

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 July, 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, **Ron Brand** – Director of Planning & Development, **Dave Degear** – Planning Board Chairman, **Paul Conrad** – Farmington Fire Chief, and residents.

### **PUBLIC HEARINGS: COMPREHENSIVE PLAN**

At 7:00 p.m., on this date, a Public Hearing was called to order. The Town Clerk read the legal notice. Supervisor opened the Hearing for comments from the public and staff.

Director of Planning & Development Ron Brand gave an overview of the changes made to the plan. He stated that the Town Board created a Comprehensive Plan Committee in October of last year, first meeting was in November and thirteen meetings later a draft plan was prepared and presented to the Town Board at the end of May following that revisions were made to the preliminary draft and a motion was made by the committee to accept the revised draft which is before them now. He added that the Board has had the draft since the middle part of June, its' been posted on the web, and has gone to the County for review under the General Municipal Law. The County's referral 131-2011 classified it as a Type II Action, they commented with general and technical comments which are part of the record under Appendix C Public Participation. In addition, since the Plan was posted on the website, they have received four letters. One letter was concern over prime agricultural lands being classified for a particular site in which that was clarified. That letter and response will become part of Appendix C. He added that there also was a change made to Map #10 that affects a parcel of land north of the future Highway Campus site on Hook Road (that site is split by a power right of way and the front portion of that site in the narrative was recommended for Industrial and on the map it was shown for Agricultural so that has been changed to show for Industrial use). He added that there was also a letter promoting Greek Yogurt which he responded to and pointed out the correlation to the comprehensive plan. And finally there was a letter referring to the 2011 Comprehensive Plan. Mr. Brand also stated that there was an amendment to the water systems map showing four areas that needed to be corrected.

Supervisor Fafinski asked if anyone would like to comment concerning the Comprehensive Plan. Dave Cooper asked Mr. Brand if this was the same Comprehensive Plan involving his property. Mr. Brand replied yes and that Mr. Cooper has a parcel of land on County Road 41 next to the Finger Lakes Racing and Gaming Casino. There are two parcels of land on the north side of County 41 near Wood Drive that were originally shown in the 2003 Comprehensive Plan as Rural Residential and since that area has both residential water and sewer it doesn't fit the criteria for a Rural residential site and its surrounded by General Business and its an area that the committee will be recommending for rezoning to General Business. Supervisor Fafinski asked if there is anyone else to speak for or against it. Mr. Cooper stated that he is all for it. Councilman Mickelsen stated that adopting the new comprehensive plan doesn't rezone his property yet, it's just a future land use recommendation. Supervisor Fafinski stated that the rezoning request would require a separate action based upon the Comprehensive Plan and that the request for rezoning has been referred to the Planning Board for comment.

Supervisor Fafinski asked if there were any other comments from staff. Councilman Ingalsbe thanked Ron Brand and the committee for the work they put in. Supervisor Fafinski thanked Councilman Holtz and Councilman Casale for their participation.

Supervisor Fafinski asked if there were any further comments. Hearing none the Public Hearing was closed at 7:08 p.m.

### **APPROVAL OF MINUTES:**

A motion was made by Councilman Mickelsen, seconded by Councilman Casale, that the minutes of the June 28, 2011, and July 12, 2011, meeting, given members for review, be approved. Carried.

### **PRIVILEGE OF THE FLOOR: Swap Shop in Farmington – Jane Barry**

Jane Barry stated she would like the town's assistance in starting up a Swap Shop in Farmington just like the one Victor has. She wanted to know if the town has any allotted space for them to use to place a tractor trailer on. Supervisor Fafinski stated that currently there are no town buildings available. Ms. Barry asked if there was vacant town land available. Supervisor Fafinski stated that there is some land but wanted to

hear comments from the Code Enforcement Officer. Code Enforcement Officer Kofahl commented that he has several concerns. He said what was nice for Victor was they had an area already setup that this was complementary to the principle building (recycling center). He added that what a lot of municipalities overlook is that their buildings fall under the state codes too are not exempt, they might be exempt from some zoning codes under their own municipal codes but not building codes. He said one of his big concerns as to what was submitted is the building would minimally be classified as a S1 structure which is a storage occupancy of moderate hazard and with the amount of things that will be in there they are also looking at installing a sprinkler system. They also would need some variances. He stated that worst case scenario it could be classified as a major hazard occupancy and then you would have more issues. Kofahl added that the town's insurance company would need to look at the amount of coverage and cost it would be for liability insurance. Councilman Casale stated that since the town didn't have a structure available already it would fall on the taxes payers to build a building and a road in and out. He felt the town shouldn't do anything at this point because of the other projects they have going. Councilman Holtz asked what are they actually looking for, an area to put it on? funding to build it? Ms. Barry stated that they did talk with someone about getting a tractor trailer and putting it on town property. She added that they could do funding if the town doesn't have the money. Councilman Casale stated that it's not that the town doesn't have the money it's the fact that they are asking them to put another burden on the taxpayers. Ms. Barry felt that as taxpayers they had a right to vote. Supervisor Fafinski stated that the County Landfill generates revenue over 2 million dollars or more that goes directly to the tax line which lowers their taxes, if they didn't have that revenue from the landfill the county property taxes would be \$2.00 more per thousand higher. Supervisor Fafinski stated that he has a hard time realizing why government needs to be involved in a project like this because he thinks there are a number of projects in the private sector handling things like this today. Councilman Casale suggested using online services that are available to get rid of items. Ms. Barry stated that this is also a way of getting items to people who may not be able to afford them. Supervisor Fafinski stated he is against duplicating services and is against government expanding. Another resident stated that she thinks this type of service would help people and to have a sense of community. She added that she knows the town helps with the food cupboard and doesn't know how much the town helps with that. Supervisor Fafinski stated that that the town doesn't help the food cupboard. They are not looking into raising taxes, looking more for support and direction on how to go about having this in Farmington. Supervisor Fafinski felt that their idea wasn't a wise use of people's money given the current economic situation. He felt it's more important to patch roads, to provide ambulance services, and to have fire department equipped and able to respond to emergencies. Councilman Mickelsen stated he would like to see it done through the private sector; he supports the concept and thinks it's a great idea but doesn't feel it's a function of government that needs support. Councilman Ingalsbe asked Code Enforcement Officer what is needed to start something like this up. CEO replied that if it was set up as retail business it would fall under general business or in residential areas it would be set up as an accessory use. He added it depends on the size of the building. Councilman Ingalsbe asked about putting it on an agricultural site. CEO stated that it depends on what it is classified as but doesn't see a classification for that type of thing under Agricultural. Councilman Holtz stated that he wasn't ready to say no just yet, he would like to look into if it's feasible to give a piece of land for them to use if they fundraise for everything else. A gentleman stated that they had the Victor Town Attorney look into having the swap shop because it was first of its kind so all the necessary papers will be in order for Farmington because they know what is needed. Director of Planning and Development stated that most of the land the town owns is dedicated parklands and the only land he can think of would be located in Victor so that would not help the residents here. He added that the only land he could think of and is not 100% sure that would be available is the land where the parks shop is located but that is far off the road and unsecured. Ms. Barry asked how they need to go about working towards starting this. Supervisor Fafinski stated that she would need to get with the Code Enforcement Officer. Ms. Barry stated that she heard that this issue had come before the board before and Supervisor Fafinski and Councilman Casale responded that it had not. Jane Gerese stated that she was not part of the investigative committee but heard about this and would like to see a swap shop in Farmington because it would be a great service for the community without raising taxes. She inquired about the space at the new highway campus and Supervisor Fafinski stated that it has all been allocated for different uses. Councilman Casale stated that they should get with planning and go over what they need to be looking for in terms of laws, variances, and permits.

## **REPORTS OF STANDING COMMITTEES:**

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

### **Water & Sewer:**

1. Discussed billing software update.
2. Discussed pumpstation improvements.
3. Discussed Assessment Management – operation manual.
4. Purchased control monitoring equipment.
5. Discussed Fire Hydrant maintenance. Two watermain breaks – County Road 8 and Holtz Road
6. Discussed market adjustments for four employees.
7. Discussed sanitary sewer fix in Victor.

**Highway & Parks:**

1. Meet with a few State Legislators and other Highway Superintendents to discuss funding for radios.
2. Fixed pipe on Plastermill Road.
3. First phase on New Michigan Road is complete.
4. Fawn Meadow work is completed.
5. Farmbrook Park- getting ready to pave entrances and basketball court.
6. New truck is lettered.
7. Meeting with Town Engineers to go over site plan for new highway campus.

**Town Operations Committee: Councilman Holtz reported:**

1. Discussed mowing of three properties. Two more have been flagged and letters sent out to remedy.
2. Resolution on tonight to renew special use permit for Farmington Manufactured Home Community.
3. Resolutions on tonight for release of Letters of Credits for A&D Development.
4. Discussed part-time CEO position – waiting for third candidate.
5. Discussed issuing 300 permits so far this year.
6. Discussed Quaker Meeting House-scheduled to be moved October 26.
7. Discussed DiPacific's area.

**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. Budget process has started.
2. Attended Homeland Security for Rural Communities Conference along with Councilman Casale.
3. Discussed Tax cap.
4. Groundbreaking ceremony this Saturday for the Quaker Meeting House.
5. Has been asked by the Governors Office to serve on the Economic Development Council for this region. Gov. Cuomo had a press conference at MCC today.

**Highway& Parks Superintendent Ed McLaughlin:**

1. Meet with Engineers regarding the site plan for the new highway campus went very well.

**Town Clerk Michelle Finley:**

1. Attended Cornell Municipal Clerk Conference.
2. Dog renewals.
3. Received all update forms from the State for the Marriage Equality Act.

**Water & Sewer Superintendent Jim Crane:**

1. Discussed submission of FEMA application for wind damage.

**Code Enforcement Officer Floyd Kofahl:**

1. Discussed volume of work has increased.

**Director of Planning and Development:**

1. Discussed Auburn Trail project.
2. Discussed Gateway project.
3. Discussed CVS project.
4. Discussed Open Space Index.
5. Discussed adoption of Comprehensive Plan.
6. Discussed Collett Road Industrial Park incentive rezoning request.

**Assessor Donna LaPlant: None.****Fire Chief Paul Conrad: None.**

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

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

**COMMUNICATIONS:**

1. Letter to Charles Herendeen from Town Supervisor. Re: Comprehensive Plan 2011 final draft.
2. Letter to Nathan Herendeen from Town Supervisor. Re: newspaper article on Greek Yogurt.
3. Letter from Lance Brabant, MRB Group, to Ron Brand, Director of Planning and Development. Re: Review revised preliminary site plan.
4. Letter to Real Property Tax Agency from Town Supervisor. Re: Adding cost of mowing to the property owner's tax bill.
5. Letter to Ted Ball of Selective Insurance Company from Town Supervisor. Re: actions taken by Water and Sewer Department.
6. Memo from Ron Brand, Director of Planning & Development to Town of Farmington Planning Board. Re: Auburn Meadows Subdivision letter of credit No 1.
7. Memo from Ron Brand, Director of Planning & Development to Town of Farmington Planning Board. Re: Auburn Meadows Subdivision letter of credit No 2.
8. Letter from residents Betty & Norman Turner and Kim & Don DeLong to Town Supervisor. Re: a garbage problem at an apartment building on Mertensia Road.
9. Letter from Scott Whittaker, Highway/Parks Department employee to Highway/Parks Superintendent, Ed McLaughlin. Re: retirement.
10. Letter from United States Senator Charles Schumer to the Town of Farmington. Re: accepting applications to America's Historical and Cultural Organizations: Planning Implementation Grants Program.
11. Letter from United States Senator Charles Schumer to the Town of Farmington. Re: accepting applications for funding under the 2011 Museums for America Grant Program.
12. Letter from Water and Sewer Superintendent Jim Crane to Regional Water Manager Craig Jackson. Re: Consent order case requirements.
13. Petition: small claims assessment review. Re: 4440 Mount Payne Road.
14. Letter from Nathan Herendeen to Town Supervisor. Re: Comment on Comprehensive Plan 2011 Final Draft.
15. Letter from Ontario County Administrator John Garvey to Governor Andrew Cuomo. Re: property tax cap legislation.
16. Letter from the Town Supervisor to Nathan Herendeen. Re: 2011 Comprehensive Plan.
17. Letter to Thomas Reed, PE of Leonard's Express from the Town Supervisor. Re: Reply to inquiry about town invoices.
18. Cancellation of Certificate of Workers Comp Insurance for Pro Construction.
19. Certificates of Workers Comp Insurance for: Townsend Oil Corp.; Tim Strang DBA.
20. Certificates of Liability Insurance for: Anderson Water Systems; Cellco Partnership; Jake Construction; Fireplace Fashions; Penfield Plumbing; Townsend Oil.
21. Notice of Cancellation of permit bond for Farmington Senior Apartments.
22. Letter to the Town Clerk from David Goehring of the NYS Dept. of Transportation. Re: Holtz Road.
23. Letter to the Town Clerk from David Goehring of the NYS Dept. of Transportation. Re: Elizabeth Way.
24. Letter to the Town Clerk from David Goehring of the NYS Dept. of Transportation. Re: Martz Road.

**REPORTS & MINUTES:**

1. Minutes for Zoning Board of Appeals meeting on 1/24/2011.

**ORDER OF BUSINESS:****RESOLUTION #205-2011:**

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

**RESOLUTION AUTHORIZING THE RETURN OF ZONING BOARD APPLICATION FEES PAID BY JAMES R. FOX**

**WHEREAS**, The Town Building and Development Office had received an application for an area variance at 1768 Maplewood Drive; and

**WHEREAS**, The owner, Mr. James Fox paid \$50.00 for the Zoning Variance request; and

**WHEREAS**, The Mr. James Fox has withdrawn his application do to personnel issues; and

**WHEREAS**, The Code Enforcement Officer request that the Town of Farmington Board approves the refund of the Variance Application Fee do to no posting of legal notices or other related expenditures for this application;

**(Order of Business Continued):**

**NOW, THEREFORE, BE IT RESOLVED** That the Town Board of Farmington does herein approve the refunding of the \$50.00 Zoning Variance Fee to Mr. James Fox and that a copy of this resolution be given to the Building Department and the Town Clerks Office.

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

**RESOLUTION #206-2011:**

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

**RESOLUTION WAIVING TOWN FEES ASSOCIATED WITH THE BUSINESS COUNCIL OF THE FARMINGTON CHAMBER OF COMMERCE GATEWAY PROJECT – ALL FOUR PHASES.**

**WHEREAS**, a number of dedicated Town residents who are also members of the Farmington Chamber of Commerce and its Business Council have been working towards the creation of the Farmington Chamber of Commerce Gateway Project; and

**WHEREAS**, said group of individuals have previously presented to the Town Board a plan for creating a gateway at all four corners of the intersection of State Routes 96 & 332, a project that is intended to create a sense of destination, a sense of community and related improvements that are oriented toward traffic calming measures at said intersection; and

**WHEREAS**, the Town of Farmington Comprehensive Plan recognizes the intersection of State Routes 96 & 332 as being the four corners within the planned "Community Center" area of the Town; and

**WHEREAS**, the Town Board has authorized the Town Supervisor to make application(s) to the New York State Department of Transportation, on behalf of the Business Council of the Chamber of Commerce, for a highway work permit to make certain improvements within the rights-of-way of both State highways and/or on portions of other lands adjacent thereto; and

**WHEREAS**, the Town Board has received a request from John Malvaso of the Chamber of Commerce's Business Council to waive the fees associated with the Chamber's need for obtaining approval(s) from the Town Planning Board and/or Town Zoning Board of Appeals for an application(s) for site plan approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby waive any application fees associated with an action by the Town Planning Board and/or the Town Zoning Board of Appeals for the creation of the gateway concept on all four (4) corners of this major intersection within the Town.

**BE IT FINALLY RESOLVED** that this resolution shall be forwarded to the Town Development Office, the Town Code Enforcement Officer, the Town Planning Board Chairperson, the Town Zoning Board of Appeals Chairperson, the Town Clerk and the Chamber of Commerce Business Council within two business days.

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

**RESOLUTION #207-2011:**

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

**FARMINGTON TOWN BOARD RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE (INSURANCE) BOND – FARMINGTON 332 LLC SENIOR HOUSING - IN THE TOTAL AMOUNT OF \$ 913,251.82 to DGA BUILDERS, INC.**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) did establish a Performance (Insurance ) Bond from DGA Builders, Inc., for improvements that are to be dedicated to the Town at the above referenced Senior Housing Site, in the amount of \$ 913,251.82, at the October 13, 2009 meeting; and

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) did at its July 12, 2011 meeting establish a two-year Maintenance Bond, from Home Leasing Corporation, for improvements that have been completed and that are to be dedicated to the Town at the above referenced Senior Housing Site, in the amount of \$ 43,237.40, as recommended by Lance S. Brabant, CPESC, MRB Group, P.C., the Town's Engineering Firm in a letter dated July 5, 2011; and

**WHEREAS**, there is a cash deposit in the amount of \$3,200.00 that has been received from Home Leasing Corporation by the Town for site items specified in the June 8, 2011 Memo from the Town Code Enforcement Officer to Jack Henehan, Town Construction Inspector and Lance Brabant, Town Engineer, that are not to be dedicated and that still have not been completed for the project; and

**WHEREAS**, the cash deposit is to remain on file with the Town until a final inspection has been completed and the outstanding items have been accepted by the Town Code Enforcement Officer at a future date and time.

**(Order of Business Continued):**

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby accepts the recommendation cited above herein and directs the release of the Performance (Insurance) Bond, in the amount specified above herein, to DGA Builders, Inc.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to, tomorrow, notify by U.S. Mail certified copies of this Resolution to: Christopher Krawiec, DGA Builders, Inc., and to Kristina Rogers, Edgemere Development, of the Town Board's decision to release the subject Performance (Insurance) Bond, in the amount specified above herein; and

**BE IT FINALLY 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 Code Enforcement Officer, the Town Construction Inspector and the Town Engineer.

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

**RESOLUTION #208-2011:**

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

**SEQR CRITERIA AND DETERMINATION OF NON-SIGNIFICANCE**

**ACTION - Adoption of the 2011 Edition of the Town of Farmington Comprehensive Plan**

**Whereas**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has prepared, reviewed and accepted Parts 1, 2 and 3 of the Full Environmental Assessment Form (EAF) for the above described adoption of the 2011 Edition of the Town of Farmington Comprehensive Plan (hereinafter referred to as Action); and

**Whereas**, the Town Board finds that the EAF provides a reasoned elaboration of the impacts likely to result from the Town Board's adoption and implementation of the recommendations contained in the Action; and

**Whereas**, the Town Board has conducted a public hearing upon said Action, has given consideration to the Ontario County Planning Board's referral # 131-2011 and has given consideration to the comments provided at said public hearing; 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 the EAF.

**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 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;
- (iii) there are no known Critical Environmental Area(s) that will be allowed to be disturbed on the PD zoned site which will be impaired as the result of the proposed action;
- (iv) the overall density of development in each of the subareas contained in the Action will be consistent with the density of development contained in the 2003 Edition of the adopted Town Comprehensive Plan's land use recommendations;
- (v) 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;
- (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, or land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

**(Order of Business Continued):**

- (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;
- (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 upon 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 upon said Action and directs the Town Supervisor to sign and date the EAF and the Negative Declaration Form.

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

**RESOLUTION #209-2011:**

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

**TOWN BOARD RESOLUTION TO ADOPT THE 2011 EDITION OF THE TOWN OF FARMINGTON COMPREHENSIVE PLAN**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board), at a public hearing held on Tuesday, July 26, 2011 received public comment upon the proposed adoption of the 2011 Edition of the Town of Farmington Comprehensive Plan (hereinafter referred to as Action); and

**WHEREAS**, said Action is part of the ongoing maintenance of the Town of Farmington Comprehensive Planning Program, as provided for under Section 272-a of New York State Town Law; and

**WHEREAS**, the Town Board has reviewed the Ontario County Planning Board referral # 131-2011 which recommends approval of the adoption of said Action; and

**WHEREAS**, the Town Board has given consideration to the public record created upon said Action; and

**WHEREAS**, the Town Board has completed its required review under the provisions of the State Environmental Conservation Law, Article 8, Part 617 making a Determination of Non-Significance thereon.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board adopts, in accordance with the provisions of Section 272-a of New York State Town Law, the 2011 Edition of *The Town of Farmington Comprehensive Plan* as the Official Plan Document for the Town of Farmington.

**BE IT FINALLY RESOLVED** that the Director of Development is to directed to publish copies of the adopted 2011 Edition of the Comprehensive Plan and provide them to the Town Clerk's Office for public review and purchase, the Director of Development is to file copies with the Ontario County Planning Board, the Town Clerk's Office, the Town Development Office and to post the adopted Plan, in its entirety, upon the Town's Official Website [www.townoffarmingtonny.com](http://www.townoffarmingtonny.com)

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 July 26, 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**.

**(Order of Business Continued):**

**RESOLUTION #210-2011:**

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

**FARMINGTON TOWN BOARD RESOLUTION AUTHORIZING THE RENEWAL OF THE SPECIAL USE PERMIT FOR THE FARMINGTON MANUFACTURED HOME COMMUNITY.**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Mr. Stewart Garland (hereinafter referred to as Applicant), owner of the Farmington Manufactured Home Community (hereinafter referred to as Home Community), to renew the Special Use Permit (hereinafter referred to as Application) for the continued operation of said Home Community; and

**WHEREAS**, the Town Board, pursuant to the provisions contained in Chapter 165, Article VI, Section 76 of the Farmington Town Code, has reviewed the request to renew and has found that numerous violations exist at the site; and

**WHEREAS**, when violations have been cited by the Town Code Enforcement Officer (hereinafter referred to as CEO) during the year immediately preceding the renewal application, the applicant shall appear before the Town Board for a decision upon said Application; and

**WHEREAS**, the Applicant has appeared before the Town Board on several occasions and has been working in good faith with the CEO to correct the cited violations at the Home Community; and

**WHEREAS**, the violations cited in the inspections conducted by the CEO have been reported by said CEO to have been corrected; and

**WHEREAS**, the CEO did report at the July 12, 2011 public meeting of the Town Board that all violations have been corrected and that the CEO is recommending approval of the renewal of said Application; and

**WHEREAS**, the renewal of the Application is defined, as a routine or continuing agency administration; and permit renewals where there will be no material change in permit conditions or the scope of permitted activities, under Part 617.5 of the State Environmental Quality Review Regulations to be a Type II Action; and

**WHEREAS**, Type II Actions have been determined under Part 617.5 (a) of the State Environmental Quality Review Regulations not to have a significant impact upon the environment or are otherwise precluded from environmental review under article 8 of the State Environmental Conservation Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby accepts the CEO’s recommendation cited above herein and authorizes the renewal of the Special Use Permit for a period of one (1) year from today, for the continued operation of the Farmington Manufactured Home Community.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to, tomorrow, notify by U.S. Mail certified a copy of this Resolution to Stewart Garland, Applicant; and to provide the Town Code Enforcement Officer, with a certified copy of the Town Board’s decision to approve the Special Use Permit for the continued operation of the Farmington Manufactured Home Community for a period of one (1) with said permit to expire on July 26, 2012 unless renewed by the Applicant on or before said date.

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 July 26, 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 #211-2011:**

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

**RESOLUTION - MARKET SALARY ADJUSTMENTS - WATER & SEWER**

**WHEREAS**, in 2007 Water and Sewer Supt developed a Step Plan as requested by the Town Board for wage increases, has part of its Asset Management Program, and

**(Order of Business Continued):**

**WHEREAS**, this Step Plan timetable outlines wage increases for newly hired employees within a 5 year duration based on performance and grade improvements,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Water & Sewer Districts hereby authorizes the Supervisors Office and the Water and Sewer Superintendent to Increase the hourly wages by \$0.50 per hour for the following employees Josh Fagner and Cori Stapleton, including a \$0.40 per hour increase for Kevin Scherbyn and Matthew Curren, Effective starting July 24, 2010.

**BE IT FURTHER RESOLVED**, these increase's where included in the 2010 Budget and will be from budget lines SS-8120.1, SS-8130.1 and SW1-8340.1.

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

**RESOLUTION #212-2011:**

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

**Wastewater Treatment Facility Maintenance Manual**

**WHEREAS**, has as part of its Wastewater Treatment Facility Equipment Maintenance Program and its Asset Management Program, and

**WHEREAS**, a complete inventory of all assets and equipment has been cataloged in order ton complete a comprehensive Operation and Maintenance Manual and

**WHEREAS**, the 2004 Wastewater Treatment Improvement Project ended in litigation, leaving equipment manuals and equipment training and performance incomplete.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Farmington acting on behalf of the Farmington Sanitary Sewer Districts hereby authorizes the Town Supervisor and the Water and Sewer Superintendent to enter into an agreement with MRB Group to provide a Comprehensive Operation and Maintenance Manual for this facility at a total cost not to exceed \$ 17,500.00

**BE IT FURTHER RESOLVED**, that this Professional Services will be from budget lines SS 8130.4.

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

**RESOLUTION #213-2011:**

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

**LETTER OF CREDIT – AUBURN MEADOWS SUBDIVISION, SECTION 4 - RELEASE # 1  
IN THE TOTAL AMOUNT OF \$ 118,810.50.**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated July 20, 2011 recommending that the above referenced Letter of Credit Release # 1 be approved in the total amount of \$ 118,810.50 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. 1 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 will be a balance of \$ 1,077,014.37 remaining in the Letter of Credit after Release # 1 occurs.

**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 as amended was **CARRIED**.

**RESOLUTION #214-2011:**

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

**LETTER OF CREDIT – AUBURN MEADOWS SUBDIVISION, SECTION 4 - RELEASE # 2  
IN THE TOTAL AMOUNT OF \$ 51,046.80.**

**(Order of Business Continued):**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Planning Board a resolution dated July 20, 2011 recommending that the above referenced Letter of Credit Release # 2 be approved in the total amount of \$ 51,046.80 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. 2 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 \$ 1,077,014.37 remaining in the Letter of Credit after Release # 1; and

**WHEREAS**, there will be a balance of \$ 1,025,967.57 remaining in the Letter of Credit after Release #2.

**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 #215-2011:**

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

**RESOLUTION AUTHORIZING BUDGET AMENDMENT**

NOW THEREFORE BE IT **RESOLVED** that the Farmington Town Board approve the following budget amendment to cover future expenditures in the Auburn Trail Feasibility Study:

FROM	A2770T	Contingency	\$4,000.00
TO	A8020.4	Planning & Dev. Aub Trails FS	\$4,000.00

AND BE IT FURTHER **RESOLVED** that the Town Clerk provide copies of this resolution to the Bookkeeper and the Director of Development.

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

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

**RESOLUTION # 216-2011- TO PAY AUDITED BILLS**

The bills were audited by the Town Board

**ABSTRACT 14-2011**

General	\$147,538.96
Highway Fund	\$130,662.15
Storm Drainage	\$ 3,070.35
Payroll	\$ 828.04
Sewer District	\$ 47,847.28
Water District	\$ 11,747.69
Highway Campus	\$ 9,817.27
Fire Protection Dist.	\$ 21,000.00
<b>TOTAL</b>	<b>\$372,524.85</b>

Supervisor Fafinski abstained on Voucher #1801-2011.

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

**DISCUSSION: None.**  
**TRAINING UNDER \$100: None.**  
**EXECUTIVE SESSION: None.**

A motion was made by **Councilman Casale** and seconded by **Councilman Holtz** to adjourn the meeting at 8:12 p.m. Motion carried.

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