

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 23rd day of August, at 7:02 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, **Tom Crown** – resident, **Paul Conrad** – Fire Chief, and reporter from the Daily Messenger.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES:

A motion was made by Councilman Holtz, seconded by Councilman Casale, that the minutes of the August 9, 2011, meeting, given members for review, be approved. Carried.

PRIVILEGE OF THE FLOOR: TIM GRAY (Water & Sewer Employee)

Mr. Gray stated that he is the Maintenance Mechanic at the WWTP and wanted to make the Board aware of an accident that happened at the plant on July 20th. He stated that he explained to the Water & Sewer Superintendent what happened and suggested they hold a meeting with the people involved so this type of accident does not happen again and to date this has not happened. He wanted to know what to do to get action on this. Supervisor Fafinski stated that they have an employee complaint/employee safety department. Mr. Gray stated that according to the employee handbook all he had to do was contact his department head. Supervisor Fafinski stated that if he felt his supervisor didn't follow through then he can go through the complaint department. Supervisor Fafinski stated that since the Board is aware of it, he will refer this matter to the Public Works Committee. Councilman Ingalsbe asked Mr. Gray if the accident happened in the lower level, Mr. Gray replied yes in the Maintenance Control building.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Ingalsbe reported:

Water & Sewer: (Jean Bresnan attended meeting)

1. Discussed billing software.
2. Discussed pumpstation improvements @ Gypsum Mills.
3. Discussed FSI Control Monitoring Systems.
4. Discussed resolutions on agenda for tonight.
5. Discussed power outages- August 16-approximately 16 stations down.
6. Discussed emergency repairs at Gillis Road pumpstation-RG&E over loaded circuited the control panel.
7. International truck broke down- fan broke radiator – truck dealership will do repairs under recall and warranty.

Highway & Parks:

1. Discussed resolutions on agenda for tonight.
2. Discussed milling of five or six streets – started paving today.
3. Discussed drainage issues with Doe Haven and Farmbrook. Sheriffs are asked to pay more attention to roof at Farmbrook Park – kids are getting up there.
4. Discussed repairs to loader and trucks 8 & 10.

Town Operations Committee: Councilman Holtz reported:

1. Discussed Part-time CEO position – have five candidates to interview starting next Tuesday.
2. Comprehensive Plan is at printers. Conservation Board has spoken with Ron Brand regarding the Open Space Index.
3. Discussed Auburn Trails Feasibility Study meeting – Thursday @ 6:30 p.m. and on September 14 -public information meeting.
4. Discussed Gateway project- good communication with Chamber – will b on the Planning Board agenda in October.
5. Discussed land on Corporate Drive will be officially subdivided- there is a question on to whether or not changing the name on the road. Highway Superintendent Ed McLaughlin stated he had heard something about that and paperwork is required for that and will look into naming them East and West Corporate Drive.

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. Is serving on the Regional Economical Council at the request of the Governor and Lieutenant Governor. On August 31, from 6-8 pm at the Ramada Inn in Geneva there will be a public information meeting.
2. Discussed power outages – our area have been plagued with power outages for over a year and are totally unacceptable. In his opinion, in all the years the changes in RG&E's infrastructure and management have seen a definite situation in which we have seen more power outages than what would be normally acceptable. Trunk 4 will take the power out, it's a feeder trunk, it affects the power at Farmbrook, Farmington Grove, the Briers, County Road 28 and so on. It has been a consistent problem and has been down several times. These outages have been the result of such things as rainstorms. In his opinion, they do not have reliable power from RG&E. He has a grave concern for the residents because they might have additional expenses if the town has to put additional emergency generators at pumpstation locations. He added that if they read the Daily Messenger they will see that RG&E will do a rate increase in November for bad services on their bill.
3. Discussed Tax Cap issues.

Highway & Parks Superintendent Ed McLaughlin:

1. Started paving this afternoon on New Michigan Road. Creek Pointe is finished. Tudor Way and Old Mill Road will be done Friday.

Town Clerk Michelle Finley: None.**Water & Sewer Superintendent Jim Crane: None.****Code Enforcement Officer Floyd Kofahl: None.****Director of Planning and Development: None.****Assessor Donna LaPlant: Necessarily Absent.****Fire Chief Paul Conrad:**

1. Will have budget figures after Labor Day to due Board Meeting.
2. Reported that the carnival was the same as last year.

Planning Board Chairman Dave Degear:

1. Stated that CVS has met with the Planning Board for an informal discussion.

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

1. Letter to the Director of Development from Lance Brabant of the MRB Group. Re: CVS Pharmacy.
2. Press release promoting the Farmington Recreation Department's upcoming bus trip.
3. Letter to Robert Torzynsky of the Genesee Transportation Council from the Director of Development. Re: Auburn Trail Feasibility Study.
4. Letter to the Town Clerk from the Vice President of the Farmington Volunteer Fire Association. Re: Membership update.
5. Letter from the Town Supervisor to the Ontario County Department of Real Property Tax. Re: Addition to property tax bills.
6. Certificate of Completion for Councilman Michael Casale for the MGT 338 Risk and Vulnerability Assessments for Rural Communities course.
7. Acknowledgement of recent insurance claim by Selective Insurance.
8. Letter from the Town Supervisor to Larry Anderson, Director of the United States Department of Agriculture. Re: Genesee Valley Rural Partners rural preservation of 9 projects.
9. Letter to J.R. Heberle from the Town Supervisor. Re: Letter about Code Enforcement Officer Jim Morse.
10. Letter from the Supervisor's Secretary to McMahon LaRue Associates. Re: Overpayment of engineering fees.
11. Letter from the Supervisor's Secretary to Shelly Associates. Re: Overpayment of engineering fees.
12. Letter from the Supervisor's Secretary to DiFelice Development. Re: Overpayment of engineering fees.
13. Letter from the Supervisor's Secretary to Florida West Land Corp. Re: Overpayment of engineering fees.
14. Letter from the Supervisor's Secretary to Buckingham Properties. Re: Overpayment of engineering fees.
15. Notice of Petition for review of assessment filed by Ontario Square Realty Corp.
16. Notice of Petition for review of assessment filed by Greg Schwartz, Reno Associates, Blackwood Associates & Padelford Properties.
17. Copy of petition for small claims assessment review for lot owned by Patrick A. Behen.
18. Letter to Daye Parsons of Finger Lakes Technologies Group from the Supervisor's Secretary. Re: Quote for telephone and Internet service.
19. Cancellation of Certificates of Workers Comp Insurance for Mark F. Spallacci DBA Stone Design and Perkins Construction.
20. Certificate of Liability Insurance for Bristol Builders.
21. Letter to Walt Baker of DSB Engineers from Lance Brabant of the MRB Group. Re: The Estates at Beaver Creek, Section 1.
22. Memo from the Director of Development to the Planning Board with attached letter from Lance Brabant of the MRB Group to Walt Baker of DSB Engineers. Re: Auburn Meadows Subdivision, Section 2 maintenance bond.
23. Letter from the Director of Development to John Shields PE of Pooler Enterprises. Re: Collett Road Industrial Park incentive zoning.
24. Acknowledgment of recent insurance claim from Selective Insurance.
25. Letter to Assemblyman Brian Kolb from Joan McDonald, Commissioner of the NYS Department of Transportation. Re: traffic conditions on Farmington Townline Road.

REPORTS & MINUTES:

1. Minutes from the Town Planning Board's August 3, 2011 meeting.
2. Minutes from the Conservation Board's May 23, 2011 meeting.
3. Minutes from the Town Recreation Board's July 18, 2011 meeting.
4. Minutes from the Town Zoning Board of Appeals' July 11, 2011 meeting.
5. Minutes from the Town Zoning Board of Appeals' July 25, 2011 meeting.
6. Minutes from the Historic Preservation Commission's June 2, 2011 meeting.
7. Minutes from the Historic Preservation Commission's August 4, 2011 meeting.
8. Minutes from the Town Recreation Board's June 14, 2011 meeting.

ORDER OF BUSINESS:**RESOLUTION #235-2011:**

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

RELEASE SURETY (PERFORMANCE) BOND – ALDI'S PROJECT, IN THE TOTAL AMOUNT OF \$ 104,233.00.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated August 17, 2011 recommending that the above referenced Surety Bond be released finding that the work has been completed to the satisfaction of the Town Department Heads; and

WHEREAS, the total amount of the Surety Bond is \$104,233.00; and

WHEREAS, after the adoption of this resolution there will be a zero balance remaining.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves of the release of this Surety Bond and authorizes the Town Supervisor, to execute the release of the requested amount.

FINALLY BE IT RESOLVED that the notice of release is to be issued to Lewis Kibling, Director of Real Estate, Aldi-Tully Division and to Diane Rask, Aldi Inc., Batavia, Illinois.

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

RESOLUTION #236-2011:

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

**LETTER OF CREDIT – AUBURN MEADOWS SUBDIVISION, SECTION 4 - RELEASE # 3
IN THE TOTAL AMOUNT OF \$ 122,740.98.**

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated August 17, 2011 recommending that the above referenced Letter of Credit Release # 4 be approved in the total amount of \$ 122,740.98 for work completed in Section 4 of the Auburn Meadows Subdivision Tract; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the partial 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, the total amount of this Letter of Credit is \$ 1,195,824.87; and

WHEREAS, there is a balance of \$ 1,025,967.57 remaining in the Letter of Credit after Release # 2; and

WHEREAS, there will be a balance of \$ 903,226.59 remaining in the Letter of Credit after Release #3.

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.

FINALLY BE IT 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 #237-2011:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE GASBOY SUPPORT AGREEMENT

WHEREAS, the Highway/Parks Superintendent has asked that the Supervisor sign a renewal contract with Gasboy to provide software that operates the fuel pumps at the Town Highway Garage for the period of Sept. 20, 2011 to Sept. 20, 2012, and

WHEREAS, the contact is not to exceed \$175,

BE IT RESOLVED THAT the Town Board hereby authorizes the Supervisor to sign the renewal contract with Gasboy at a cost not to exceed \$175 and

BE IT FURTHER RESOLVED that the Town Clerk provide the Highway/Parks Department with a copy of this resolution and the original signed agreement to be returned to Gasboy.

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

(Order of Business Continued):

RESOLUTION #238-2011:

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

RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO FILL A VACANT MEO POSITION

WHEREAS, the Highway/Parks Superintendent has asked that he be authorized to fill a vacant Motor Equipment Operator position created by the retirement of Scott Whittaker as follows:

17 weeks at \$17.75 per hour = \$12,070.00

DA5110.1	\$5,680.00
DA5142.1	\$6,390.00
TOTAL	\$12,070.00

BE IT RESOLVED THAT the Town Board hereby authorizes the Highway/Parks Superintendent to fill the vacant Motor Equipment Operator position at the aforementioned rate of \$17.75 per hour and be it

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

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

RESOLUTION #239-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE ANNUAL ALLOTMENT FOR HIGHWAY ROAD REPAIR FROM THE 2009 VLT MONIES

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Bookkeeper to make the following budget amendment to fund highway road repairs with 2009 Video Lottery Terminal monies from New York State:

FROM: A599	Appropriated Fund Balance	\$100,000.00
TO: A9901.96V09	Transfers to Other Funds	\$100,000.00

AND

FROM: DA5031VLT	Interfund Transfer	\$100,000.00
TO: DA5110.46VLT	General Road Repairs – CE – VLT	\$100,000.00

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

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

RESOLUTION #240-2011:

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

APPROVAL TO BID GENERATOR -GILLIS STATION

WHEREAS, after reset power outage events the Water and Sewer Department has review its budget for Improvements and Capital Equipment replacement for 2011 & 2012 under Sewer appropriations SS 8120.21, and

WHEREAS, The scheduling of this Improvement and replacement is in accordance with the W &S Departments Capital replacement program, and

WHEREAS, funding for this expenditure will be from the Sewer 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 on-site Generator for the Gillis Rd Station.

BE IT FURTHER RESOLVED, that bids will be received until 10:00 A.M. Sept 22, 2011 at the office of the Town Clerk, 1000 County Road 8, Farmington, NY 14425.

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

(Order of Business Continued):

RESOLUTION #241-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT TO COVER EXPENDITURES SUBJECT TO REIMBURSEMENT FOR THE AUBURN TRAILS FEASIBILITY STUDY

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the Bookkeeper to make the following budget amendment to cover expenditures that are subject to reimbursement for the Auburn Trails Feasibility Study:

FROM: A1990.4	Contingency	\$5,271.05
TO: A8020.44	Planning & Development – Aub. Trails FS	\$5,271.05

AND BE IT FURTHER RESOLVED, that Town Clerk forward copies of this resolution to the Supervisor’s Secretary, the Bookkeeper and the Director of Development.

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

RESOLUTION #242-2011:

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

RESOLUTION AUTHORIZING THE APPROVAL OF A BID FOR A ROAD WIDENER

WHEREAS, Resolution #190-2011 authorized the Highway/Parks Superintendent to solicit bids for a new 2011 double-sided, road widener to replace a 1977 road widener; and

WHEREAS, the funds are included and available in the 2011 budget line item DA-5130.2 Machinery – Equipment and the cost will be equally split with the Town of Victor under the Shared Equipment Agreement that was passed by Resolution #181-2011; and

WHEREAS, bid specifications were advertised in the Town’s official newspaper on August 1 and 2, 2011; and

WHEREAS, on August 12, 2011 at 10:00am sealed bids received in a timely manner with the required documentation and were opened with the results listed as follows:

Gateway Equipment Corp.	\$ 161,511.00
Vantage Equipment	165,333.00

WHEREAS, the Highway/Parks Superintendent recommends the bid be awarded to Gateway Equipment Corporation for an amount not to exceed one hundred sixty one thousand five hundred eleven (\$161,511.00), said funds are included and available in the 2011 budget line DA-5130.2 Machinery – Equipment and the cost will be equally split with the Town of Victor at \$ 80,755.50 each under the Shared Equipment Agreement; and further

RESOLVED that a copy of this resolution be forwarded to the Highway/Parks Superintendent, Bookkeeper, Town of Victor Highway Department and Gateway Equipment Corporation at 8033 Transit Road, East Amherst, New York 14051.

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

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

RESOLUTION # 243-2011- TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT 16-2011

General	\$ 45,187.03
Highway Fund	\$ 11,375.60
Storm Drainage	\$ 9,097.59
Payroll	\$ 1,871.82
Sewer District	\$ 37,798.71
Water District	\$ 35,491.33
Highway Campus	\$ 97.18
TOTAL	\$140,919.26

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

DISCUSSION: None.

TRAINING UNDER \$100:

1. Supervisor’s Secretary Jessica Youngman to attend Paychex Preview training course August 26, 2011 in Henrietta at a cost of \$50.00.
2. Jim Crane, William Garlock, Tim Gray, Eric Feistel and Kevin Scherbryn to attend the annual Fall Steak Roast meeting of the Genesee Valley Chapter of the New York Water Environmental Association Conference on September 16, 2011 at a cost not to exceed \$35.00 apiece.

(Order of Business Continued):

A motion was made by **Councilman Mickelsen** and seconded by **Councilman Casale** to adjourn the meeting at 7:37 p.m. Motion carried.

Meeting was recorded and transcribed by:

Michelle A. Finley, Town Clerk: _____

