners of 1685 Lillybrook Court and acknowledge the owners' acceptance of and agreement to all of the conditions to the Town Board's approval of this temporary accommodation; and
2. The installation must be in conformance with the June 25, 2011 plans of Empire Fence; and
3. A Certificate of Compliance be obtained from the Town of Farmington following completion of the construction of the fence; and
4. The fence must be wholly removed from 1685 Lillybrook Court within 25 days of either Cole Austin ceasing to use 1685 Lillybrook Court as his residence or the filing of a deed in the Ontario County Clerk's Office evidencing a change in ownership to 1685 Lillybrook Court; and
5. The fence must be removed at the expense of the Austin's or of the new owners of 1685 Lillybrook Court; and
6. Should the fence not be removed from 1685 Lillybrook Court within the time period specified in #4 above, then the Town shall be able to bring legal action to enforce the removal of the fence and whoever is the owner of 1685 Lillybrook Court at that time shall be liable for all of the Town's expenses in bringing such legal action, including, but not limited to, costs and reasonable attorney's fees; and

BE IT FURTHER RESOLVED that this resolution shall be placed in the Town Development Office Project Files for the Auburn Meadows Subdivision and for 1685 Lillybrook Court specifically and shall be filed with the Town Code Enforcement Officer and with the Town Clerk; and

BE IT FURTHER RESOLVED that this resolution shall be filed in the Ontario County Clerk's Office to be indexed against 1685 Lillybrook Court, Town of Farmington so that a future purchaser of 1685 Lillybrook Court will have constructive notice of these conditions.

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

DISCUSSION: None.

TRAINING UNDER \$100: None.

EXECUTIVE SESSION: A motion was made by **Councilman Casale** to enter into executive session at 7:43 p.m. to discuss pending litigation, and seconded by **Councilman Ingalsbe**.

A motion was made by **Councilman Mickelsen** to exit the executive session at 7:58 p.m. and seconded by **Councilman Holtz**.

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale** to adjourn the meeting at 8:00 p.m. Motion carried.

Meeting was recorded and transcribed by:

Michelle A. Finley, Town Clerk: _____