

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 12th day of October, 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, **Ron Brand** – Director of Planning and Development, **Wesley Pettee**-Resident.

PUBLIC HEARINGS:

APPROVAL OF MINUTES:

A motion was made Councilman Casale, seconded by Councilman Mickelsen, that the minutes of the September 15, 2010, meeting, given members for review, be approved. Carried.

PRIVILEGE OF THE FLOOR: Terry Goodwin Re: Herendeen Rezoning.

Mr. Goodwin stated he was there on behalf of the Herendeen's who own the parcel at the corner of Hook and Collett Road approximately 69.3 acres. They would like to rezone the parcel to residential. He stated that they met with the Planning Board last week and Mr. Brand has forwarded his recommendations to the Town Board. He is here to speak for the rezoning and although he realizes it's important to stick to the Comprehensive Plan and he knows by Town Law it's required but the other side of the coin he wanted to point out that the Herendeen's have been trying to sell the property for 15 years in its LI District and they have had difficulty in doing so. He is the third realtor and the Herendeen's feel rezoning it to residential as a positive move because he has already received two offers from developers should the property be rezoned.

Supervisor Fafinski stated that he did speak with Mrs. Herendeen. He added that it is important to stick with the Comprehensive Plan and at the time the Plan was created the owners stated that they would like the property to be Light Industrial and it corresponded with some of the other lands that were on Collett Road. Supervisor Fafinski agreed with Mr. Goodwin regarding the land being for sale for 15 years with no avail and in the meantime has been farmed and that there are drumlands on it so it will be difficult for development. He added that the property has a lot of natural beauty to capitalize on. Supervisor Fafinski stated that the issue they have is that they must follow state law especially because there is public interest with the property. He added that the Town is in the process of updating the Comprehensive Plan and the best they can do is get more on track with the updating of the plan.

Director of Development and Planning Ron Brand addressed Mr. Goodwin by stating that what he may find when working with developers may look at the existing site and look at the existing zoning regulations and decide to do something different. Mr. Goodwin asked how much would the sewer needed to be upgraded to for the capacity of the area. Supervisor Fafinski replied that the only thing he is aware of is that the Hook Road Pumpstation needs to be upgraded. Councilman Ingalsbe stated that pumpstation is the oldest one and that the nice thing about the location is that it is right across the street so hooking up to it would be easier. Councilman Mickelsen suggested to Mr. Goodwin that when he finds an interested developer that they submit a complete proposal package to the Town to assist them.

Wesley Pettee-Auburn Meadows

Mr. Pettee feels prohibiting accessory structures on lots that are between 10,000-15,000 sq. feet is a mistake and it degrades the value of single family homeownership. Mr. Pettee read the following definitions from the Town Code: Accessory and Special Use Permit. Mr. Pettee emphasized that accessory contributes to the comfort, convenience and necessity of the occupants. He felt it is an important thing to take into consideration and believes prohibiting accessory structures in residential areas conflicts with the town's comprehensive plan. He can show the comprehensive plan supports the idea of quality built residential amenities to contribute to the residential character of the town. He added the comprehensive plan doesn't say lets prohibit accessory structures in residential areas and based on the previous workshop held tonight he understands that a variance was to be issued for the property to be allowed accessory structures then it would be all the lots would be allowed that. He added that there is another mechanism for the town to designate whereby individual patio lots could be considered to have accessory structures.

Mr. Pettee thought the Town Board could reconsider their previous decision that prohibits the accessory structures on patio lots and find away whereby the towns staff or designate the authority to the Town Planning Board where each patio lot owner would be able to approach either the Town Staff or Planning

Board for a special use permit. He asked that before the Board took action on the resolution tonight to think about the two definitions that were taken out of their own code and look back at the comprehensive plan and look at the residential components and ask themselves whether or not this restriction is consistent with the comprehensive plan.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Mickelsen reported:

Water & Sewer:

1. Discussed smoking in town buildings and vehicles-Jim is not aware of any issues.
2. Discussed increased water rates for the City of Canandaigua-staff will be meeting to discuss.
3. Purdy Road construction is moving along slowly.
4. Discussed billing software issue-no response yet.
5. Waiting for quote on leak detection.
6. Discussed easements for KOA sewer.

Highway & Parks:

1. MS4 questionnaire has been filed.
2. Discussed resolutions for tonight's meeting.
3. DEC inspected fuel tank at Highway Garage-needs a double wall-Mr. McLaughlin will be checking with company about changing the tank.
4. Whitetail and Suede Circle paving will be coming soon.
5. Farmbrook Park- positioning for pouring cement.
6. Discussed radio upgrade.
7. Discussed smoking in town buildings and vehicles.

Town Operations Committee: None.

Town Finance Committee: None.

Town Public Safety Committee: None.

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

1. 2011 Preliminary Budget will be filed with the Town Clerk on October 15, 2010.

Highway & Parks Superintendent Ed McLaughlin: None.

Town Clerk Michelle Finley:

1. BAS Internet Tax System installation on October 15, 2010.

Water & Sewer Superintendent Jim Crane: None.

Code Enforcement Officer Floyd Kofahl:

1. Discussed Section 2 of Saratoga Crossing project.
2. Discussed Senior Housing Project on Rt. 332.

Director of Planning and Development:

1. Received resolution from Town Canandaigua for their share of the GTC grant.
2. Planning Board and Zoning Board of Appeals were given copies of case laws to review for training credit.
3. Highway Garage-waiting for receipt of waiver from Ag & Markets to meet SEQR requirements.

Assessor Donna LaPlant: None.

Fire Chief Paul Conrad: None.

Planning Board Member Mary Neale: None.

COMMUNICATIONS:

1. Alteration Application from Finger Lake Foodservice, Inc. Vineyard Buffet.
2. Memo from Town of Manchester notifying the Town of a public hearing to be held on October 19, 2010 Re: Site Plan #4464-10.
3. Letter from Town Supervisor to Carl Webeck, Re: Phillips Landing, Mercier Drive Sr. Housing, and Beaver Creek Subdivision (East) Lighting Districts..
4. Notice from Town Supervisor, Re: Budget Workshop to be held on 10/14 @ 6:15 pm.
5. Letter from Nothnagle Realtors to Dave Degear, Re: Zoning Changes of the Herendeen Property at Collett and Hook Roads.
6. Letter from the City of Canandaigua , Re: 2011 Water Rate.
7. Letter from Town Supervisor, Re: Tax Exemption Status of Municipal Subdivisions.
8. Letter from Town Supervisor, Re: Copies of executed agreements for Integrys Energy Services.
9. Letter from NY Ag & Markets to Town Clerk, Re: Dog Control Officer Inspection Report.
10. Letter from NY Ag & Markets to Town Clerk, Re: Municipal Shelter Inspection Report.
11. Letter to Town Clerk from Town of Macedon Building & Zoning Office, Re: Notice of Public Hearing from project within 500 feet of the Town of Farmington..
12. Memo from Ron Brand, Director of Planning and Development, to the Farmington Planning and Zoning Boards, Re: New York Land Use Caselaw Update.
13. Letter from Town Supervisor to Chad Flansburg thanking him for his service on the Board of Assessment Review.
14. Joint Meeting notification from Jim Crane, Water & Sewer Superintendent.
15. Letter from Ron Brand, Direct of Planning and Development, to Robert Somers, NYSDAM, Re: Waiver Pursuant to Section 305(4) of New York State Agriculture and Markets Law for Herendeen Property.
16. Workmens Compensation Certificates from North Eastern Pools Inc, K&A Contracting LLC, Paynes Construction Inc, Morton Buildings Inc, Dave Horn Contracting, Meyers Co Inc, Griffin Construction of NYS Inc.
17. Certificate of Liability Insurance from North Eastern Pools, Inc, K&D Disposal, Brad Jacobs & Sons Masonry Inc, Pooler Enterprises Inc, John P. Close, Betlem Service Corporation.
18. Certificate of Completion of Preventing Workplace Violence Training for Tammy Means and Jennifer Grattan, Deputy Town Clerks.
19. Public Notice by Town Supervisor, Re: Joint Town Board Meeting with the Towns of Canandaigua, and Hopewell to review the 2011 budget for the Farmington-Canandaigua-Hopewell Consolidated Water Districts.
20. Letter to Town Clerk from the Town Attorney, Re: Recorded Easements for A&D Development
21. Notice of Petition for Review of Assessment of Ontario Square Realty Corp vs. Donna LaPlant, Assessor for the Town of Farmington.

REPORTS & MINUTES:

1. September Monthly Report of Supervisor.
2. September Interfund Reconciliation.
3. September Monthly Building/CEO Report.
4. September Court Report – Judge Lew.
5. September Court Report – Judge Gligora.
6. September General Fund Townwide Expenditure Report.

ORDER OF BUSINESS:

RESOLUTION #287-2010:

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

RESOLUTION AUTHORIZING A BUDGET TRANSFER FOR THE CANANDAIGUA-FARMINGTON WATER DISTRICT

RESOLVED, the Farmington Town Board authorizes the following budget transfer for the Canandaigua-Farmington Water District:

FROM:	SW1-8310.2	Water Administration EQ	\$5,000.00
TO:	SW1-8310.4	Water Administration CE	(\$5,000.00)

And, Further Be It, **RESOLVED**, that the Town Clerk forward copies of this resolution to the Water & Sewer Superintendent and the Bookkeeper.

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

RESOLUTION #288-2010:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH PENN POWER SYSTEMS FOR GENERATOR MAINTENANCE FOR BOTH GENERATORS

RESOLVED, the Farmington Town Board authorizing the Supervisor to sign Maintenance Agreement with Penn Power Systems for generators located at the Town Hall and Highway Garage for a one year period (11/1/2010 – 10/31/211) at a cost not to exceed \$490.00 per department (A1620.54-\$490.00 and A5134.4-490.00), and further be it

RESOLVED, that the Town Clerk forward the original signed agreement to the Highway Department as they will forward to Penn Power Systems.

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

RESOLUTION #289-2010:

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

Resolution authorizing the Supervisor to sign MRB proposal for the TOWN HIGHWAY CAMPUS, TOWN OF FARMINGTON, NEW YORK PROPOSAL FOR PROFESSIONAL SERVICES

Whereas, the Farmington Town Board (hereafter referred to as the Town Board) has requested a Request for Proposal (RFP) from our town engineering firm, MRB Group for professional services; and

Whereas, the Town Engineering firm, MRB Group has provided the attached RFP for the town to consider in relation to the Highway Campus Project, which states in part:

I. Preliminary Planning - Schematic Floor Plan:

1. Visit similar facilities with owner to visualize space needs and gain insight from others experience.
2. Refine building program based upon latest information.
3. Prepare schematic plan.
4. Review plan with Campus Steering Committee and revise accordingly:
5. One (1) On-Site Visit with the Campus Steering Committee.

Subtotal I \$ 6,000.00

II. Development of Preliminary Site Plan:

1. Preliminary site plan (according to Town Code) including Highway Garage, Cold
 - Storage Building, Fuel Storage/Dispensing Station, and Salt Storage Building based on
 - available mapping and information. It is our understanding that according to the
 - Steering Committee Minutes that the requirement for building elevations as part of site
 - plan approval will be waived.
2. Identify areas on the plan for future soccer fields/practice fields
3. Prepare full SWPPP/NOI and size storm water facilities required on site.
4. Existing Lidar Topographic information will be used. If topographic information greater than this is required, it would be obtained as an additional service.
5. **Utility locations will be plotted from existing information. be noted on the plans and detailed if necessary.**
6. Railroad siding information will be added to the plans and shall be supplied by the Town. Review plan with Campus Steering Committee and revise
 - Attend/Present at one (1) Town Planning Board Meeting
 - Attend/Present at one (1) Town Board Meeting.
 - Wetland delineation and survey of wetland boundary.

Subtotal II \$ 15,500.00

III. Final Site Plan Preparation:

- 1.. Incorporation of Planning Board Review Comments.
2. Attend/Present at one (1) Town Planning Board Meeting
3. Attend/Present at one (1) Town Board Meeting
4. Provide the Town with one (1). mylar, six (6) paper copies, and one (1) digital copy of the final site, plan.
5. Obtain all necessary signatures for site plan approval.
6. Bulk storage permit and spill prevention report.

Subtotal III \$ 3,000.00, and

Whereas: the Town Board Public Works Advisory Committee has reviewed the proposal **and** the Town Project Committee has also reviewed the proposal and recommends approval to the town board;

Now be it Resolved: That the town board authorizes the town supervisor to accept the RFP and the Town Clerk shall furnish a copy of this resolution to the Town Engineer, Town Supervisor, and Highway/Parks Superintendent.

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

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

OCTOBER 12, 2010

RESOLUTION #290-2010:

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

Letter of Credit - Auburn Meadows Subdivision, Phase 2 - Release #17
in the total amount of \$ 32,430.58.

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from David Degear, Town Planning Board Chairperson, dated October 6, 2010 recommending that the above referenced Letter of Credit Release #17 be approved in the total amount of \$ 32,430.58 for work completed in the Phase 2 portion of the Auburn Meadows 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.17 for the Auburn Meadows Project signed by all department heads; and

WHEREAS, there is currently a total of \$ 56,077.80 remaining in this letter of credit; and

WHEREAS, there will be a total of \$ 23,647.22 remaining in the Letter of Credit; and

WHEREAS, the Planning Board has, in a resolution adopted on October 6, 2010 recommended the release of the requested amount, \$32,430.58.

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, in the amount specified above herein.

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 #291-2010:

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

RESOLUTION IN SUPPORT OF TOWN JUSTICE COURT OBTAINING A GRANT

WHEREAS, the Town Court has notified the Town Board of their intent to obtain a Justice Court Action Plan grant to help maintain their level of efficiency, and

WHEREAS, the Town Board commends the Town Court for their initiative and supports their efforts in obtaining grants, therefore be it

RESOLVED, the Farmington Town Board supports the Town Courts initiative in obtaining a grant from the Justice Court Action Plan grant, and further be it

RESOLVED, that the Town Clerk forward a copy of this resolution to the Town Court.

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

RESOLUTION #292-2010:

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

RESOLUTION AUTHORIZING THE RETURN OF A CASH LETTER OF CREDIT TO GUCCI FOR THE ONTARIO PLAZA

WHEREAS, the Code Enforcement Officer has reviewed the release of a cash deposit on a letter of credit held by the town for the Ontario Plaza project received in 1990 and recommends the release of \$3821.20, therefore be it

RESOLVED, that the Farmington Town Board authorizes the release of a cash deposit on a letter of credit in the amount of \$3,821.20 to Ontario Square Realty Corp.

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

RESOLUTION #293-2010:

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

RESOLUTION AUTHORIZING THE RETURN OF FUNDS FOR BUILDING PERMITS

WHEREAS, the Code Enforcement Officer has reviewed the requests for return of funds for building permits and recommends the return of funds for the following properties:

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

OCTOBER 12, 2010

1133 Corporate Drive \$215.00

Old Xerxes Building-J. Hollingsworth \$560.00

Ultrafab expansion- \$376.00

Therefore be it, **RESOLVED**, that the Town Board authorizes the release of funds as stated above.

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

RESOLUTION #294-2010:

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

RESOLUTION SETTING A PUBLIC HEARING FOR THE 2011 TOWN BUDGET

WHEREAS, the Farmington Town Board will complete their budget workshops on October 14 and will file the 2011 Preliminary Budget with the Town Clerk on October 15, 2011, therefore be it

RESOLVED, the Farmington Town Board sets a Public Hearing for the 2011 Town Budget for October 26, 2010 at 7:00 p.m. at the Farmington Town Hall, 1000 County Road 8, Farmington, NY 14425, and further be it

RESOLVED, that the Town Clerk submit a legal notice to the Messenger Post.

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

RESOLUTION #295-2010:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND TO INCREASE LAW CONTRACTUAL LINE

RESOLVED, the Farmington Town Board authorizes the following budget amendment for General Fund to increase budget line for deficiencies in Law Contractual Line:

FROM:	A1990.4	Contingency	\$2,109.04
TO:	A1420.4	Law Contractual	(\$2,109.04)

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

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

RESOLUTION #296-2010:

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN SNOW CONTRACTS WITH ONTARIO COUNTY PUBLIC WORKS

WHEREAS, Ontario County Public Works has submitted the 2010-2011 Snow Contracts for one year, therefore be it

RESOLVED, the Farmington Town Board authorizes the Supervisor to sign the Snow Contracts w Ontario County Public Works, and further be it

RESOLVED, that the Town Clerk forward copies of the resolution to the Highway/Parks Superintendent, Ontario County Public Works and the Supervisor.

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

RESOLUTION #297-2010:

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

Granting the Town of Farmington Zoning Board of Appeals Authority to Hear and Decide Appeals Relative to the Conditions of Approval for Auburn Meadows Incentive Zoning District

TOWN BOARD MEETING
ORDER OF BUSINESS: (Continued)

OCTOBER 12, 2010

WHEREAS, on June 8, 2004, the Farmington Town Board adopted Town Board Resolution #178-2004 which, among other things, established certain restrictions on the development of the Auburn Meadows Subdivision; and

WHEREAS, on September 15, 2010, the Farmington Town Board adopted Resolution #262-2010 which, among other things, amended Town Board Resolution #178-2004 by deleting restrictions numbered 4 and 5 in Town Board Resolution #178-2004 and replacing them with new restrictions numbered 4 and 5; and

WHEREAS, §165-97 D. (1) of the Code of the Town of Farmington grants the Town of Farmington Zoning Board of Appeals authority to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer of body in the enforcement of the Zoning Law of the Town of Farmington; and

WHEREAS, the Farmington Town Board wishes to clarify and extend the authority of the Town of Farmington Zoning Board of Appeals to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer of body in the enforcement of Restrictions numbered 4, 5 and 6 of Town Board Resolution #178-2004, as amended by Town Board Resolution #262-2010.

NOW, THEREFORE, BE IT RESOLVED that the Town of Farmington Zoning Board of Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer of body in the enforcement of Restrictions numbered 4, 5 and 6 of Town Board Resolution #178-2004, as amended by Town Board Resolution #262-2010, which read as follows:

4. for all patio lots the minimum front set back shall be 40 feet, the minimum side yard set back shall be 8 feet and the minimum rear yard set back shall be 25 feet; and
5. for all conventional lots the minimum front set back shall be 40 feet, the minimum side yard set back shall be 10 feet on one side and 25 feet total for both sides, and the minimum rear yard set back shall be 25 feet; and
6. no accessory structures shall be permitted within the patio home portion of the site and accessory structures shall be permitted on the other lots within the development, but only within the rear yard portion of the site provided that such rear yards are screened from adjacent public rights-of-ways.

BE IT FINALLY RESOLVED that this resolution shall be placed in the Town Development Office Project Files for the Auburn Meadows Subdivision, shall be filed with the Town Code Enforcement Officer, shall be filed with the Town Engineer, MRB Group, P.C. and with the Town Clerk.

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 October 12, 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 "Nay", the Resolution was **Defeated**.

Councilman Mickelsen offered the following resolution, seconded by Councilman Ingalsbe:
RESOLUTION # 298-2010- TO PAY AUDITED BILLS

The bills were audited by the Town Board

ABSTRACT #19-2010

General	\$20,536.70
Highway Fund	\$95,466.97
Storm Drainage	\$5387.98
Payroll	\$711.76
Water District	\$361,268.47
Highway Campus	\$4751.00
Letter of Credit	\$3,821.20
Code Compliance Review	\$1,151.00
TOTAL	\$521,938.70

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

WAIVER OF THE RULE: NONE.

DISCUSSION:

EXECUTIVE SESSION:

A motion was made by Councilman Mickelsen and seconded by Councilman Casale to enter into Executive Session to discuss a matter pertaining to the employment of a particular person at 8:00 p.m. All voting "Aye".

A motion was made by Councilman Holtz and seconded by Councilman Ingalsbe to close Executive Session at 8:40p.m. All voting "Aye".

TRAINING UNDER \$100:

A motion was made by **Councilman Ingalsbe** and seconded by **Councilman Mickelsen** to adjourn the meeting at 8:40 p.m. All voted "Aye" CARRIED.

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