

At a regular meeting of the Town Board of the Town of Farmington held in the Town Hall of said Town on the 15<sup>th</sup> day of September, at 7:00 PM, there were:

**PRESENT:** Theodore Fafinski – Supervisor  
Peter Ingalsbe – Councilman  
Timothy P. Mickelsen – Councilman  
Michael Casale – Councilman  
Steven Holtz – Councilman  
Michelle Finley – Town Clerk

Also present were: **James Crane** – Water & Sewer Superintendent, **Mrs. Colleen Austin**- Resident, **Jim Morse** – Code Enforcement Officer, **Mr. & Mrs. Neale**-Planning Board Member, **Paul Conrad**-Fire Chief, and Wesley Pettee-Resident.

**PUBLIC HEARINGS:**

**APPROVAL OF MINUTES:**

**PRIVILEGE OF THE FLOOR: Colleen Austin-Auburn Meadows resident**

Mrs. Austin stated that she appeared before the Town Board on June 8<sup>th</sup> requesting relief from the incentive zoning regarding accessory structures in Auburn Meadows. She wasn't sure if the resolution that was on tonight's meeting would help her with her request and asked for guidance as what do to with her circumstance. Supervisor Fafinski stated that he believes this resolution is necessary before it can be determine what the status of the lots in Auburn Meadows are. He added that once the resolution is passed then the board would provide a written recommendation from the Building Department. Councilman Casale recommended that the Town Board hold a workshop prior to a Town Board Meeting to consider the request of relief.

**REPORTS OF STANDING COMMITTEES:**

**Public Works Committee: Councilman Mickelsen** reported:

**Water & Sewer:**

1. Discussed water loss in the system-it's been at 15% and they have asked to target at 10%.
2. Discussed resolutions for Purdy Road Water.
3. Discussed billing software issues.
4. Discussed future sewer rates and capital reserves.

**Highway & Parks:**

1. Site visit to Perinton.
2. Discussed upgrading of barns.
3. Boxing out of Whitetail Lane and Suede Circle.
4. Resolution submitted for accepting the Highway Inventory Report as required by Highway Town Law.
5. Resolution authorizing the purchase of a Sidewalk Broom.
6. Letter was sent to Doyle regarding the alarm system at the Lodge.

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

1. Discussed additional fees in the Building Department. RE: Variance fees.
2. Discussed grant for the Auburn Trails – need task force committee.
3. Discussed hiring one clerk to do all boards. Census from Board was to leave it as it is now with current staff.
4. Discussed meeting with Mark Cain and Ed McLaughlin regarding issues with alarm system.
5. Discussed Auburn Meadows bridge concerning public safety- visited site with other staff-grading is wrong, wrong size guardrails, and the design of slope- discussed sign offs on work completed. Board agreed that in the future to have MRB Group inspect these types of projects. The 3<sup>rd</sup> party inspection charge would be passed to the developer.

**Town Finance Committee:** None.

**Town Public Safety Committee:** None.

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

1. Discussed the lighting district in the budget-It was thought that the poles located within the Farmbrook Lighting District were owned by the town but they are actually owned by RG&E. In researching Covington Commons Lighting District he started wondering why it is a dedicated lighting district when there is no dedicated road located within it and in researching he added that in the 1980's there was a road proposed but never completed as it was the project was to be built out. He asked the Town Attorney to look into dissolving the Covington Commons Lighting District.
2. Tentative Budget will be filed with the Town Clerk prior to the September 28<sup>th</sup> meeting. Budget workshops are set.

**Highway & Parks Superintendent Ed McLaughlin:** None.

**Town Clerk Michelle Finley:**

1. Discussed resolution to purchase online tax software.

**Water & Sewer Superintendent Jim Crane:**

1. Discussed maintenance of water system.

**Code Enforcement Officer Jim Morse:**

1. Discussed exit on Route 332 for the Senior Housing project.
2. Discussed Beaver Creek housing plans. Councilman Ingalsbe asked if they have started construction, Jim replied no.
3. Discussed Herendeen Subdivision project-Planning Board will be reviewing it at their next meeting.

**Director of Planning and Development:** None.

**Assessor Donna LaPlant:** None.

**Fire Chief Paul Conrad:** None.

**Planning Board Member Mary Neale:**

1. Discussed Herendeen Subdivision project – Councilman Ingalsbe asked if the Planning Board could have the Conservation Board look at the project.

**COMMUNICATIONS:**

1. Memo to Town Supervisor and Town Board Members from Highway/Parks Superintendent Ed McLaughlin. Re: Mill & Fill Operation - Farmbrook.
2. Letter to Robert Somers, NYSDAM from Ron Brand, Director of Planning & Development. Re: State Ag & Markets waiver for 1816 Quaker Meetinghouse Museum.
3. Letter to William Brandow, Associate at John G. Waite Associates from Ronald Brand, Director of Planning & Development. Re: 1816 Quaker Meetinghouse Museum Site Plan Application
4. Letter to Elected Officials from Time Warner Cable. Re: Potential Programming changes.
5. Letter to David Degear, Planning Board Chair from John Malvaso. Re: Earthwork along Route 332 near Route 96.
6. Memo to the Town Highway Campus Committee from Ronald Brand, Director of Planning & Development: RE: Town Highway Campus Site Plan Steering Committee.
7. Letter to the Supervisor Fafinski from Craig Jackson P.E., NYS Department of Health. Re: Approval of Plans – Sanitary Sewer Ext at Saratoga Crossing Lot # 2.
8. Memo from Ontario County Board of Elections to Polling Place Proprietors. Re: Upcoming Elections.
9. Letter to Dennis Donnelly, Director of Internal Audit, NYS Office of Court Administration from Supervisor Fafinski. Re: Recent audits of Farmington Town Justices.
10. Letter to Supervisor Fafinski from Chad Hume, State Department of Public Service. Re: Public Payphone.
11. Letter to Supervisor Fafinski from Mary Smith, EPA. Re: Stormwater questionnaire.
12. Letter to Wesley Pette from the Supervisor. Re: Interest in service for the Town Planning Board and Zoning Board of Appeals.
13. Invoice to Farmington Service for engineering fees.

14. Memo to Town Justice Lew from Supervisor Fafinski. Re: Court order to remit monies from Special Town Court Supervisors Account.
15. Memo to Town Justice Lew from Supervisor Fafinski. Re: Court order to remit monies from Special Town Court Supervisors Account..
16. Letter to the Supervisor Fafinski from Craig Jackson, NYS DEC. Re: Approval of Plans – Sanitary Sewer Extension, Auburn Meadows Sect 4.
17. Email to Confidential Secretary Jessica Youngman from Carl Webeck, RG&E. Re: Green Rd Street Lighting, fiberglass poles.
18. Certificates of completion, Continuing Judicial Education Program. Re: Town Justices Lew and Gligora.
19. Memo to Doyle Security from Highway/Parks Superintendent. Re: Auto programming for Mertensia Lodge.

**REPORTS & MINUTES:**

1. Monthly report for the Supervisor, August 2010.
2. Monthly report for Town Justice Gligora, August 2010.
3. Monthly report for Town Justice Lew, August 2010.
4. Monthly report for the Building Department, August 2010.

**ORDER OF BUSINESS:**

**RESOLUTION #262-2010:**

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

**Amendment to Town Board Resolution #178-2004 Conditions of Approval for Auburn Meadows Incentive Zoning District**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received an August 6, 2010 report containing recommendations from the Town Director of Planning & Development and the Town Code Enforcement Officer concerning the restrictions on the development of the Auburn Meadows Subdivision; and

**WHEREAS**, said restrictions are part of the above referenced Town Board Resolution #178-2004; and

**WHEREAS**, as part of this report input was received from the Town Attorney; and

**WHEREAS**, said input has been incorporated into these amendments; and

**WHEREAS**, the Town Board has given consideration to the merits of the recommended amendments contained in said report; and

**WHEREAS**, said amendments are hereby determined by the Town Board to: involve routine agency administration and management, not including new programs or major reordering of priorities that may affect the environment; involve interpreting an existing code, rule or regulation; and involve the adoption of regulations in connection with actions contained in Section 617.5 ( c ) of the State Environmental Quality Review Regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board that the action to amend Town Board Resolution #178-2004 is hereby determined to be a Type II Action under the provisions of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review (SEQR) Regulations.

**BE IT FURTHER RESOLVED** that the Town Board does hereby delete in its entirety the following amenity: 2. All of the dwelling units shall be located on either patio lots containing not less than 10,000 square feet in total land area, or conventional lots containing an average of 20,000 square feet in total land area based upon an overall preliminary plat for the Auburn Meadows Incentive Zoning Project to be approved by the Town Planning Board

**BE IT FURTHER RESOLVED** that the Town Board does hereby establish the following amenity to replace the above referenced deleted item 2 to read as follows:

2. All of the dwelling units shall be located on either patio lots that are hereby defined as being a lot having less than 15,000 square feet in total lot area, or conventional lots that are hereby defined as being a lot having 15,000 square feet or more in total lot area. Furthermore, any lot having less than 15,000 square feet in total lot area and that is further defined in the Town Code as being a “Through Lot” shall also be defined as a patio lot within the Auburn Meadows Tract. Finally, all of the lots defined herein are to be based upon the overall preliminary plat for the Auburn Meadows Incentive Zoning

Project as was approved by the Town Planning Board and is on file in the Town Development Office.

**BE IT FURTHER RESOLVED** that the Town Board does hereby delete in their entirety the restrictions number 4 and 5 as contained in the above referenced Town Board Resolution #178-2004.

**BE IT FURTHER RESOLVED** that the Town Board does hereby replace restrictions number 4 and 5 to read, in their entirety, 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

**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.

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

**RESOLUTION #263-2010:**

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

**Letter of Credit Estimate – Saratoga Crossing, Lot #2 - in the total amount of \$ 182,421.50.**

**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 Letter of Credit for required improvements within Lot #2 of the Saratoga Crossing Subdivision; and

**WHEREAS**, the Director's recommendation is based upon the recommendations from both Jack Henehan, Construction Inspector (in a fax transmission dated 8-27-10) and James R. Gresens, P.E., MRB Group, P.C., the Town's Engineer (in a letter dated September 7, 2010) both of which are on file with the Town Clerk; and

**WHEREAS**, these recommendations are accompanied with detailed contractor pricing for each item, prepared by Passero Associates, identified as Project No. 2007556.03, dated 8/1/10; and

**WHEREAS**, these quantities and unit prices identified are deemed to be consistent with the plans and private contractor pricing respectively.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the recommendations to establish the above referenced Letter of Credit; and

**BE IT FURTHER RESOLVED** that the Town Board does direct the establishment of the above referenced Letter of Credit; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to notify the applicant Robert Morgan, Morgan Plaster Mill, and the applicant's engineer, Jess Sudol, at Passero Associates, by U.S. Mailing certified copies of this resolution to establish the above referenced Letter of Credit, in the amount specified above herein; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution are to be provided to the Town Bookkeeper, the Director of Planning and Development, the Town Construction Inspector and the Town Engineer.

**BE IT FINALLY RESOLVED** that the Letter of Credit must be delivered to the Town not later than twelve noon on the 10<sup>th</sup> business day following the adoption of this resolution.

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

**RESOLUTION #264-2010:**

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

**Resolution authorizing a Budget Transfer – Canandaigua/Farmington Water District**

**WHEREAS**, the Canandaigua and Farmington Town Boards have authorized the adoption of the 2006, 2007, 2008, 2009 & 2010 Canandaigua/Farmington Water District budgets, and

**ORDER OF BUSINESS: (Continued)**

**WHEREAS**, the Budgets approvals for each of those years included funds to be Transfer to Capital Equipment Reserves, and

**WHEREAS**, the total funds to be transferred for the years 2006 through 2010 now equals \$490,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Farmington on behalf of the Canandaigua/Farmington Water District hereby authorizes the Supervisor to transfer \$490,000.00 from unexpended Fund Balance to the Canandaigua/Farmington Water District Capital Equipment Reserve Fund.

**BE IT FURTHER RESOLVED**, that the supervisor is hereby authorized to transfer \$490,000 as appropriated by the Canandaigua/Farmington Water District from SW1-201 to SW1-232.

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

**RESOLUTION #265-2010:**

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

**Approval to Purchase Water Supplies Purdy Rd Water replacement Project**

**WHEREAS**, on August 24, 2010 the Town Board Approved the Construction of the Purdy Rd Water main Replacement Project, and

**WHEREAS**, The purchase is in accordance with the W&S Departments Capital replacement program and the Towns procurement policy (see attached Summary), and

**WHEREAS**, funds budgeted are from the Capital Reserve Account which has been established for Equipment and Supplies.

**NOW, THEREFORE BE IT RESOLVED**, that the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase water supplies from Martisco Co of Syracuse NY at a cost estimated not to exceed \$6550.00.

**BE IT FURTHER RESOLVED**, that any supplies and purchases will be from budget lines SW1-8340.2 & SW1 8340.4.

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

**RESOLUTION #266-2010:**

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

**Recall and Amend Board Resolution 40-2010**

**WHEREAS**, the Town Board Resolved on January 5, 2010 to reappoint Ed Hemminger as Chairman to the Zoning Board of Appeals for one year term, expiring December 31, 2010 (Town Law 267-271), and

**NOW, THEREFORE BE IT RESOLVED**, that the Farmington Town Board reauthorizes the appointment of Ed Hemminger as a member to the Zoning Board of Appeals for a five year term, expiring December 31, 2014.

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

**RESOLUTION #267-2010:**

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

**Resolution of Sympathy -Lewis H. Martz**

**WHEREAS**, the Town Board has learned of the untimely death of Lewis H. Martz, who served 28 years for the Town of Farmington as Justice and Councilman and was employed by the Town Water & Sewer Department and as a Building Inspector, and

**WHEREAS**, Mr. Martz was lifetime member of St. John's Lutheran Church, a charter member of the Farmington Volunteer Fire Department, and a 78 year member of Farmington Grange #431, therefore be it

**RESOLVED**, that this resolution of sympathy by a part of the minutes of this meeting and his memory be preserved in our records, and be it further

**RESOLVED**, that a copy of this resolution be sent to the family of Lewis H. Martz to apprise them of our deepest sympathy.

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

**RESOLUTION #268-2010:**

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

**RESOLUTION AUTHORIZING THE HIGHWAY/PARKS SUPERINTENDENT TO PURCHASE A SIDEWALK BROOM FOR POLAR TRACK SYSTEM**

**WHEREAS**, the Highway/Parks Superintendent has requested authorization to purchase a Sidewalk Broom for Polar Track System from Grassland Equipment at a cost not to exceed \$5,299.00, therefore be it

**RESOLVED**, the Farmington Town Board authorizes the Highway/Parks Superintendent to purchase a Sidewalk Broom for Polar Tract System at a cost not to exceed \$5,299.00 (A-5410.2-\$5,000 & A-7110.2-\$299.00), and further be it

**RESOLVED**, that the Town Clerk forward copies of this resolution to the Bookkeeper and Highway Department.

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

**RESOLUTION #269-2010:**

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

**RESOLUTION ACCEPTING INVENTORY OF HIGHWAY MACHINERY, TOOLS AND EQUIPMENT**

**WHEREAS**, the Highway/Parks Superintendent has submitted the Inventory of Highway Machinery, Tools and Equipment as required by Highway Law Section 142 (3), therefore be it

**RESOLVED**, the Town Board accepts the Inventory of Highway Machinery, Tools and Equipment, and further be it

**RESOLVED**, that the Town Clerk forward a copy of this resolution to the Highway Department.

Councilman Ingalsbe laid this resolution over recommending that Public Works look at it first.

All voting "Aye", the Resolution was **LAI DOVER**.

**RESOLUTION #270-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND FOR GENERAL CODE EXPENDITURES**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the General Fund for General Code Expenditures:

FROM:	A1990.4	Contingency	\$2,366.45
TO:	A1010.4	Town Board CE	(\$2,366.45)

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 #271-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND FOR RECORDS MANAGEMENT EXPENDITURES**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment for the General Fund for Records Management Expenditures:

FROM:	A1410.4	Town Clerk CE	\$119.92
TO:	A1010.4	Records Management CE	(\$119.92)

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**.

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

**SEPTEMBER 15, 2010**

**RESOLUTION #272-2010:**

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

**RESOLUTION AUTHORIZING THE TOWN CLERK TO PURCHASE INTERNET TAX SYSTEM AND AUTHORIZING A BUDGET AMENDMENT FOR THE PURCHASE OF THE SYSTEM**

**WHEREAS**, the Town Clerk's BAS Software has an application to allow residents, banks, title companies, etc. to have the ability to view updated tax information and payment history online as well as print receipts, and

**WHEREAS**, the Town Attorney has no objection to offering the internet tax system, and

**WHEREAS**, the first year investment is \$1,490 and \$350 annually thereafter for hosting and support, therefore be it

**RESOLVED**, that the Farmington Town Board authorizes the Town Clerk to purchase the Internet Tax System and authorizes the following budget amendment for the purchase of such system:

FROM:	A1990.4	Contingency	\$1,490.00
TO:	A1330.4	Tax Collector CE	(\$1,490.00)

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 #273-2010:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, DETERMINATION OF SIGNIFICANCE THE ESTATES AT BEAVER CREEK SUBDIVISION LIGHTING DISTRICT**

**WHEREAS**, the Town of Farmington Town Board, hereinafter referred to as Town Board, has determined the above referenced action to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Town Board has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board makes this Determination of Non-Significance based upon: the map and plan prepared by DSB Engineers & Architects, P.C.; the August 10, 2010, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 September 15, 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 #274-2010:**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FARMINGTON APPROVING  
CREATION OF THE ESTATES AT BEAVER CREEK SUBDIVISION LIGHTING DISTRICT**

**WHEREAS**, a written Petition dated February 4, 2010, has been presented and filed with the Town Clerk of the Town of Farmington, Ontario County, New York, requesting establishment of The Estates at Beaver Creek Subdivision Lighting District ("District") with boundaries as described in a Map and Plan relating to the establishment of the District, attached hereto as Exhibit 1, prepared by D.S.B. Engineers & Architects, P.C. in a manner and such detail as has been determined by this Town Board to be sufficient and has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on August 10, 2010, reciting the filing of said Map and Plan, the improvements proposed, the boundaries of the proposed District, the fact that the Map and Plan describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying August 24, 2010, at 7:00 p.m., at the Town of Farmington Town Hall, 1000 County Road 8, Farmington, New York, as the place where this Town Board would meet and consider said Map and Plan and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law; and

**WHEREAS**, the hearing on said matter was duly held by said Town Board on August 24, 2010, at the Farmington Town Hall, at which all interested persons desiring to be heard were heard; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of this District would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

**NOW, THEREFORE**, upon the evidence given at said public hearing, be it RESOLVED as follows:

1. That said Petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
2. The Order Calling Public Hearing was duly published in the Town's official newspaper on August 13, 2010 and duly posted on the Town's official sign board on August 11, 2010, all as required by law and is otherwise sufficient;
3. All of the property owners within the proposed District are benefited thereby;
4. All of the property and property owners benefited are included within the limits of the proposed District;
5. It is in the public interest to establish said District;
6. The proposed expenses for on-going maintenance and capital improvements, as set forth in the Petition referred to herein, be and are hereby approved;
7. The costs and expenses of the proposed on-going construction and on-going maintenance and improvements associated with said District be assessed, levied and collected from the several lots and parcels of land within said District for such purpose in the same manner and at the same time as other Town charges, except as otherwise provided by law, all pursuant to Section 202(3) of the Town Law and in accordance with the ad valorem charge basis as outlined in the Map, Plan and Report referred to herein;
8. That the establishment of the District, as set forth in said Map and Plan, be and hereby is approved; that the improvements therein mentioned be constructed by the Petitioner; and such District shall be bounded and described as set forth in Exhibit 1 attached hereto and made a part hereof;
9. That the Town Board members execute the Order Establishing this District and that the Town Clerk be, and hereby is, authorized and directed to file a certified copy of the Order Establishing the District in the Office of the Clerk of the County of Ontario and in the office of the State Department of Audit and Control at Albany, New York.

