

At the Farmington Town Board Meeting, held in the Town Hall on the 26<sup>th</sup> day of January 2010, at 7:00 PM, there were:

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

Also present were: **Jim Crane, Water & Sewer Superintendent – Floyd Kofahl, Code Enforcement Officer – Donna LaPlant, Assessor - Brandon LaPlant – Phil Robinson, Farmington Volunteer Fire Association - Dean Lichterman, Victor Herald – Dotti Mickelsen – Ed McLaughlin, Highway Superintendent**

Hearing on condemnation of property located at 1637 New Michigan Road – Supervisor asked the Code Enforcement Officer to give a brief overview of the process. Floyd Kofahl asked the Board for a continuation of the hearing in order to contact the property owner properly since the owner is located in another state. He added that they have to properly verify the delivery of the notice to the owner.

Supervisor Fafinski asked Floyd Kofahl to give some background on the property. Floyd Kofahl stated that the property has been vacant for a long time, the structure is falling down in the back, interior structure is extremely weak, and an animal infestation is starting there.

Supervisor Fafinski stated that the hearing is continued until February 9, 2010.

Pledge of Allegiance

A motion was made by Councilman Mickelsen, seconded by Councilman Casale, that the minutes of the January 5, 2010, Organizational Meeting and the January 19, 2010 Special Town Board 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. New billing software is in place, working out the kinks, and getting additional training.
2. Phillips Landing Lighting District.
3. No update on cellular tower agreement.
4. Purdy Road water project in Canandaigua.
5. 3 watermain breaks since last meeting.
6. KOA Sewer Project.

Highway/Parks:

1. Preliminary start on work on stormwater management at the Stonehedge property (Townline Road and Route 332).
2. Working on drainage pipes at the Racetrack.
3. Working on roadwork at Yellowmills Road.
4. Discussed heating at the lodge for the outside bathrooms.
5. Preliminary work in parking lot at Farmbrook Park.

**Town Operations: Councilman Holtz reported:**

1. Met with CEO Floyd Kofahl but will have him report.
2. Report from Mark Cain-Recreation Director.
  - a. Dealing with Department of Health for summer recreation program
  - b. Marketing ideas for program.
  - c. Easter egg hunt- tentatively set for March 27<sup>th</sup>.

- d. Ways to utilize the lodge for winter – movie night during February break.
- e. Cross country skiing.
- f. Speaking with a yoga instructor to have classes at the lodge.

**REPORT OF TOWN OFFICIALS:****Supervisor Fafinski :**

1. Is pleased that the Town Clerk's Office is opened until 7:00 on Wednesday nights.

**Highway/Parks Superintendent Ed McLaughlin:**

1. SEQR-Whitetail Lane.

**Town Clerk Michelle Finley:**

1. Taxes – collected over \$2 million so far.
2. Dog Enumeration.
3. Reader for credit card will be arriving next week and will be up and running soon.

**Water & Sewer Superintendent : None.****Building & Zoning: Floyd Kofahl reported:**

1. 2009 Year End Report – Highlights:
  - a. 56 New Homes
  - b. Commercials were up over previous 2 years.
  - c. Construction cost reported equaled \$37,330,798.00.
  - d. Permit Fees collected equaled \$244,557.67.
  - e. 424 permits were issued.

**Assessor Donna LaPlant:**

1. Reviewing Commercial Properties.
2. Exemptions.
3. Resolution setting a Public Hearing on Cold War Veterans Exemption.

**Fire Department- Paul Conrad (new Chief) reported:**

1. Busy Sunday about a week ago (Farmington Service).

**COMMUNICATIONS:**

1. Letter to Rose Kleman, former Town Clerk, from David C. Goehring from the New York State Department of Transportation. Re: Auburn Meadows speed limit.
2. Annual schedule of taxes for 2010 from Shelley Reddout at the Ontario County Real Property Tax Services Office.
3. Letter from Supervisor Fafinski to Jaylene Folkins, chair of the Ontario County Planning Board. Re: Town Board's vote to override county board recommendations on zoning changes.
4. Letter from Supervisor Fafinski to Rep. Eric Massa. Re: Request for state funding for three local projects.
5. Press release from the Supervisor's Office. Re: New Town Clerk hours.
6. Letter to Supervisor Fafinski from Time Warner Cable. Re: Switched Digital Video offering in the area.
7. Letter to Supervisor Fafinski from Thompson Health. Re: Invitation to press conference Jan. 22 for capital campaign.
8. Notice of carrier financial status from Brown & Brown.
9. Letter to Supervisor Fafinski from resident Melvin Townsend. Re: Requested use of Mertensia Park Lodge on July 26 for the Victor seniors group.
10. Letter from Supervisor Fafinski to resident Melvin Townsend responding to his request to use the park lodge.
11. 2009 Annual Report from the Humane Society of Ontario County.
12. Letter to Town Clerk Finley from Town Attorney Jeff Graff: Re: Notice that Local Law No. 6 (zoning changes) has been filed with the state.

13. Letter to Rochester Gas & Electric from Supervisor Fafinski. Re: Refusal to pay for billed Phillips Landing lighting district.
14. Cancellations of Workers Compensation Insurance for Victor Roofing & Siding, Inc. and Pro Construction Inc.
15. Certificates of Liability Insurance for Network Building & Consulting LLC, North Central New York Conference of the United Methodist Church, Time Warner and New Energy Works of Rochester, Inc.
16. Certificates of Workers Compensation Insurance Coverage for Irondequoit Garden Center, Inc., Matzo Industries Inc.
17. Cancellation of Liability Insurance for J. James Wolfe Agency Inc.
18. Invoice from the Town of Farmington to A&D Development for engineering services at Beaver Creek.
19. Letter from the New York State Department of State to Ontario County Administrator Geoff Astles. Re: Denial of the Local Government Efficiency Grant.
20. Notice from the New York State Department of Environmental Conservation. Re: Water withdrawals.
21. Letter to the Town Board from the New York State Department of Health. Re: Public water for the Farmington 332 LLC project.

**REPORTS & MINUTES:**

None

**ORDER OF BUSINESS:****Resolution #60-2010:**

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

**RESOLUTION AUTHORIZING THE VICTOR SENIORS CLUB TO USE THE LODGE AT MERTENSIA PARK ON JULY 26 AND WAIVING THE RENTAL FEE.**

**WHEREAS**, the Victor Senior Citizens Club has requested they be allowed to use the Lodge at Mertensia Park on July 26 for their annual summer picnic gathering, and

**WHEREAS**, they have asked the town to consider waiving the usual rental fee of \$250 for an out-of-town resident and \$150 for a Farmington resident,

**THEREFORE BE IT RESOLVED**, the Farmington Town Board authorizes the Victor Seniors to reserve the Lodge on July 26 and waives the rental fee but still requires the organization to pay the refundable deposit of \$100 prior to the event, and

**BE IT FURTHER RESOLVED** that the Town Clerk forward a copy of this resolution to the Highway Department and the Victor Senior Citizens (letter attached).

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

**Resolution #61-2010:**

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

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A LOCAL LAW ADOPTING AN ALTERNATIVE TAX EXEMPTION FOR COLD WAR VETERANS**

**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 adopting certain benefits under §458-b of the Real Property Tax Law authorizing an alternative tax exemption for Cold War veterans; 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,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on February 9, 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(s) 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

**Resolution #61-2010 Continued:**

**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; and be it further

**RESOLVED**, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

Supervisor Fafinski and Councilman Ingalsbe disclosed that they are Cold War Veterans but are ineligible because they were in too long.

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

**Resolution #62-2010:**

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

**Councilman Ingalsbe stated that this was discussed in Public Works and is part of the 2010 Town Budget and they have reviewed the SEQR forms for completion.**

**State Environmental Quality Review Determination on White Tail Lane and Suede Circle Reconstruction Action**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a Part 1 of the Short Environmental Assessment Form, from James Peet, P.E., MRB Group, P.C., the Town's Engineering Firm, on the above described Reconstruction Action (hereinafter referred to as Action); and

**WHEREAS**, the Town Director of Planning and Development (hereinafter referred to as Director) has reviewed said Form and accompanying information prepared by James Peet; and

**WHEREAS**, the Director has also reviewed Section 617.5 of the State Environmental Quality Review (SEQR) Regulations to determine whether said Action is a Type II Action; and

**WHEREAS**, the Director finds that the Action involves maintenance or repair involving no substantial changes in an existing structure or facility; and

**WHEREAS**, the Director further finds that the Action involves the rehabilitation or reconstruction of a structure or facility, in kind, on the same site; and

**WHEREAS**, the Director further finds that the Action involves the repaving of existing highways not involving the addition of new travel lanes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board concurs with the Director's findings above herein.

**BE IT FURTHER RESOLVED** that the Town Board determines that the Action is a Type II Action as defined under the provisions of Section 617.5 (a), (b) and (c) (1), (2) and (4) of article 8 of the State Environmental Conservation Law.

**BE IT FURTHER RESOLVED** that the Town Board in making this determination has satisfied the procedural requirements of the SEQR Regulations in that Type II Actions have been determined by the SEQR Regulations not to have a significant impact upon the environment and are otherwise precluded from environmental review under the Environmental Conservation Law, article 8.

**BE IT FINALLY RESOLVED** that this determination shall be placed with the Project File and also filed with the Town Clerk.

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

**Resolution #63-2010:**

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

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE GENERAL FUND FOR 2009 TO COVER PAYROLL ACCRUALS EXPENDITURES**

**RESOLVED**, the Farmington Town Board authorizes the following budget amendment from the general fund for 2009 for payroll accruals expenditures:

**Resolution #63-2010 Continued:**

FROM:	A599	Appropriated Fund Balance	\$977.23
TO:	A1410.1	Town Clerk- PS	(\$977.23)

And further be it, **RESOLVED**, the Town Clerk forward a copy of this resolution to the Finance and Account Specialist.

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

**Resolution #64-2010:**

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

**AUTHORIZATION FOR GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS AND COMMITMENT TO 25% LOCAL MATCH FOR THE PREPARATION OF A TOWN OF FARMINGTON AGRICULTURAL AND FARMLAND PROTECTION PLAN**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a draft Application for State Assistance Payments for Municipal Agricultural and Farmland Protection Plan Development, Forms A and B-1, a copy of which is hereby attached to and made part of this resolution (hereinafter referred to as Action), from the Town of Farmington Agriculture Advisory Committee (hereinafter referred to as Ag Committee); and

**WHEREAS**, the Town Board has held a workshop with the Ag Committee on Tuesday, January 12, 2010 at which the Town Board was made aware of the Grant's local match commitment, the reimbursement procedure and anticipated date of announcement of award later in 2010; and

**WHEREAS**, the Town of Farmington is a leader among other municipalities in Ontario County for having created an Ag Committee and enacting Right To Farm Regulations, Chapter 117 of the Farmington Town Code; and

**WHEREAS**, the Town Board is currently initiating an update to the adopted 2003 edition of "The Town of Farmington Comprehensive Plan" (hereinafter referred to as Plan); and

**WHEREAS**, the Town Board again will be seeking input from the Ag Committee on the existing Plan's goals, objectives and policies pertaining to agricultural promotion and farmland protection; and

**WHEREAS**, the Town Director of Planning and Development (hereinafter referred to as Director) has since reviewed said Forms with James Ochterski, Vice-Chair of the Ag Committee; and

**WHEREAS**, the Forms have been amended to reflect the twenty-five percent (25%) local match of cash and in-kind services required by the Department of Agriculture and Markets (hereinafter referred to as Department of Ag & Markets); and

**WHEREAS**, the Director has also reviewed Section 617.5 of the State Environmental Quality Review (SEQR) Regulations to determine whether said Action is a Type II Action; and

**WHEREAS**, the Director finds that the Action involves information collection including basic data collection and research that do not commit the agency to undertake, fund or approve any Type I or Unlisted Action under the SEQR Regulations; and

**Resolution #64-2010 Continued:**

**WHEREAS**, the Director further finds that the Action involves the routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and

**WHEREAS**, the Director further finds that the Action involves the conducting of studies and planning and budgetary processes necessary to the formulation of a proposed action, providing those activities do not commit the agency to commence, engage in or approve such action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board concurs with the Director’s findings above herein.

**BE IT FURTHER RESOLVED** that the Town Board determines that the Action is a Type II Action as defined under the provisions of Section 617.5 (a), (b) and ( c ) (18), (20) and (21) of article 8 of the State Environmental Conservation Law.

**BE IT FURTHER RESOLVED** that the Town Board in making this determination has satisfied the procedural requirements of the SEQR Regulations in that Type II Actions have been determined by the SEQR Regulations not to have a significant impact upon the environment and are otherwise precluded from environmental review under the Environmental Conservation Law, article 8.

**BE IT FURTHER RESOLVED** that the Town Board authorizes the Town Supervisor to enter into a Contract Agreement with the Department of Ag & Markets involving the total expenditure of \$30,625.00 of Town funds upon the receipt of an award from the Department of Ag & Markets with the understanding that \$24,500.00 will be reimbursements received from said Department, that \$2,000.00 will be cash contribution from a dedicated line item in the Town Operating Budget; and that \$4,125.00 will be in-kind contribution of professional services to be provided by the Director.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be submitted to the Department of Ag & Markets along with a cover letter from the Town Supervisor and the completed Grant Application Forms; and, copies thereof to be filed with the Town Clerk, the Town Director of Planning and Development, the Town Planning Board, the Town Agricultural Advisory Committee and the Town Conservation Board.

**BE IT FINALLY RESOLVED** that this resolution shall take effect immediately.

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 January 26, 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 #65-2010:**

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

**Letter of Credit Estimate – Estates at Beaver Creek Subdivision, Section 1 in the total amount of \$642,799.94**

**WHEREAS**, the Farmington Town Board (hereinafter referred to as Town Board) has received a request from James R. Gresens, P.E., MRB Group, P.C., Farmington Town Engineers, dated January 18, 2010 to establish a Letter of Credit for required improvements within Section #1 of the Estates at Beaver Creek Subdivision; and

**WHEREAS**, the Town Engineer’s recommendation is based upon a coordinated review with Jack Henehan, Town Construction Inspector and findings from their review of the detailed quantities and unit prices shown in the January 14, 2010 Engineer’s Estimate completed by D.S.B. Engineers and Architects, P.C.; and

**WHEREAS**, these quantities and unit prices identified are consistent with the items described in the signed Final Plat Subdivision plans and with the private contractor pricing respectively.

**Resolution #65 Continued:**

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the recommendations to establish the above referenced Letter of Credit in the total amount of \$642,799.94; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to notify the applicant Ernie Ackerman, Principal, A&D Development, and the applicant's engineer Walt Baker, D.S.B. Engineers, by U.S. Mailing of 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 #66-2010:**

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

**Supervisor Fafinski stated that they originally authorized the purchase of land off of Collett Road and once they had the purchase offer ready, which was subject to permissive referendum, for the Highway Garage Facility, they were made aware of landlocks, therefore they were forced to look elsewhere.**

**RESOLUTION REPEALING RESOLUTION NO. 45-2010 AND AUTHORIZING THE OFFERING OF A PURCHASE AND SALE CONTRACT FOR APPROXIMATELY 45 ACRES ON HOOK ROAD**

**WHEREAS**, on January 12, 2010, this Town Board adopted resolution number 45-2010 which authorized making a purchase offer for approximately 50 acres of real property owned by the Herendeen family (the "Owner") located on Collett Road, in the Town of Farmington, being part of tax map #17.00-2-15.200, which said resolution was subject to a permissive referendum; and

**WHEREAS**, subsequent to the adoption of resolution number 45-2010, the Town learned that the land it approved making a purchase offer on pursuant to resolution number 45-2010 is bisected by a piece of property owned by Niagara, Lockport and Ontario Power Company, a property interest the Town had previously believed was merely an easement interest; and

**WHEREAS**, the Town is not interested in acquiring such parcel where the only means of access to the rear portion would be through an easement nor is the Town interested in pursuing negotiations with Niagara, Lockport and Ontario Power Company for such an easement; and

**WHEREAS**, the Town is now interested in purchasing approximately 45 acres of real property owned by 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**, the Town has determined that \$4,500 per acre is a fair and reasonable price to offer for this Property.

**NOW THEREFORE, BE IT RESOLVED**, that Resolution No. 45-2010 is hereby repealed; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the offering of the Purchase and Sale Contract for the Property, attached hereto and made a part hereof, (the "Purchase Offer") to Owner with the contingencies attached thereto; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute the Purchase Offer on behalf of the Town of Farmington and the Town Board; and

**BE IT FURTHER RESOLVED**, that, if the Owners accept the Town's Purchase Offer and, if all of the contingencies of such purchase and sale contract are fulfilled, the Town Supervisor is authorized to pay to the Owners the agreed purchase price and he hereby is authorized and directed to sign all necessary documents to effectuate such purchase.

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

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

**Resolution #67-2010:**

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

**PAY AUDITED BILLS**

<b>ABSTRACT #2-2010</b>	
<b>General</b>	<b>\$ 84,588.48</b>
<b>Highway Fund</b>	<b>\$ 40,496.11</b>
<b>Storm Drainage</b>	<b>\$ 1,227.09</b>
<b>Payroll</b>	<b>\$ 2,414.41</b>
<b>Fire Protection District</b>	<b>\$172,846.66</b>
<b>Lighting District</b>	<b>\$ 6,780.18</b>
<b>Sewer District</b>	<b>\$ 53,721.74</b>
<b>Water District</b>	<b>\$ <u>20,904.30</u></b>
<b>TOTAL</b>	<b>\$ 382,978.97</b>

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

**WAIVER OF THE RULE:****DISCUSSION:**

1. LC Land Conservation District Regulations (deferred until next meeting so the Director of Development can attend).

**TRAINING UNDER \$100.00:**

NONE

With no further business, the meeting was adjourned at 7:39 p.m., by a motion from Councilman Mickelsen, seconded by Councilman Casale. **CARRIED**.

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