
TOWN BOARD MEETING**November 23, 2010**

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 23th day of November, 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, **Mary Neale**-Planning Board Member, **James Crane**- Water & Sewer Superintendent, **Dave Degear**- Planning Board Chairman, **Paul Conrad** – Farmington Fire Chief, **Donna LaPlant**-Assessor, **Brandon LaPlant**-student, Students.

PUBLIC HEARINGS: None

APPROVAL OF MINUTES:

A motion was made by Councilman Casale, seconded by Councilman Holtz, that the minutes of the October 12, 2010, workshop, October 12, 2010 and October 26, 2010, meeting, given members for review, be approved. Carried.

PRIVILEGE OF THE FLOOR:

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Ingalsbe reported:

Water & Sewer:

1. Discussed resolutions on agenda for tonight.
2. Purdy Road Water project update.
3. Discussed KOA easements.
4. Discussed Billing Software-turned over to town attorney.
5. Watermain break on Gannett Road.
6. Asked for a hydrant report and manhole summary report for I & I inspection Report.
7. Discussed town owned cellphone being stolen.

Highway & Parks:

1. Discussed resolutions on agenda for tonight.
2. Update on Farmbrook Park progress.
3. Discussed snow preparation on equipment.
4. Highway Complex Meeting.
5. Mertensia Lodge key policy.
6. Street Lighting request for Gateway Drive & Plastermill- Board agreed.
7. Discussed Induction Lighting.
8. Discussed Workers Compensation changes and future charges may increase.
9. Discussed new radios.

Town Operations Committee: Councilman Casale reported:

1. Discussed patio homes in Auburn Meadows- special request for accessory structures. Asked Code Enforcement Officer and Director of Development and Planning to prepare response for the Boards review then to Town Attorney.
2. Discussed Senior Housing request of release of funds- not resolved as of yet.

Town Comprehensive Plan Committee: Councilman Holtz reported:

1. Held first meeting last Tuesday, met for an hour and a half, got a good overview of what lies ahead. There were 15-16 items identified to look at, next meeting Thursday at 6:30 p.m.

Town Finance Committee: None.

Town Public Safety Committee: None.

REPORTS OF TOWN OFFICIALS:**Supervisor Fafinski :**

1. Attended Western NYS Association of Towns meeting. Asked Water & Sewer Superintendent to look into emission standards based on the Chesapeake Water Shed and how they would affect us.
2. Will be attending Emergency Training at the Office of Home Land Security in Rome next week.

Highway& Parks Superintendent Ed McLaughlin: None.

Town Clerk Michelle Finley:

1. Handed out proposed local law on Dog Licensing to Town Board Members-resolution on tonight for public hearing next meeting.
2. Attended Tax Collector meeting last week.
3. Mentioned Email sent out regarding November 9 meeting minutes.

Water & Sewer Superintendent Jim Crane: None.

Code Enforcement Officer Floyd Kofahl:

1. New Codes go in effect December 28, 2010-new certifications are complete.

Director of Planning and Development: None.

Assessor Donna LaPlant:

1. Continuing Reval.

Fire Chief Paul Conrad: None.

Planning Board Chairman Dave Degear: None.

COMMUNICATIONS:

1. Memo to Town Board Town Operations Committee. Re: Letter from town resident Coleen Austin, letter is attached..
2. Memo to Theodore Fafinski. Re: Planning Board Members Training Certification and One Zoning Board of Appeals Member Training certification.
3. Memo to Theodore Fafinski, Michelle Finley, Jim Crane, Ed McLaughlin, Ron Brand, Floyd Kofahl, Donna LaPlant, Justice Lew and Justice Gligora. Re: End of Year Encumbrances.
4. Memo to Theodore Fafinski, Michelle Finley, Jim Crane, Ed McLaughlin, Ron Brand, Floyd Kofahl, Donna LaPlant, Justice Lew, Justice Gligora, and Jessica Youngman. Re: Payroll #1 in 2011
5. Memo to Farmington Town Board. Re: Site visit to Auburn Meadows Subdivision, Section 3.
6. Email from Time Warner Cable. Re: official notices regarding changes in programming and services electronically via e-mail.
7. Email from Ted Fafinski. Re: preliminary budget has been filed with Town Clerk in preparation for public hearing.
8. New release. Re: Free movie day at Mertensia Road Lodge.
9. Letter from M&T Bank. Re: Amended Standby Letter of Credit.
10. Letter from New York State Insurance Fund. Re: Cancellation of workers compensation for policy holder David Horn DBA.
11. Letter from Ted Fafinski to Ontario County Real Property Tax Office. Re: Town Board voted to forward documentation of contracted Pooler Enterprises to commence demolition of property on New Michigan Road.
12. Letter from Randall Law Firm. Re: Herendeen, Hook Road, Town of Farmington.
13. Letter from Integrys Energy Service of New York. Re: choosing them to supply energy needs.
14. Application for New York State Office of Children and Family Services. Re: application for summer reading program.
15. State Aid Voucher for Victor Free Library.
16. Letter from Ms. Jo Ann Maslyn. Re: problems with election day.
17. Letter from State of New York Department of Health. Re: received certification from Gregory Hotaling.
18. Letter from Associates in Employee Assistance. Re: utilization report for Town of Farmington.
19. Letter from Ron Brand. Re: Request for report on improvements made at the Amber Drive bridge/culvert and approaches (Letters of Credit Release #10, Section 3, Auburn Meadows Subdivision).
20. Memo to Ted Fafinski, Michelle Finley, Jim Crane, Ed McLaughlin, Floyd Kofahl, Donna LaPlant, Justice Lew and Justice Gligora. Re: Vacation Accruals.
21. Letter from Riley & Graff, LLP. Re: Recorded Easements.

- 22. Email from Harold and Carolyn Herendeen. Re: property on corner of Collett Road and Hook Road.
- 23. Letter from John Polimeni, Attorney & counselor at Law. Re: Calvary Chapel Easement.
- 24. Letter from Ted Fafinski. Re: letter concerning the need for a street light at the intersection of Plastermill Road and Gateway Drive from Michael Burdick.
- 25. Letter from New York Municipal Insurance Reciprocal. Re: New York Municipal Insurance Reciprocal.
- 26. Letter from Time Warner Cable. Re: Keeping you apprised of developments affecting Time Warner Cable subscribers.
- 27. Letter from New York State Insurance Fund. Re: cancellation of workers compensation policy for T G Remodeling Services Inc.
- 28. Certificate of Liability Insurance. Re: DGA Builders Inc., Clearwire Corporation, Meyers Co., Inc.

REPORTS & MINUTES:

- 1. Permit Report by Type 10/01/2010 – 10/31/2010.

ORDER OF BUSINESS:

RESOLUTION #322-2010:

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

RESOLUTION AUTHORIZING A BUDGET TRANSFER FROM THE UNRESERVED BALANCE FUND TO THE CONTINGENCY FUND FOR DEFICIENCIES DUE TO INCREASED EXPENDITURES

RESOLVED, that the Farmington Town Board authorizes the budget amendment from the Unreserved Balance Fund to the Contingency Fund to pay for deficiencies due to increased expenditures for demo of house on New Michigan Road and higher legal fees for Finger Lakes Race Track and Casino

FROM:	A909	Fund Balance - Unreserved	\$18,000.00
TO:	A1680.4	Contingency Account	(\$18,000.00)

And, further be it, **RESOLVED**, that the Town Clerk provide a copy of this resolution to the Bookkeeper.

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

RESOLUTION #323-2010:

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

RESOLUTION AUTHORIZING A BUDGET TRANSFER FROM THE GENERAL FUND CONTINGENCY TO CENTRAL COMMUNICATIONS FOR DEFICIENCIES DUE TO PHONE BILLS.

RESOLVED, that the Farmington Town Board authorizes the budget amendment from the General Contingency Fund to the Central Communications Fund to pay for deficiencies due to phone bills

FROM:	A1990.4	Contingency	\$579.76
TO:	A1650.41	Central Communications	(\$579.76)

And, further be it, **RESOLVED**, that the Town Clerk provide a copy of this resolution to the Bookkeeper.

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

RESOLUTION #324-2010:

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

RESOLUTION AUTHORIZING A BUDGET TRANSFER FROM THE GENERAL FUND CONTINGENCY TO CENTRAL STOREROOM FOR DEFICIENCIES DUE TO OFFICE SUPPLIES.

RESOLVED, that the Farmington Town Board authorizes the budget amendment from the General Contingency Fund to the Central Storeroom Fund to pay for deficiencies due to office supplies

FROM:	A1990.4	Contingency	\$254.04
TO:	A1660.4	Central Storeroom	(\$254.04)

And, further be it, **RESOLVED**, that the Town Clerk provide a copy of this resolution to the Bookkeeper.

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

NOVEMBER 23, 2010

RESOLUTION #325-2010:

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

**RESOLUTION AUTHORIZING A BUDGET TRANSFER FROM THE GENERAL FUND
CONTINGENCY TO CENTRAL DATA PROCESSING FOR DEFICIENCIES DUE TO
INTERNET BILLS AND TOSHIBA PRINTER**

RESOLVED, that the Farmington Town Board authorizes the budget amendment from the General Contingency Fund to the Central Data Processing Fund to pay for deficiencies due to Internet Bills and Toshiba Printer

FROM:	A1990.4	Contingency	\$472.32
TO:	A1680.4	Central Data Processing	(\$472.32)

And, further be it, **RESOLVED**, that the Town Clerk provide a copy of this resolution to the Bookkeeper.

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

RESOLUTION #326-2010:

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

RESOLUTION AUTHORIZING PARKS EMPLOYEE DAN RONK TO ATTEND TRAINING.

RESOLVED, that the Farmington Town Board authorizes Dan Ronk to attend to 2011 Empire State Green Industry Show To be held January 11-13, 2011 at the Rochester Riverside Convention Center at a cost not to exceed \$185.00.

And, further be it, **RESOLVED**, that the Town Clerk provide a copy of this resolution to the Highway/Parks Superintendent.

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

RESOLUTION #327-2010:

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

Councilman Ingalsbe noticed that the resolution included the installation and offered an amendment to delete the Sanitary Sewer Installation Councilman Casale seconded the motion. On amendment only, all voting "aye".

WHEREAS, on October 26, 2010 the Town Board of Farmington authorized (Board Resolution Number 301-2010) the Water and Sewer Superintendent to seek Request for Proposals for (1) 10 inch Sanitary Sewer Pipe, (2) Manholes and necessary fittings and supplies, and

WHEREAS, the Request for Proposals were received and opened on November 16, 2010 (see attached results), and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Farmington acting on behalf of the Farmington Sanitary Sewer District hereby authorizes the Water and Sewer Superintendent to award the items from the November 16, 2010 Request for Proposals for the Hook Road Sanitary Sewer Project to the lowest vendors as follows (See attached tabulation sheet):

10 Inch Sanitary Sewer Pipe to Vellano Brothers for a total cost of \$3,827.20

Manholes and Sewer Supplies to Kistner Concrete for a total cost of \$4,238.26

BE IT FURTHER RESOLVED, that funding for these purchases is budgeted from the Highway Capital Project Fund which has been established for the Hook Road Sanitary Sewer Project.

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

RESOLUTION #328-2010:

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

**RESOLUTION AUTHORIZING RELEASE #10 OF A LETTER OF CREDIT- AUBURN
MEADOWS SUBDIVISION PHASE 3-IN THE AMOUNT OF \$70,543.50**

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairman, dated November 17, 2010, recommending that the above referenced Letter of Credit Release #10 be approved in the total amount of \$70,543.50 for work completed in the Phase 3 portion of the Auburn Meadows Subdivision, and

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ORDER OF BUSINESS: (Continued)

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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. 10 for the Auburn Meadows Project signed by all department heads; and

WHEREAS, there is currently a total of \$126,723.29 remaining in the Letter of Credit; and

WHEREAS, there will be a total of \$56,179.79 remaining in the Letter of Credit; and

WHEREAS, the Planning Board has, in a resolution adopted November 3, 2010, recommended the release of the requested amount, \$70,543.50 after the Town Board has accepted the seconded Maintenance Bond, in the amount of \$5,729.20, 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, in the amount specified above herein, and further 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 #329-2010:

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

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW ADOPTING REGULATIONS REGARDING THE LICENSING OF DOGS "

WHEREAS, the Town Board of the Town of Farmington, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Adopting Regulations Regarding the Licensing of Dogs"; and

WHEREAS, the Town Board of the Town of Farmington has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Farmington to proceed in accordance with the Code of the Town of Farmington and the Laws of the State of New York in adopting said Local Law,

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (20) on this list includes "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment". This action involves continuing agency administration and management in that it pertains to the adoption of regulations regarding the licensing of dogs, an activity the Town of Farmington has conducted in the past and will continue to conduct.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on December 14, 2010, at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Farmington sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Farmington for its consideration.

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

RESOLUTION #330-2010:

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

RESOLUTION SETTING A PUBLIC HEARING FOR THE 2011 FARMINGTON FIRE DEPARTMENT FIRE CONTRACT

WHEREAS, the Town Board has met with the Farmington Fire Department to discuss the 2011 budget, therefore be it,

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ORDER OF BUSINESS: (Continued)

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RESOLVED, the Farmington Town Board sets a Public Hearing for the 2011 Farmington Fire Department Fire Contract for December 14, 2010, at 7:01 p.m., at the Farmington Town Hall, and further be it

RESOLVED, that the Town Clerk post the Notice of Public Hearing in the Messenger Post and forward a copy to the Supervisor's Office.

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

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

RESOLUTION # 331-2010- TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT #20-2010

General	\$ 49,287.44
Highway Fund	\$ 21,547.10
Storm Drainage	\$ 1,430.96
Payroll	\$ 2,124.98
Water District	\$ 27,500.36
Sewer District	\$ 40,784.28
Highway Campus	\$ 374.10
Race Track Drainage Pond	\$ 100.00
Lighting	\$ 7,009.63
TOTAL	\$150,159.00

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

WAIVER OF THE RULE: No objections.

RESOLUTION #332-2010:

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

RESOLUTION REQUEST FOR WAIVER OF FEE FOR FINGER LAKES THOROUGHbred ADOPTION PROGRAM FOR USE OF MERTENSIA LODGE

WHEREAS, the Finger Lakes Thoroughbred Adoption Program, located in Farmington NY a not for profit corporation, is requesting the Town Board of the Town of Farmington to waive the rental fee from the use of Mertensia Lodge and

WHEREAS, the Finger Lakes Thoroughbred Adoption Program wishes to use the lodge to honor their volunteers for 2010 at an appropriate ceremony with food, and

WHEREAS, the Finger Lakes Thoroughbred Adoption Program understands that they would be required to place in deposit with the Town Clerk's Office \$100 as refundable clean up fee, therefore be it

RESOLVED, that the Town Board of the Town of Farmington hereby waives the rental fee only for Finger Lakes Thoroughbred Adoption Program in order for the organization to use the lodge on December 14, 2010 for the purpose of recognizing their volunteers (clean up refundable deposit of \$100.00 is required) and directs a copy of this resolution be furnished to Ms. Wezo Pierson, representative of the Finger Lakes Thoroughbred Adoption Program.

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

DISCUSSION:

EXECUTIVE SESSION:

TRAINING UNDER \$100:

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale** to adjourn the meeting at 7:29 p.m. All voted "Aye" **CARRIED**.

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