

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 23<sup>rd</sup> 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: **Jim Crane** – Water & Sewer Superintendent, **Floyd Kofahl** – Code Enforcement Officer, **Daily Messenger Reporter**, **Dean Litcherman**- Victor Herald, **Ron Brand**-Director of Planning & Development, **Paul Conrad**-Farmington Fire Chief, **Ed McLaughlin** – Highway/Parks Superintendent, **Dotti Mickelsen**, and **Boy Scouts** from Troop 50.

A motion was made by **Councilman Casale**, seconded by **Councilman Holtz**, that the minutes of the March 9, 2010, meeting, given to members for review, be approved as presented. **CARRIED.**

**PRIVILEGE OF THE FLOOR:** NONE.

### **REPORTS OF STANDING COMMITTEES:**

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

#### **Water & Sewer:**

1. Discussed upcoming resolutions for tonight (Budget Amendments, contract with Energy Conservation Services).
2. Discussed Billing Software.
3. 45 VCS students to tour WWTP on April 8, 2010.
4. Discussed water project in Canandaigua-Farmington Water District on Purdy Road. Proposals were mailed out and hopefully have a startup date for early June to replace the waterlines.
5. Discussed pending lawsuit-US Homes.

#### **Highway & Parks:**

1. Discussed upcoming resolution for tonight (Park summer help, Spring Cleanup dates, and concrete work under the Stormwater Management program).
2. Discussed Highway Superintendent training that he attended in Albany-fighting for Highway CHIPS money which is about \$140,000 for the Highway program in Farmington.
3. Discussed minor repairs to Town Hall Building.
4. Discussed catch basin work that still needs to be done, Yellow Mills Road piping, and Farmbrook Park work that needs to be done.

**Town Operations Committee: Councilman Casale** reported:

1. Agricultural Advisory Committees grant application was sent to Albany with corrections.
2. Discussed setting public hearing on LC Land Conservation District-April 27, 2010.
3. Discussed new Zoning Map being sent to Lu Engineers.
4. Discussed setting workshop on On-Site Wind Legislation –April 13, 2010, at 6:00p.m.
5. Discussed archeological study on the Highway Campus site- Ron Brand will check to see if this is needed.

### **REPORTS OF TOWN OFFICIALS:**

#### **Supervisor Fafinski:**

1. Reminded everyone about the Easter Egg Hunt – March 27, 2010, over 4,000 eggs.
2. Recreation programs are moving forward within the Town .
3. Discussed various vacancies on some of the boards, commissions, and committees.

#### **Highway & Parks Superintendent Ed McLaughlin:**

1. Discussed the Mertensia Lodge being zoned and appears to be working properly.
2. Discussed MS4 Coalition Meeting

#### **Town Clerk Michelle Finley:**

1. Reminded Town Board Members that the Order Establishing the Phillips Landing Lighting District needs to be signed on Friday.
2. Performed second marriage ceremony last Friday.
3. Easter Coloring contest.
4. Discussed the use of credit/debit cards for water and sewer payments.

**REPORTS OF TOWN OFFICIALS: (Continued)****Water & Sewer Superintendent Jim Crane:**

1. Stated that the Water & Sewer bills were out.
2. Discussed I & I Investigation.
3. Discussed Permit process for mail.

**Code Enforcement Officer Floyd Kofahl:**

1. Discussed State projects that are still underway.
2. Majority of permits are for finished basements.
3. Discussed gearing up for permits for swimming pools this Spring. He will get together with Councilman Ingalsbe to place information regarding pools on website. Supervisor Fafinski asked if there were any new requirements for pools. Mr. Kofahl responded that the single drain lines have to have a screen on them and he added that the new state codes will not be in effect until next year.
4. Discussed legislation that would require all detention ponds to have fencing around them including municipal property, the State has no exclusions. Supervisor Fafinski stated that they should express their concerns to Senator Nozzolio and Assemblyman Errigo to draw their attention to those mandates before they are enacted.

**Director of Planning & Development Ronald Brand:**

1. Discussed the setting of public hearings for two local laws on agenda for tonight – LC Land Conservation Regulations and adoption of Official Zoning Map. He added that the drafts will be posted on the town's website so residents can review them from the homes.

**Assessor Donna LaPlant: (Supervisor reported)**

1. Working on commercial assessments.

**Fire Chief Paul Conrad: None.****COMMUNICATIONS:**

1. Letter from the Supervisor to Brian Lawlor at the NYS Housing Trust Fund. Re: Support for grant application.
2. Letter to the Supervisor from Art Elliott of the Victor Lions Club. Re: Thanks for recent remarks.
3. Letter from Robert Plant, Supervisor, Town of Walworth, to the Ontario County Soil & Water District. Re: Request that rep. attend joint meeting March 18.
4. Letter to the Supervisor from the Superintendent of the Victor Central School District. Re: Regional high school study.
5. Note from the Highway Superintendent to the Town Board. Re: 10-hour days.
6. Memo from the Ontario County Board of Elections to the Town Board. Re: Possible special election to fill Massa's vacancy.
7. Letter from the Supervisor to James Gray. Re: Account credit for withdrawn site plan application.
8. Letter from Brian Lawlor, NYS Division of Housing and Community Renewal, to the Supervisor. Re: Support of housing assistance.
9. 2010 Legislative Program for the Association of Towns.
10. Letter from the Supervisor to the Director of the U.S. Census Bureau. Re: Concern over Census form addresses.
11. Letter to Director of Development Ron Brand from Richard Perrin, Executive Director of the Genesee Transportation Council. Re: Disposition of FY 2010-2011 U.P.W.P. Project Proposals.
12. Copy of Rochester Gas & Electric invoice for damage/insurance claim.
13. Note from Highway Superintendent to the Town Board. Re: Mertensia Lodge and the summer recreation program.
14. Letter to Director of Development Ron Brand from the MRB Group. Re: Crescent Moon preliminary site plan review.
15. Letter to Director of Development Ron Brand from the MRB Group. Re: Farmington Friends Church preliminary subdivision plan review.
16. Letter to Director of Development Ron Brand from the MRB Group. Re: Lay Properties LLC-Farmington Service preliminary site plan review.
17. Letter to Director of Development Ron Brand from the MRB Group. Re: Auburn Meadows, Section 3, maintenance bond estimate.
18. Letter from the Supervisor to Lucy Roberson, director of the Division of Fiscal Management for the NYS Dept. of Agriculture. Re: Grant application.
19. Certificates of Insurance for: Markell Makeovers Inc.; R.L.S. Structures, Inc.; Farmington Historical Society; Howard J. & Lawrence H. Mirt.
20. Certificates of Liability Insurance for: R.L.S. Structures Inc. and Payne's Construction Inc.

**REPORTS & MINUTES: NONE**

**ORDER OF BUSINESS:**

**RESOLUTION #97-2010:**

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

**Resolution Accepting Draft Local Law to amend Chapter 165, Section 32 of the Town Code, entitled “LC Land Conservation District,” by repealing said Section in its entirety; directing a referral to the Ontario County Planning Board under the provisions of Section 239-1 & -m of the New York State General Municipal Law; sending a referral to the Town of Farmington Planning Board as provided for under the provisions of Chapter 165 of the Town Code; establishing a date for a public hearing to be held upon said local law; and directing the Town Clerk to publish and post a legal notice thereon.**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a final draft local law, dated March 17, 2010 to amend Section 32 of Chapter 165 of the Town Code; and

**WHEREAS**, said local law has been reviewed and discussed by the Town Board at a previous public workshop session held on February 9, 2010 and again at tonight’s public meeting; and

**WHEREAS**, the Town’s formal adoption process for such a local law requires the preparation of a referral to the Ontario County Planning Board, to the Town Planning Board, the setting of a public hearing date and the publishing and posting of a public hearing notice.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Town Director of Planning and Development is to submit the Ontario County Planning Referral Form and accompanying information on the need to enact this local law for presentation to the Ontario County Planning Board at their meeting on April 14, 2010.

**BE IT FURTHER RESOLVED** that the Director of Planning and Development is to submit a copy of the final draft of said local law to the Farmington Planning Board for its review and recommendation, in accordance with the provisions of Chapter 165 of the Town Code, at either their April 7 or April 21, 2010 meeting and to provide a resolution of their findings to the Town Board, on or before noon on Friday, April 23, 2010.

**BE IT FURTHER RESOLVED** that the Town Board does hereby established a public hearing to be held on said local law for Tuesday, April 27, 2010 commencing at 7:00 p.m., Eastern Daylight Savings Time, in the main meeting room in the Farmington Town Hall; and

**BE IT FINALLY RESOLVED** that the Town Board does hereby direct the Town Clerk to place a notice for said public hearing in the Town’s official newspaper and to post a copy of said notice on the Official Bulletin Board in the Town Hall.

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 March 23, 2010 by the following vote:

	Aye	Nay
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Steven Holtz, Councilman	X	
Michael Casale, Councilman	X	

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

**RESOLUTION #98-2010:**

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

**Resolution accepting sellers Counter Offer on Property located on Hook Road in the town of Farmington NY**

*Whereas*, The Town of Farmington has been negotiating the purchase of approximately 45 acres of land fronting on Hook Road located in the town of Farmington NY part of tax ID 17.00 2-15-200;

*Now be it resolved:* that the Town Board of the Town of Farmington NY accepts the counter purchase offer last dated and executed on March 16, 2010. Certified copies of this resolution shall be furnished to Mark Palazzo The Rich Group, 2349 Monroe Ave, Suite 318 Rochester, NY and Jeffrey Graff, Riley and Graff Attorney’s to the Town of Farmington.

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**

**March 23, 2010**

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 March 23, 2010 by the following vote:

	Aye	Nay
Theodore M. Fafinski, Supervisor	X	
Peter Ingalsbe, Councilman	X	
Timothy Mickelsen, Councilman	X	
Steven Holtz, Councilman	X	
Michael Casale, Councilman	X	

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

**RESOLUTION #99-2010:**

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

**RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ONTARIO, THE VICTOR CENTRAL SCHOOL DISTRICT AND THE TOWN OF FARMINGTON**

WHEREAS, the Ontario County Board of Supervisors, pursuant to Resolution No. 285-2007, established a policy and program for the County to share in the costs of defending legal challenges to real property tax assessments; and

WHEREAS, the Ontario County Board of Supervisors, pursuant to Resolution No. 151-2010 authorized the County to share in the cost of defending two certiorari proceedings in the Town of Farmington which are I Gordon Corporation (Filing Index #103257) against the Town of Farmington and Finger Lakes Racing & Cdga. Enterprises Corp. (Filing Index #103279) against the Town of Farmington at a cost not to exceed 25% of defense costs including professional appraisal and legal fees; and

WHEREAS, the Town of Farmington requested that the School District also share in the cost of defending the certiorari cases and pay 25% of defense costs, including professional appraisal and legal fees

RESOLVED, the Farmington Town Board authorizes the Supervisor to sign the intermunicipal cooperation agreement and the Town Clerk forward three originals to Dawn Santiago-Marullo, Superintendent of Victor Central School District and a copy of the signed original to the Assessor.

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

**RESOLUTION #100-2010:**

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

**FARMINGTON TOWN BOARD RESOLUTION ACCEPTING A MAINTENANCE BOND ESTIMATE – COVERING A PORTION OF IMPROVEMENTS IN THE AUBURN MEADOWS SUBDIVISION, SECTION 3 - IN THE TOTAL AMOUNT OF \$70,543.50**

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from Ron Brand, Director of Planning and Development (hereinafter referred to as Director), to establish a Maintenance Bond, for a portion of the required improvements for Section 3, Auburn Meadows Subdivision (hereinafter referred to as Project); and

WHEREAS, the Director's request is based upon the March 11, 2010 letter from Lance S. Brabant, MRB Group, P.C., the Town's Engineering Firm, recommending the Town Board to establish a Maintenance Bond in the amount specified above herein for a period of two years or until the project is completed and inspected by the Town; and

WHEREAS, these recommendations are based upon the approved Letter of Credit for the project, excluding the Letter of Credit amount for 2,439 lineal feet of asphalt top coat with a Construction Cost of \$29,268.00; 780 lineal feet of concrete sidewalks with a Construction Cost of \$14,820.00; three (3) street lights with a Construction Cost of \$4,500.00; 1,086 lineal feet of stone dust trail with a Construction Cost of \$2,172.00; 908 lineal feet of maintenance road with a Construction Cost of \$3,632.00; and land scaping for all site drainage ponds with a Construction Cost of \$2,900.00.

WHEREAS, the total Construction Cost of these excluded improvements total \$57,292.00 and the Maintenance Bond for these improvements would be \$5,729.20.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the request and recommendations cited above herein and directs the Maintenance Bond in the total amount of \$70,543.50 be established only for those items specified above that have been completed as of this date.

**ORDER OF BUSINESS: (Continued)**

**BE IT FURTHER RESOLVED** that the applicants, A&D Development, are hereby given public notice that a separate Maintenance Bond in the total amount of \$ 5,720.20 is to be submitted to the Town Engineer for his review and acceptance and forwarding to the Town Board, under separate cover, along with a separate request for establishing a separate Maintenance Bond upon the identified remaining items in the March 11, 2010 MRB Letter.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to, tomorrow, notify by U.S. Mail, certified copies of this Resolution to: Walter Bakers, D.S. B. Engineers and to Ernie Ackerman, A&D Development, requesting them to establish the above referenced Performance Bond, in the amount specified above herein for those completed portions specified in the above referenced MRB Letter.

**BE IT FURTHER 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 Construction Inspector and the Town Engineer.

**BE IT FINALLY RESOLVED** that the Maintenance Bond (or Cash Deposit) must be delivered to the Town, in the total amount of \$70,543.50 no later than twelve noon on the 8<sup>th</sup> business day following the adoption of this Resolution.

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

**RESOLUTION #101-2010:**

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

**RESOLUTION AUTHORIZING BOY SCOUT TROOP 50 USE OF THE LODGE AT MERTENSIA PARK AND WAIVING USAGE FEE**

**WHEREAS**, Boy Scout Troop 50 of Farmington has asked the Town Clerk's Office permission to use the Lodge at Mertensia Park from 6 p.m. Friday, March 26, 2010 to 4 p.m. Saturday, March 27, 2010 for a night of camping, a hike and orientation exercises, and

**WHEREAS**, there will be about 13 boys and two Scout leaders, Steve Peacock and Greg Erway, on hand to supervise the minors at all times, and they have promised to "leave no trace" when they depart Saturday, now therefore be it

**RESOLVED**, that the Town Board grant Boy Scout Troop 50 permission to use the Lodge at Mertensia Park on the requested dates and therefore be it

**RESOLVED**, that the Town Board waives the \$150 rental fee for use of the Lodge but still requires the payment of a \$100 deposit, refundable upon departure, and therefore be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to the Highway/Parks Superintendent, the Recreation Director and Tara Peacock, committee member of Troop 50.

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

**RESOLUTION #102-2010:**

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

**RESOLUTION SETTING THE ANNUAL SPRING CLEANUP DATES FOR THE TOWN OF FARMINGTON AS MAY 6, 7 and 8, 2010.**

**WHEREAS**, the Town of Farmington holds an annual spring cleanup for three days each May to give town residents an opportunity to rid themselves of unwanted waste and various household items, now therefore be it

**RESOLVED**, that the Town Board sets the 2010 spring cleanup for May 6, 7 and 8 from the hours of 7 a.m. to 7 p.m. Thursday through Friday and 7 a.m. to 3 p.m. Saturday, and therefore be it

**RESOLVED**, that the rules and regulations of the annual cleanup, such as that only town residents may take part and only certain items are accepted, are set by the Highway/Parks Department and posted on the town's Web site, and therefore be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to the Highway/Parks Superintendent, the Water and Sewer Superintendent, the Deputy Town Clerks (for posting) and the Supervisor's Office.

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

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**

**MARCH 23, 2010**

**RESOLUTION #103-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND TO USE REVENUE FROM STATE AID CHECK FOR EXPENDITURE OF GRANT DOLLARS RECEIVED FOR THE 09-10 JUSTICE GRANT**

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

FROM:	A3021	State Aid, Court Facilities	(\$5,056.30)
TO:	A1110.22	Town Justice- EQ 09-10 Grant	\$3,326.30
	A1110.44	Town Justice- CE 09-10 Grant	\$1,730.00

And therefore be it

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the town Finance and Accounts Specialist.

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

**RESOLUTION #104-2010:**

**Councilman Mickelsen** 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	(\$6,841.80)
TO:	A8989.4	Other Home & Community Svs.-FLTV	\$6,841.80

And therefore be it

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the town Finance and Accounts Specialist.

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

**RESOLUTION #105-2010:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO FILL TWO SEASONAL MEO-LIGHT POSITIONS IN THE PARKS DEPARTMENT**

**WHEREAS**, the Highway/Parks Superintendent has asked that he be allowed to hire two seasonal MEO-Light positions in the Parks Department as budgeted at a rate of \$9.18 an hour, and

**WHEREAS**, the positions are not to exceed 20 weeks commencing from the date of hire or for a period ending September 18, 2010, whichever is sooner, now therefore be it

**RESOLVED**, that the Town Board authorizes the Highway/Parks Superintendent to hire two seasonal MEO-Lights for the Parks Department, and therefore be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to the Highway/Parks Superintendent and the Supervisor's Office.

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

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**

**MARCH 23, 2010**

**RESOLUTION #106-2010:**

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

**RESOLUTION ACCEPTING A QUOTE FROM POOLER ENTERPRISES FOR THE CONSTRUCTION OF THE OUTFALL FOR THE STORM WATER MANAGEMENT FACILITY**

**WHEREAS**, the town Highway/Parks Superintendent has received quotes for the construction of the outfall for the Storm Water Management Facility at Stonehedge, and

**WHEREAS**, three quotes were submitted as follows: \$23,800 from D.C. Allen; \$19,790 from Crane Hogan; and \$17,434 from Pooler Enterprises, now therefore be it

**RESOLVED**, that the Town Board authorize the Highway/Parks Superintendent to accept the quote from Pooler Enterprises at a cost not to exceed \$17,434 and therefore be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to the Highway/Parks Superintendent and the Water & Sewer Superintendent.

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

**RESOLUTION #107-2010:**

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

**RESOLUTION ACCEPTING THE RESIGNATION OF RICK PADGHAM FROM THE AGRICULTURAL ADVISORY BOARD AND APPOINTING JAMES GRAY TO FILL THE VACANCY**

**WHEREAS**, the Town Supervisor's Office received a resignation from Rick Padgham from the town's Agricultural Advisory Board effective March 10, 2010, and

**WHEREAS**, the Town Supervisor's Office received a notice from town resident James Gray - a regular attendee of Agricultural Advisory Board meetings - expressing interest in filling the vacant seat, now therefore be it

**RESOLVED**, that the Town Board accepts the resignation of Rick Padgham and appoints James Gray to fill his term, due to expire 12/31/10, and therefore be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to Rick Padgham, James Gray and the chairman of the board, Peter Maslyn.

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

**RESOLUTION #108-2010:**

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

**RESOLUTION APPOINTING TOWN CLERK MICHELLE FINLEY TO THE TOWN BOARD OF ETHICS**

**WHEREAS**, Town Clerk Michelle Finley wishes to be appointed to the town's Board of Ethics, as customary for the Town Clerk, now therefore be it

**RESOLVED**, that the Town Board appoints Finley to the position for a three-year term to expire December 31, 2012, and therefore be it

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the Supervisor's Office.

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

**RESOLUTION #109-2010:**

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

**RESOLUTION APPOINTING MARY NEALE TO THE TOWN OF FARMINGTON PLANNING BOARD**

**WHEREAS**, the Town Planning Board has a vacancy due to the unfortunate passing of Robert Kleman on Feb. 3, 2010 and

**TOWN BOARD MEETING**  
**ORDER OF BUSINESS: (Continued)**

**MARCH 23, 2010**

**WHEREAS**, Mary Neale, chairwoman of the town's board of Historic Preservation, expressed an interest in filling the vacancy and impressed Town Board members with her enthusiasm and knowledge during a recent interview, now therefore be it

**RESOLVED**, that the Town Board appoints Mary Neale of 6032 County Road 41, Farmington, to fill the unexpired term of Mr. Kleman, effective immediately, and therefore be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to Mary Neale with instructions to take the oath of office within 30 days, as well as David Degear, chairman of the Planning Board.

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

**RESOLUTION #110-2010:**

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

**WHEREAS**, the Farmington Town Board authorized the adoption of the 2010 Farmington Sanitary Sewer Budget and Revenues for the fiscal year 2010, and

**WHEREAS**, Funds were miss labeled during the transfer of information from the Water and Sewer submittals into the format of the Towns Adopted Budget, and

**WHEREAS**, there is no change to the total amounts of the Farmington Sanitary Sewer Districts Appropriation or Revenues as adopted, therefore be it

**RESOLVED**, that the Town Board of Farmington hereby authorizes the Supervisor to adjust journal entries for the Sanitary Sewer District of budgeted amounts of \$10,000 placed incorrectly under code SS 2650 – Sale of Scrap be corrected and entered under budget code SS-2665-Sale of Equipment.

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

**RESOLUTION #111-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT TO FUND EXPENDITURES FOR AUBURN LIGHTING FROM AUBURN POLE REPLACEMENT EXPENDITURE LINE**

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

FROM: SL1-5182.522	Auburn Meadows- Pole Replacement	(\$1,500)
TO: SL1-5182.52	Street Lighting-Auburn Meadows	\$1,500

And therefore be it, Resolved that the Town Clerk provide a copy of this resolution to the Finance and Accounts Specialist.

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

**RESOLUTION #112-2010:**

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

**RESOLUTION TO PAY AUDITED BILLS**

**ABSTRACT #6-2010**

<b>General</b>	<b>\$140,144.64</b>
<b>Highway Fund</b>	<b>\$ 31,065.75</b>
<b>Storm Drainage</b>	<b>\$ 3,753.20</b>
<b>Payroll</b>	<b>\$ 2,433.68</b>
<b>Sewer District</b>	<b>\$ 51,532.49</b>
<b>Water District</b>	<b>\$ 21,066.04</b>
<b>Lighting District</b>	<b>\$ 6,354.36</b>
<b>Mertensia Lodge</b>	<b>\$ <u>415.00</u></b>

**TOTAL** **\$256,765.16**

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

**WAIVER OF THE RULE (no objections)**

**RESOLUTION #113-2010:**

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

**RESOLUTION AUTHORIZING THE EXPENDITURE FROM THE TOWN COMPLEX FACILITIES AND LAND ACQUISITION RESERVE FUND**

**WHEREAS**, the Town is interested in purchasing approximately 45 acres of real property owned by the Herendeen family (the "Owner") located on Hook Road, in the Town of Farmington, being part of tax map #17.00-2-15.200 (the "Property") to use for various public needs including, but not limited to, storage and building construction for the Town Highway Department; and

**WHEREAS**, on March 23, 2010, the Town of Farmington accepted, without further conditions, the Owner's counteroffer to the Town of Farmington's offer to purchase the Property with such purchase contract being subject to, among other things, the Town approving the expenditure of \$400,000 from the Town of Farmington Town Complex Facilities and Land Acquisition Reserve Fund and either the passing of 30 days from the Town Board's approval of such resolution without a petition calling for a referendum being filed with the Town or, should such a petition be filed, the approval of such expenditure at a duly called election.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Farmington, pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York, hereby approves the expenditure of \$400,000 from the Town of Farmington Town Complex Facilities and Land Acquisition Reserve Fund, duly established on December 18, 2001, for the purposes (i) of purchasing approximately 45 acres of real property on Hook Road in the Town of Farmington that are a part of tax map #17.00-2-15.200 to use for various public needs including, but not limited to, storage and building construction for the Town Highway Department, (ii) of constructing sewer lines for this new land, (iii) of paying for costs related to performing SEQRA, SHPO and other environmental tests and inspections, (iv) of paying for engineering and attorney expenses related to this project and (v) of paying for any other costs related to any other tests and inspections the Town finds necessary to perform related to this matter; and be it further

**RESOLVED**, that the Town Supervisor of the Town of Farmington be and he hereby is authorized and directed to transfer from the Town of Farmington Town Complex Facilities and Land Acquisition Reserve Fund to the **Highway Land Acquisition & Improvements Capital Project (Hwy Land Acq & Imp Cap Proj)**, Four hundred thousand and 00/100 dollars (\$400,000) of the principal and/or accumulated interest in said Reserve Fund to purchase the Property from the Owner and to pay for any of the other expenses listed above.

This resolution shall be subject to a permissive referendum, as required by law.

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 March 23, 2010, 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 #114-2010:**

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

**RESOLUTION AUTHORIZING THE FARMINGTON SANITARY SEWER DISTRICT TO ENROLL IN THE POWER PAY NEW YORK PROGRAM WITH ENERGY CURTAILMENT SPECIALIST**

**WHEREAS**, the Water & Sewer Superintendent has been reviewing agencies authorized under the New York State Power Pay Program, and

**WHEREAS**, the Power Pay Program is an incentive program to reduce energy across New York State by participation in a demand response or voluntary load reduction curriculum, and

**WHEREAS**, there are no fees or penalties involved to enroll, the Sewer District will be paid approximately \$4,000.00 per year for the next 3 years for participating in the program, therefore be it

**RESOLVED**, that the Farmington Town Board hereby authorizes the Farmington Sanitary Sewer District to enroll in the Power Pay New York Program with Energy Curtailment Specialist, 4455 Genesee Street Building 6, Buffalo, NY 14225, and further be it

**RESOLVED**, that the Town Supervisor is hereby authorized to sign the enrollment agreement with ECS, once the Town Attorney has completed review of all documents,

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

**RESOLUTION #115-2010:**

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

**Resolution Accepting Draft Local Law to: Adopt amendments to the Town's Official Zoning Map; direct the Town Clerk to affix the Seal of the Town of Farmington to all new Official Zoning Maps and copies thereof; to Certify each new Official Zoning Map; and to Maintain all Official Zoning Maps; and directing a referral to the Ontario County Planning Board under the provisions of Section 239-l & -m of the New York State General Municipal Law; and sending a referral to the Town of Farmington Planning Board as provided for under the provisions of Chapter 165 of the Town Code; and establishing a date for a public hearing to be held upon said local law; and directing the Town Clerk to publish and post a legal notice thereon.**

**WHEREAS**, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received a final draft local law, dated March 17, 2010 to amend, adopt, seal, certify and maintain a new Official Zoning Map, in accordance with the provisions of Section 12. A., B., C. and D. of Chapter 165 of the Town Code; and

**WHEREAS**, said local law has been received at tonight's meeting, and the new Official Zoning Map previously discussed by the Town Board at a public meeting held on March 9, 2010 and again at tonight's public meeting; and

**WHEREAS**, the Town's formal adoption process for such a local law requires the preparation of a referral to the Ontario County Planning Board, to the Town Planning Board, the setting of a public hearing date and the publishing and posting of a public hearing notice.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Town Director of Planning and Development is to submit the Ontario County Planning Referral Form and accompanying information on the need to enact this local law for presentation to the Ontario County Planning Board at their meeting on April 14, 2010.

**BE IT FURTHER RESOLVED** that the Director of Planning and Development is to submit a copy of the final draft of said local law to the Farmington Planning Board for its review and recommendation, in accordance with the provisions of Chapter 165 of the Town Code, at either their April 7 or April 21, 2010 meeting and to provide a resolution of their findings to the Town Board, on or before noon on Friday, April 23, 2010.

**BE IT FURTHER RESOLVED** that the Town Board does hereby established a public hearing to be held on said local law for Tuesday, April 27, 2010 commencing at 7:05 p.m., Eastern Daylight Savings Time, in the main meeting room in the Farmington Town Hall; and

**BE IT FINALLY RESOLVED** that the Town Board does hereby direct the Town Clerk to place a notice for said public hearing in the Town's official newspaper and to post a copy of said notice on the Official Bulletin Board in the Town Hall.

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 March 23, 2010, 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**.

**TRAINING UNDER \$100.00:**

1. Highway Superintendent Ed McLaughlin to attend the 2010 Highway School in Ithaca June 7 - 9, with a registration fee of \$90.
2. Finance and Accounts Specialist Sheree Hooper and Supervisor Ted Fafinski to attend 2010 Southern Tier West Center for Local Government and Community Services training May 5 at Houghton College, with a registration fee of \$40 each.

**DISCUSSION:** Pumpkin Hook parade, Aug. 6, 2010 at 6 p.m.

**EXECUTIVE SESSION:**

A motion was made by Councilman Mickelsen, seconded by Councilman Casale to enter in executive session to discuss pending litigation and “the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation” at 7:43 PM. Motion carried.

A motion was made by Councilman Casale, seconded by Councilman Holtz to close the executive session at 9:15PM. Motion carried.

A motion was made by Councilman Mickelsen, seconded by Councilman Holtz to adjourn the meeting at 9:15 PM. Motion Carried.

Michelle A. Finley, Town Clerk: \_\_\_\_\_