

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 22nd day of March, 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: **Edward McLaughlin**- Highway/Parks Superintendent, **Floyd Kofahl**- Code Enforcement Officer, **James Crane**- Water & Sewer Superintendent, **Mary Neale**- Planning Board Member, **Paul Conrad** – Fire Chief, **Dottie Mickelsen**-resident, **Dave Degear** – Planning Board Chairman, **Mr. Fish**- resident, **Mr. Shannon** – resident, and Students.

PUBLIC HEARINGS: Outdoor Wood Boilers-Local Law No. 1 of 2011

The Town Clerk read the legal notice for said Local Law.

At 7:00 PM, on this date, a Public Hearing was called to order to hear all persons/citizens, in interest, concerning Outdoor Wood Boilers.

Supervisor Fafinski opened the public hearing. Director of Planning and Development Ron Brand stated that this is the third amendment to the Outdoor Wood Boilers Local Laws, the first local law prohibited them as a moratorium, the second provided guidelines and standards based on regulations at the that time and since that local law in 2007 the DEC has come out with new rules and regulations. He added that the issue the town is looking at mirrors those regulations. He added that basically what the new regulations call for is if someone wants an outdoor wood boiler they first have to go to the DEC and show specifications to see if it meets their criteria if it does then a five year permit is issued by the DEC what the town rules say is once you get the five year permit you come into the Building Department and show the permit from DEC to get the Town permit and after five years the unit has to be recertified by the DEC. Mr. Brand stated that the guidelines the town is setting in place are complementary to DEC. Mr. Brand stated that the County has reviewed the proposed local law.

Councilman Mickelsen asked if someone was to be ticketed for burning tires or trash would DEC be responsible or the Town Building Department. Mr. Brand replied that it usually filed as a complaint through the local municipality and they determine if it's a violation and also notifies the DEC. Councilman Mickelsen asked if after the five year permit period will DEC do the inspection, Mr. Brand replied that after the five year period the owner needs to go back to DEC to get another permit.

Supervisor Fafinski asked if anyone from the public would like to speak for or against this proposed local law. Mr. Fish, Kyte Road, inquired about the ones that are already in operation. Code Enforcement Officer, Floyd Kofahl, replied that after April 15, DEC is to come and investigate existing units and get them into compliance and certified by DEC. Mr. Fish asked about EPA. Mr. Kofahl replied that they are still working on their end with emissions control compliances with them. Mr. Shannon, Rushmore Road, stated that he lives 1000 feet from the road and he has no neighbors, he inquired about how many complaints the town has received. Mr. Kofahl replied that they have received a couple from the ones they know about but many don't have a permit. Mr. Shannon stated that he attended a meeting two years ago and at that time it was stated that there were only 15 complaints for the whole state and still drove these laws down to everybody and there should be no issues. Councilman Casale stated that he can smell burning wood and/or garage and he is far from everything. Mr. Shannon stated that the Whittaker's have a wood burning stove in their house. Mr. Kofahl stated that he has had no complaints on Mr. Shannon's property that he knows of. He added that the complaints he does get are not of smell of wood burning but of something else.

Staff Comments: Councilman Mickelsen stated that this is something that didn't originate at the town level but we need to bring the town into compliance. Councilman Holtz stated that Town Operations have discussed this due to people wanting to put them in now before the new regulations.

No one further wishing to be heard, for or against, concerning the forgoing subject matter, the Hearing was declared closed at 7:23 PM.

APPROVAL OF MINUTES:

A motion was made by Councilman Casale, seconded by Councilman Holtz, that the minutes of the March 8, 2011, meeting, given members for review, be approved. Carried.

PRIVILEGE OF THE FLOOR:

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Mickelsen reported:

Water & Sewer:

1. Discussed Billing Software transition.
2. Discussed refund for previous software.
3. Discussed Sewer Main at CVS Plaza.
4. Discussed Gypsum Mills pumpstation improvements.
5. Discussed monitoring and control system improvements.
6. Discussed generator for Denny pumpstation.
7. Discussed portable generator.
8. Discussed security system.
9. Discussed Highway Complex.
10. Discussed DEC inspection of Plant.

Highway & Parks:

1. Discussed hiring of seasonal workers.
2. Discussed annual report on landfill.
3. Discussed Farmbrook Park – concrete by end of April and landscaping done in May.
4. Discussed Spring Cleanup.
5. Discussed purchasing of trucks.
6. Discussed snowplow damage around town.
7. Discussed salting options for future use.

Town Operations Committee: Councilman Casale reported:

1. Discussed Auburn Trails Feasibility Study – Fisher Association was picked – Resolution to contract with them is on agenda for tonight.
2. Discussed draft Local Law on Outdoor Wood Boilers.
3. Discussed continuation education for Planning Board and ZBA Members who worked on Comprehensive Update Plan.
4. Discussed interviewing for CEO part-time position.

Town Personnel Committee: None.

Town Comprehensive Plan Committee: None

Town Finance Committee: None.

Town Public Safety Committee: None.

Town Workplace Violence Prevention Committee: Councilman Holtz reported:

1. Discussed resolution on for tonight's meeting adopting new policy.

REPORTS OF TOWN OFFICIALS:

Supervisor Fafinski :

1. Reminder of Easter Egg Hunt.
2. Discussed meeting with Safety Coordinator – workers compensation.

Highway& Parks Superintendent Ed McLaughlin:

1. Discussed sound proofing at the Mertensia Lodge.

Town Clerk Michelle Finley:

1. Discussed receiving scholarship to attend NYSTCA conference in May.
2. Discussed attending Ontario County Town Clerk Association on March 23.

Water & Sewer Superintendent Jim Crane:

1. Bills are out.

Code Enforcement Officer Floyd Kofahl:

1. Discussed attendance of staff to the annual conference.

Director of Planning and Development: None.

Assessor Donna LaPlant: Supervisor reported:

1. 74 informal meetings scheduled to date.
2. Information for the tentative roll is due to the County on April 6th.
3. Grievance Day in May.

Fire Chief Paul Conrad: None.**Planning Board Chairman Dave Degear:**

1. Discussed preliminary review of Leonards Express expansion program located on Collett Road.

Ontario County Planning Board Member Mary Neale:

1. Discussed Outdoor Wood Boilers – County ruled it favorable.

COMMUNICATIONS:

1. Memo to the Town Planning Board from the Director of Planning and Development. Re: Resolution to release a letter of credit.
2. Letter to members of the Auburn Trails Committee from the Director of Planning and Development. Re: Feasibility study proposals.
3. Letter from the Supervisor notifying Ann Vu of her pending appointment to the Town Zoning Board of Appeals.
4. Letters to three residents thanking them for their interest in the Town Zoning Board of Appeals vacancy.
5. Memo to the Supervisor, Town Board and Town Clerk from the Highway/Parks Superintendent. Re: 10 hour days.
6. Invoices from the Supervisor's Office to developers for engineering and legal fees.
7. Notice of public hearing in the Farmington Town Hall on March 25, 2011 for the Ontario County Industrial Development Agency.
8. Letter from Lance Brabant of the MRB Group to the Director of Development. Re: Leonard's Express, preliminary site plan.
9. Certificates of liability insurance for Gerard Smith Insurance Agency; Markell Makeovers Inc; New Hope Bible Church; Pro Construction; and RLS Structures.
10. Certificates of Workers Compensation insurance for Richard A. Johnson; Pro Construction; and RLS Structures.
11. Letter to Scott Foti of the NYS Department of Environmental Conservation from the Highway/Parks Superintendent. Re: Annual report for landfill.
12. Cancellation of certificate of Workers Compensation Insurance for Pro Construction.
13. Letter from Brenna, Brenna & Boyce to the Supervisor. Re: Proposed settlement for Town of Farmington vs. Harris Computer Corp.
14. 2011 Legislative Program for the Association of Towns.
15. Letter to the Supervisor from Tracy Shoultz of ISO with related report. Re: Farmington TS Building Code Enforcement Agency.

REPORTS & MINUTES:

1. Building permit report for February 2011.

ORDER OF BUSINESS:**RESOLUTION #91-2011:**

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

RESOLUTION APPOINTING R. ANN VU TO FILL THE UNEXPIRED TERM OF RAY WARD ON THE TOWN ZONING BOARD OF APPEALS

WHEREAS, Town Zoning Board of Appeals member Ray Ward resigned in 2010, leaving three years left on his five-year term, and

WHEREAS, the town received four letters of interest from Town residents interested in filling the vacancy and interviewed them during a workshop prior to the regularly scheduled Town Board meeting on March 8, 2011, and

WHEREAS, the Board was impressed with the interest and qualifications of all candidates, but especially those of R. Ann Vu, now therefore be it

RESOLVED, that the Town Board hereby appoints R. Ann Vu of 593 County Road 8, Farmington, to fill Mr. Ward's term, which expires on December 31, 2013, and be it further

(Order of Business Continued):

RESOLVED, that the Town Clerk forward a copy of this resolution to the Supervisor’s Secretary, ZBA Chairman Ed Hemminger and Ms. Vu and prepare an Oath of Office to be taken by Ms. Vu.

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

RESOLUTION #92-2011:

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

RESOLUTION AUTHORIZING A RATE INCREASE FOR DEPUTY TOWN CLERK SARAH MITCHELL FOR COMPLETION OF PROBATIONARY PERIOD

WHEREAS, Deputy Town Clerk, Sarah Mitchell, will be completing her probationary period on April 12, 2011, and

WHEREAS, Town Clerk, Michelle Finley, recommends the \$.25 per hour rate increase for completion of said probationary period effective April 12, 2011, therefore be it

RESOLVED, the Farmington Town Board authorizes the \$.25 per hour rate increase for Deputy Town Clerk Sarah Mitchell effective April 12, 2011, and further be it

RESOLVED, that the Town Clerk forward a copy of this resolution to the Supervisor’s Secretary.

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

RESOLUTION #93-2011:

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

RESOLUTION AUTHORIZING THE DISTRIBUTION OF PILOT MONIES RECEIVED FROM ALLOWAY ESTATES

WHEREAS, the town entered into a PILOT agreement with Alloway Estates in August 2005 which states they must pay a percentage of rents minus utilities to be distributed between the town, Ontario County and Victor Central School District, and

WHEREAS, the town has received that apportionment from Alloway Estates and have allocated the monies as follows:

Total amount received:	\$9,098.09
69 percent to Victor schools:	\$6,277.69
26 percent to Ontario County Treasurer:	\$2,365.50
5 percent to the Town of Farmington:	\$454.90

NOW THEREFORE BE IT **RESOLVED** that the Farmington Town Board approves of the above allocations of the PILOT monies received from Alloway Estates, and further be it

RESOLVED, that the Town Clerk forward copies of this resolution to the Supervisor’s Secretary and the Bookkeeper.

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

RESOLUTION #94-2011:

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

Letter of Credit Release #4 – The Estates at Beaver Creek Subdivision, Section 1, in the total amount of \$ 49,243.27.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated March 16, 2011 recommending that the above referenced Letter of Credit Release #4 be approved in the total amount of \$ 49,243.27 for work completed in the Section 1 portion of The Estates at Beaver Creek Subdivision; and

WHEREAS, the Planning Board has reviewed the documentation submitted for the release of the Letter of Credit, including the Town Letter of Credit Release Form No. 4 for The Estates at Beaver Creek Subdivision Project signed by all department heads; and

WHEREAS, there is currently a total of \$ 151,738.68 remaining in this letter of credit; and

WHEREAS, the Planning Board in a resolution adopted on March 16, 2011 has recommended the release of the requested amount, \$ 49,243.27.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute the release of the requested amount specified above herein 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 #95-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT

WHEREAS, Highway/Parks Department employee Paul Crandall receives an annual stipend of \$550 in addition to his regular wages for his appointed position as Public Safety Officer, and

WHEREAS, for the final quarter of 2010, Mr. Crandall was not paid his quarterly stipend of \$137.50 because he was on short-term disability for medical reasons for two of the three months in that period and would have lost his disability benefit had he received any such payments, and

WHEREAS, Mr. Crandall did, in fact, work for one month of the quarter and is therefore entitled to \$45.83, or one-third of the quarterly payment for the final period in 2010,

NOW THEREFORE BE IT RESOLVED that the Town Board approves the following budget amendment to pay Mr. Crandall a total of \$183.33 on the next quarterly payroll, March 23, 2011:

FROM	A1990.4	Contingency	\$45.83
TO	A3989.1	Other Public Safety PS	\$45.83

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

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

RESOLUTION #96-2011:

Councilman Ingalsbe offered the following Resolution, seconded by **Councilmen Mickelsen, Casale, and Holtz and Supervisor Fafinski**:

RESOLUTION OF SYMPATHY

WHEREAS, the Town Board was deeply saddened to learn of the passing this month of Craig Feistel, the son of longtime Building Department Secretary Janyce Feistel and brother of Water and Sewer Department employee Eric Feistel,

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

FURTHER RESOLVED that the Town Clerk forward a copy of this resolution to Craig Feistel's parents, Janyce and Alan Feistel, as well as his brother Eric Feistel.

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

RESOLUTION #97-2011:

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

RESOLUTION RECOGNIZING TOWN CLERK MICHELLE FINLEY FOR RECEIVING A SCHOLARSHIP TO ATTEND THE NEW YORK STATE TOWN CLERKS' ASSOCIATION ANNUAL CONFERENCE

WHEREAS, Michelle Finley, now in the second year of her first term as Farmington's Town Clerk, applied for and has received a \$500.00 scholarship to attend the upcoming New York State Town Clerks' Association annual conference, and

WHEREAS, the scholarship is awarded to those Town Clerks who have "made strong contributions to" their communities and serve as "role models" for their peers, according to the Association, and

WHEREAS, the Town Board is proud of Ms. Finley's accomplishments since taking office, including measures to make her office more accessible for citizens by extending her office hours and giving them the ability to pay via credit card, to name a few,

TOWN BOARD MEETING
(Order of Business Continued):

MARCH 22, 2011

NOW THEREFORE BE IT **RESOLVED** that the Town Board hereby recognizes Ms. Finley for her accomplishments and for receiving the scholarship with the attached proclamation to be signed by the Town Supervisor and further be it

RESOLVED that that Town Clerk's Office forward a copy of this resolution to the Supervisor's Secretary and Ms. Finley.

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

RESOLUTION #98-2011:

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

RESOLUTION AUTHORIZING BOOKKEEPER SARAH O'BRIEN TO ATTEND TRAINING

WHEREAS, the Association of Towns of the State of New York will hold its 11th Annual Town Finance School at the Woodcliff Hotel in Perinton, N.Y. May 4 to 6, 2011, and

WHEREAS, Town of Farmington Bookkeeper Sarah O'Brien would like to attend the training, which is co-sponsored by the Office of the State Comptroller, and

WHEREAS, the training costs \$200.00 per attendee and includes meals and materials,

NOW THEREFORE BE IT **RESOLVED** that the Town Board authorizes Ms. O'Brien to attend the aforementioned training at a cost not to exceed \$200.00 plus mileage, should the town car not be available, and be it

FURTHER RESOLVED that the Town Clerk provide a copy of this resolution to Ms. O'Brien.

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

RESOLUTION #99-2011:

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

RESOLUTION ADOPTING THE WORKPLACE VIOLENCE PREVENTION POLICY FOR THE TOWN OF FARMINGTON

WHEREAS, a relatively new New York State law requires that all municipalities with more than 20 employees adopt a workplace violence prevention policy that includes yearly training for employees, among other things, and

WHEREAS, a committee comprised of Councilman Steve Holtz, Public Safety Officer Paul Crandall, Confidential Secretary Jessica Youngman, and recently, Town Clerk Michelle Finley, have worked for several months in conjunction with the Ontario County Safety Coordinator's Office to create a plan for the Town of Farmington, and

WHEREAS, Town employees were required to undergo workplace violence prevention training by the Safety Coordinator's Office at the Town Hall in the summer of 2010 as required by the law, and

WHEREAS, the Town of Farmington had previously adopted and adhered to Ontario County's Workplace Violence Prevention Policy,

NOW THEREFORE BE IT **RESOLVED** that the Town Board adopts the Town of Farmington Workplace Violence Prevention Policy crafted by the committee and reviewed by Town Attorney Jeffrey Graff, and be it further

RESOLVED that the Town Clerk provide copies of this resolution and the attached policy to all town Department Heads, and the Supervisor's Office.

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

RESOLUTION #100-2011:

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

Adoption of Local Law Number of 2011 enacting amendments to Chapter 165 for the regulation of Outdoor Furnaces.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has conducted a public hearing on the above referenced local law; and

WHEREAS, the Town Board has reviewed the Ontario County Planning Board Referral # 19-2011 on said action; and

(Order of Business Continued):

WHEREAS, the Town Board has reviewed the public hearing record on said action; and

WHEREAS, the Town Board has determined the proposed action to be a Type II Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has considered the Town Planning Board's recommendation of approval of the adoption of said local law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts in its entirety this local law thereby enacting amendments to the Outdoor Furnaces Local Law Number 3 of 2007.

BE IT FURTHER RESOLVED that the Town Board does hereby direct the Town Clerk to complete and sign the Department of State Certification Form and to submit a final version of all documentation to the Town Attorney for signature and filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED that upon receipt of filing from the Secretary of State a certified copy of this Local Law Number of 2011 is to be sent to General Code Publishers for inserting in the Town Code Books.

BE IT FINALLY RESOLVED that this local law shall become effective upon filing with the Secretary of State.

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

RESOLUTION #101-2011:

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

Accepting the Proposal from Fisher Associates and Authorizing the Town Supervisor to request a contractual agreement with Fisher Associates for professional services to prepare a feasibility study report entitled "Auburn Trail Connection to the Ontario Pathways Trail, Ontario County, New York."

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has entered into a Letter of Agreement (hereinafter referred to as Agreement) with the Genesee Transportation Council (hereinafter referred to as GTC) and the GTCS, Inc., that has been signed and dated November 15, 2010; and

WHEREAS, under said Agreement the GTC has given a Project Number (Project #6522) under the Federal Year 2010-2011 Unified Public Works Program thereby committing a total of \$ 74,000.00 in Federal Funds to be matched with a total of \$ 6,000.00 in local funds; and

WHEREAS, under said Agreement the Town Board is the established Lead Agency for the above referenced Feasibility Study; and

WHEREAS, the Town Board has obtained written commitments from the Canandaigua Town Board and the Canandaigua City Council to each provide \$ 2,000.00 in matching funds to be matched by the Town of Farmington's \$ 2,000.00 cash contribution towards the \$ 6,000.00 total local funds match; and

WHEREAS, said Agreement provides for the Town Board together with GTC to prepare a Request For Proposals (RFPs), to publish said RFPs in the New York State Contract Reporter and to evaluate with other Study participants identified in the RFPs the Proposals received; and

WHEREAS, the Town of Farmington did publish notice of the Request For Proposals (RFPs) in the New York State Contract Reporter on January 25, 2011; and

WHEREAS, the published deadline for the submission of proposals was Friday, March 11, 2011; and

WHEREAS, the Town Director of Planning and Development (hereinafter referred to as Town Project Manager) and the Town Clerk have certified that a total of eleven proposals were submitted within the time period specified; and

WHEREAS, copies of each of the submitted proposals were in turn provided to the members of the Study Project's Evaluation Team for their review and ranking; and

WHEREAS, the Evaluation Team did meet on Friday morning, March 18th, at the Farmington Town Hall to deliberate and to rank all proposals; and

WHEREAS, six of the seven members of the Evaluation Team present voted to retain Fisher Associates, with offices located at 135 Calkins Road, Suite A, Rochester, New York 14623 to perform the tasks described in their proposal; and

TOWN BOARD MEETING

MARCH 22, 2011

(Order of Business Continued):

WHEREAS, the Town Project Manager has provided the Town Board with a summary report dated March 21, 2011, of the Evaluation Team's ranking process, discussion and vote taken at the above referenced March 18th meeting; and

WHEREAS, Robert Torzynski, Project Manager, GTC, for the above referenced Feasibility Study Project has, in an e-mail dated March 18, 2011 notified the Town of their acceptance of the process conducted to date and of their concurrence with the study consultant recommended by the Evaluation Team.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby determine that the proposed action to authorize a contract agreement to be a Type II Action, under Part 617.5 (c) (21), of the State Environmental Quality Review (SEQR) Regulations.

BE IT FURTHER RESOLVED that Type II Actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the Environmental Conservation Law.

BE IT FURTHER RESOLVED that the Town Board does hereby accept and approve of the Town of Farmington entering into a contractual agreement with Fisher Associates, in the total amount not to exceed \$80,000.00 to perform the above described feasibility study report.

BE IT FURTHER RESOLVED that the Town Board does hereby direct the Town Project Manager to give written notice of this decision to Fisher Associates requesting that a formal contract agreement be prepared to be reviewed by the Town Attorney, the Staff person at the Genesee Transportation Council and, if found to be acceptable, then a recommendation by this Town Board for the Town Supervisor to sign and enter into such a contractual agreement.

BE IT FURTHER RESOLVED that the Town Board does hereby direct the Town Project Manager to also give written notice to the other ten firms submitting RFPs of this Town Board's decision.

BE IT FINALLY RESOLVED that certified copies of this resolution are to be filed with the Town Clerk, the Town Project Manager and the Genesee Transportation Council.

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

RESOLUTION #102-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR ENGINEERING FEES FOR THE TOWN HIGHWAY CAMPUS PROJECT

Be it **RESOLVED** that the Town Board authorizes the following budget amendment to cover engineering fees for the Town Highway Campus Project:

FROM:	HC5132.21 Capital Project	\$20,000.00
TO:	HC1440.21 Engineering Fees	\$20,000.00

And therefore be it **RESOLVED** that the Town Clerk forward a copy of this resolution to the Bookkeeper.

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

RESOLUTION #103-2011:

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

RESOLUTION AUTHORIZING BRENNA, BRENNA & BOYCE PLLC TO ACCEPT A LEGAL SETTLEMENT OFFER FROM HARRIS COMPUTER CORP.

WHEREAS, the Town Board retained the law firm Brenna, Brenna & Boyce PLLC to represent the Town of Farmington in litigation against Harris Computer Corp. for contract issues with the billing software it installed in the Town Water and Sewer Department, and

WHEREAS, Harris Computer failed to fulfill its contract obligations and made no attempt to complete and address the issues regarding the software, outlined on numerous occasions by the Water and Sewer Department, resulting in the filing of the Town of Farmington vs. Harris Computer Corp., and

WHEREAS, Sheldon Boyce, and attorney from Brenna, Brenna & Boyce has notified the Supervisor that Harris Computer has offered to settle the case, paying the Town \$15,125.00, now therefore be it

RESOLVED that the Town Board authorizes Brenna, Brenna & Boyce to accept the aforementioned settlement on its behalf, and be it further

(Order of Business Continued):

RESOLVED that the Town Clerk forward a copy of this resolution to the Water and Sewer Department, the Supervisor’s Secretary and Sheldon Boyce at Brenna, Brenna & Boyce at Suite 2000, Liberty Plaza, 31 E. Main St., Rochester, NY, 14614.

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

RESOLUTION #104-2011:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND TO PAY THE 5 PERCENT FRANCHISE FEE TO FLTV FROM THE PROCEEDS OF THE TOTAL FRANCHISE FEE REVENUE FROM TIME WARNER

Be it resolved that the Town Board authorizes the following budget amendment:

FROM:	A1170	Franchise Fee	\$1,233.46
TO:	A8989.4	Other Home & Community Svs.-FLTV	\$1,233.46

And therefore be it, Resolved that the Town Clerk forward a copy of this resolution to the Bookkeeper.

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

RESOLUTION #106-2011:

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

RESOLUTION OF RECOGNITION TO BOWE FARMS INC. OF FARMINGTON FOR RECEIVING THE CENTURY FARM AWARD

WHEREAS, the Town Board recently learned that the New York State Agricultural Society had commended Bowe Farms Inc. on the occasion their designation of the Century Farm Award, and

WHEREAS, The Bowe Farm was established in 1897 on 150 acres, the original farm provided the Bowe family with its livelihood and their food. Today Bowe Farms Inc., has grown to encompass a large cropping enterprise which is noted for its 700 acres of corn, 600 acres of soybeans and 100 acres of wheat, and

WHEREAS, the Bowe family has been involved in the Farmington community, in 1948, three Bowe family members were charter members of the Farmington Volunteer Fire Association and that tradition continues today,

Now Be it **RESOLVED**, the Town Board of the Town of Farmington recognizes and congratulates Bowe Farms Inc. for receiving the Century Farm Award which appropriately reflects on the farming and agricultural roots of this community. The Town Clerk is directed to send a certified copy of this resolution to the Bowe Farms Inc., 195 Hook Road, Farmington NY 14425 as a token of our recognition.

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

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

RESOLUTION # 107-2011- TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT #6-2011

General	\$ 84,720.53
Highway Fund	\$ 71,434.69
Sidewalks	\$ 1,000.00
Storm Drainage	\$ 2,257.80
Payroll	\$ 2,481.96
Sewer District	\$ 38,007.22
Water District	\$ 7,962.04
Highway Campus	\$ 10,470.57

TOTAL \$218,334.81

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

DISCUSSION:

1. Acceptance of six hours toward the required eight hour minimum for the annual training of members of the Town Planning Board and Zoning Board of Appeals who serve on the Comprehensive Plan Update Committee.

Councilman Holtz reported on behalf of Government Operations. He stated that they don't want to set a precedent that any workshop can get credit towards training but the Comprehensive Update Committee is a series of workshops that involves reviewing maps and such. The Committee puts in more than six hours. The Town Board agreed on giving 4 hours of training credit to members who served on the Comprehensive Update Committee.

TRAINING UNDER \$100:

1. David Degear and Scott Makin of the Planning Board, Leslie O'Malley of the Zoning Board, and Mary Neale of the Historic Preservation Commission, to attend the Genesee/Finger Lakes Regional Planning Conference Spring Workshop on May 13 at a cost of \$50 each.
2. The following Town employees to attend the Local Gov't Conference at Houghton College at a cost of \$40 each on May 11, 2011: Michelle Finley, Tim Mickelsen, Ted Fafinski and David Degear.
3. Mary Neale to attend the 25th annual Preservation Conference by the Landmark Society on April 30 at a cost of \$75.

EXECUTIVE SESSION: None.

A motion was made by **Councilman Mickelsen** and seconded by **Councilman Ingalsbe** to adjourn the meeting at 8:15 p.m. Motion carried.

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