

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 26th day of September, 2023, at 7:00 PM, there were:

PRESENT: Peter Ingalsbe – Supervisor
Mike Casale – Councilman
Steven Holtz – Councilman
Nate Bowerman – Councilman
Ron Herendeen – Councilman
Michelle Finley – Town Clerk

Also present in person: **Dave Conti** – Water & Sewer Superintendent, **Dan Delpriore** – Code Enforcement Officer, **Ron Brand** – Director of Planning and Development, **Bill Davis** – MRB Group, **Ed Hemminger** – Planning Board Chairman, **Don Giroux** – resident, **Donna LaPlant** – Assessor, **Christopher LaPlant** – resident, **Tonia Ettinger** – resident, **Hal Adams** – Ag Advisory Chairman

Also present by telephone/video conferencing were: **Adrian Bellis** – Planning Board Member, **Michael Phillips** – resident, and **John Piper**

PUBLIC HEARINGS:

LOCAL LAW NO. 3 OF 2023, ESTABLISHING A NEW CHAPTER 38 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, ENTITLED “RECORDS MANAGEMENT AND PUBLIC RECORDS ACCESS

Supervisor Ingalsbe opened the public hearing at 7:00p.m. The Town Clerk read the legal notice. Mr. Brand talked about the overall process. He stated that Local Law No. 3 establishes the Records Management and Public Records Access rules and regulations for the town. He added that this came about as a result of the State making amendments this year to the open meeting law and as a result of those changes determined the need for the town to update our town code and provide for the clarification of how the public proceeds as to how to apply for a FOIL (Freedom of Information Law Request), extinguishes the records that are available to the public from those that are the courts that are not available to the public. He stated that these regulations clarify all the changes.

Supervisor Ingalsbe asked if anyone wanted to comment on this proposed local law, hearing none he closed the public hearing at 7:02 p.m.

LOCAL LAW NO. 4 OF 2023, REPEALING LOCAL LAW NO. 6 OF 1995 IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 9, ARTICLE II, AGRICULTURAL ADVISORY COMMITTEE, DUTIES AND RESPONSIBILITIES

Supervisor Ingalsbe opened the public hearing at 7:03 p.m. The Town Clerk read the legal notice. Councilman Casale serves on the Agricultural Advisory Committee and he stated that a draft local law was reviewed and accepted by the Ag Advisory Committee at their meeting held on June 15, 2023. He added that the local law establishes memberships, terms of office, and attendances at meetings, it also defines their advising to the Town Board and other Town Boards on matters pertaining to sustaining farming and protection of the agricultural soils within this town.

Supervisor Ingalsbe asked if anyone wanted to comment on this proposed local law. Mr. Brand stated that with the addition of new members this year, they committee wanted to discuss their duties and responsibilities, and upon looking at what was in Chapter 9 of the town code and what they found was there are two articles, one was the Historic Preservation Commission and the other was Agricultural Advisory Committee, and when looking at the Ag Advisory Committee rules and regulations, it was created back in 1992, resulted in the committee asking for staff to do some research as to what other communities in New York State were doing as far as identifying the duties and responsibilities of the committees, and several copies were provided to the Ag Advisory Committee and they were discussed at meetings, and as part of that process they discovered that there were other Boards and Committees that were referenced in various chapters of the code but were never provided for in Chapter 9 which they thought was necessary. He added that those other committees went to Town Laws and General Municipal Laws and town code regulations and identified their duties and responsibilities so each of the succeeding public hearings tonight are a result of working with the Ag Advisory Committee, the Environmental Conservation Board, Recreation Advisory Board, the Planning Board, and the Zoning Board of Appeals on the need for this code amendment in Chapter 9.

Supervisor Ingalsbe asked if there were any other comments, hearing none, he closed the public hearing at 7:06 p.m.

LOCAL LAW NO. 5 OF 2023, ESTABLISHING A NEW CHAPTER 9, ARTICLE III, ENVIRONMENTAL CONSERVATION BOARD (ECB), DUTIES AND RESPONSIBILITIES

Supervisor Ingalsbe opened the public hearing at 7:07 p.m. The Town Clerk read the legal notice. Councilman Holtz stated that the draft local law was reviewed and accepted by the Conservation Board at their meeting held on June 26, 2023. He added that this local law defines requirements within state general municipal law for maintaining board status, also list activities and reports for the Board to complete each year, provides new administrative terms and definitions to be placed in Chapter 165 (Zoning Law) of the town code, it defines appointments, memberships, reviews of pending development applications and provides for an alternative member when the need arises.

Supervisor Ingalsbe asked if there were any comments or questions, hearing none, he closed the public hearing at 7:09 p.m.

LOCAL LAW NO. 6 OF 2023, ESTABLISHING A NEW CHAPTER 9, ARTICLE IV, RECREATION ADVISORY BOARD, DUTIES AND RESPONSIBILITIES

Supervisor Ingalsbe opened the public hearing at 7:10 p.m. The Town Clerk read the legal notice. Councilman Bowerman stated that the Recreation Advisory Board reviewed and accepted the draft local law at their meeting held on August 15, 2023. He added that the proposed local law identifies rules for the Board to provide information to the residents of the town and to the Town Board on issues relating to sustaining, promoting, and identifying the public parklands, facility and recreational needs of the town, provides a list of functions to be provided by the Recreation Advisory Board, establishes memberships, terms of office, and responsibilities of the chairperson, and responsibilities of the members, and the Town's Recreation Director.

Supervisor Ingalsbe asked if there were any comments or questions, hearing none, he closed the public hearing at 7:11 p.m.

LOCAL LAW NO. 7 OF 2023, ESTABLISHING A NEW CHAPTER 9, ARTICLE V, PLANNING BOARD, DUTIES AND RESPONSIBILITIES

Supervisor Ingalsbe opened the public hearing at 7:11 p.m. The Town Clerk read the legal notice. Councilman Herendeen stated that the Planning Board reviewed and accepted the draft local law at their meeting held on September 6, 2023. He stated that the proposed local law defines the administrative power provided by NYS Town Law and the Farmington Town Code. He added that this proposed local law replaces Local Law No. 2 of 2001 and incorporates all the changes that have been made to Article 16 of the New York State Town Law, and it establishes the functions of the Planning Board and establishes memberships and provides for an alternative member when needed. He added that this proposed local law directs and maintains the rule of operating procedures.

Supervisor Ingalsbe asked if there were any questions or comments, hearing none, he closed the public hearing at 7:13 p.m.

LOCAL LAW NO. 8 OF 2023, ESTABLISHING A NEW CHAPTER 9, ARTICLE VI, ZONING BOARD OF APPEALS, DUTIES AND RESPONSIBILITIES

Supervisor Ingalsbe opened the public hearing at 7:13 p.m. The Town Clerk read the legal notice. Supervisor Ingalsbe stated that the proposed local law has been reviewed and accepted by the Zoning Board of Appeals as their meeting held on July 24, 2023. He added that it defines administrative powers provided by NYS Town Law and the Farmington Town Code, it replaces a Town Board resolution dated July 15, 1957 by adoption of a local law amending the town code. He added that the Board hears appeals and interpretations made by the towns code officials, it defines functions of the Zoning Board of Appeals to hear appeals on provisions legally enacted by the NYS legislators, defines the term of office, filing vacancies, membership requirements, and participation in meetings, and it directs maintaining the rules and operating procedures.

Supervisor Ingalsbe asked if there were any questions or comments. Mr. Brand stated that these articles provide a description of the duties and responsibilities for the members of each of the identified Boards and Committees and that these descriptions provide the residents of the town documentation of these boards and provides direction and guidance for future applicants that serve the town and the committees and boards. He added that according to the senior planner at Ontario County Planning Department, who he worked closely with on this, stated to him that no other municipality has established such duties and responsibilities and that once again Farmington leads the way.

Supervisor Ingalsbe asked if there were any questions and comments, hearing none, he closed the public hearing at 7:17 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Holtz** and seconded by **Councilman Casale** that the minutes of the September 12, 2023, Town Board Meeting and given to members for review, be approved. All Voting "Aye". (Casale, Holtz, Herendeen, Bowerman, and Ingalsbe). Motion Carried.

PRIVILEGE OF THE FLOOR: None.

PUBLIC CONCERNS: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Herendeen reported:

1. MRB working on submitting a bid proposal for cleaning Digester #2.
2. Discussed water sampling vendor change.
3. New flow meters have arrived.
4. Manhole inspections – Cobblestone and Hathaway's Corners.
5. Discussed the Collett Road Sewer repair.
6. Discussed smoke testing in Doe Haven.
7. Nettle Creek PRV vault – work is almost done.
8. Hydrant flushing and weed trimming is still ongoing.
9. Discussed paving and drainage work at the Treatment Plant.
10. Discussed resolutions on agenda.

Highway & Parks:

1. Highway- equipment maintenance, roadside mowing, working on catch basins, gutters and pipe on Clovermeadow, wedging roads in preparation for next year's chip sealing, installed new signalized crosswalk sign on Mertensia Road at the Auburn Trail, and cleaned up vehicles that are going to auction on October 7th.
2. Parks- mowing, field striping and grooming, striping parking lots, mower maintenance and repair, and removed pavilion concrete pad at Town Park.
3. Discussed patch work on the Grange.
4. Generator service scheduled for October 9th and 10th.
5. Discussed resolution for meeting.

Town Operations Committee: Councilman Casale reported:

1. Discussed resolutions on agenda.
2. TAP Sidewalk Grant proceeding on schedule.
3. Ag Advisory meeting will be September 21st, at 6:30 p.m., at the Town Hall.
4. Discussed amending Site Design and Criteria – specifications changes.
5. Working on Chapter 9 text amendments to Town Code for Boards, Committees, and Commission's duties and responsibilities.
6. Chapter 38 Town Code updates for Records Management and Access to Public Records.

Town Finance Committee: Supervisor Ingalsbe reported: See Supervisor's comments below.**Town Public Safety Committee: Councilman Holtz reported: None.****REPORTS OF TOWN OFFICIALS:****Supervisor Peter Ingalsbe reported:**

1. Received annual fiscal monitoring system report from the Office of the State Comptroller. This is the 2022-year end fiscal reporting. In this case the lower the number the better. For years 2020,2021 and 2022 as listed the Town of Farmington received a score of zero in Fiscal stress and a zero Environmental stress scores. The best score we can get.
2. The Town Board has authorized for this year Charter Communications to design and install fiber-optics in the Farmbrook Park. This will help monitor the park as we have had some damage in the past few years. Other parks will be designed in 2024.
3. The Towns of Canandaigua, Manchester, Hopewell, and Farmington met with the City Manager and staff to discuss 2024 and future funding and for all to come to an agreement with a new Inter- Municipal Agreement (IMA) that all could agree to. The result is more funding for Capital Projects at their treatment plant. The city expects their engineers to have a cost estimate for upgrades to the plant and all customers will share in that cost. Next year the water rate will go up between 17 and 20 cents per thousand to pay for future upgrades.
4. Clean up days are October 13-14, Recreation sponsored Trunk & Treat is here at the Town Park on October 21st Noon to 2 pm.
5. The Farmington Chamber is again having a scare crow contest, cost is \$20.00. Check out the Chamber Facebook page or website.
6. Fall Newsletter is at the printers.

Highway & Parks Superintendent Tim Ford reported: Necessarily absent**Town Clerk Michelle Finley reported:**

1. Thanked Water & Sewer Superintendent for approving the purchase of a new date and time stamp.
2. Officiated two weddings.
3. Ontario County Municipal Town Clerks Association meeting this Wednesday at the Landfill. Deputy Cerniglia will be attending it.

Water & Sewer Superintendent Dave Conti reported:

1. North Road Water project is nearly completed.

Code Enforcement Officer Dan Delpriore reported:

1. Update on Electric Vehicle Charging Equipment for the parks, RG&E awarded funding (90% of the equipment) to the town to use in 2024-2025, and he will continue to look for more grant funding. There is a grant out there that might help then as well to put charging stations in all of their parks. Mr. Delpriore stated that they are looking at level 2 chargers, level 3's super charging stations are like the ones at Eastview Mall.

Supervisor Ingalsbe stated that he was able to talk with both committees today and they know it is a long shot with getting the grant, but they will certainly try to get it. He added that if they don't get the grant is it estimated that the town would need to spend \$91,000/\$92,000, they could take the money out of the video terminal money if needed. Supervisor Ingalsbe stated that there is no issue with proceeding forward with this project.

Director of Planning and Development Ron Brand reported:

1. Town Operations Report available on website and filed with the Town Clerk.
2. Received application for development of the former water park site, approximately 80 acres.
3. Local Law No. 10 – Redfield Grove incentive zoning project.
4. Will be considering next month the Farmington Markets rezoning project.

Assessor Donna LaPlant reported:

1. All but one of the small claims hearings has been held. Went well, 2 decisions (1) one right before the hearing she met with the owner and they agreed to settle by lowering it \$20,000, (2) the resident wanted an assessment of \$327,000, hearing office left it at \$426,000. Still has one more to do but has not heard when that one is.
2. Aged exemptions – laws changed, hopefully will do a presentation in November on options the town may have.
3. Receiving a lot of calls on Star Credit versus Star Exemption.

Town Engineer Bill Davis reported:

1. Update on various projects – Brickyard Road Tank process (getting close to bid), flow management plan, received new meters, found a couple small pumpstations that may have some I&I issues and will do some smoke testing in those areas, Town Park Pavilion project.

Fire Chief reported: None.**Planning Board Chairman Ed Hemminger reported:**

1. Next meeting – Fowler 3-lot subdivision.

Zoning Board of Appeals reported: None.**Recreation Advisory Board Bryan Meck reported: None.****Recreation Director Mark Cain reported: None.****Supervisor Ingalsbe reported that the Trunk and Treat will be October 21st noon-2 p.m.****Ontario County Planning Board Member reported: None.****Conservation Board Chairperson reported: None.****Town Historian Donna Herendeen reported: None.****Swap Shop Update: Councilman Holtz reported: None.****Agricultural Advisory Committee Chairman Adams: None.****COMMUNICATIONS:**

1. Town of Canandaigua Resolution No. 2023-200: Authorization for Highway Superintendent to complete a Phase 1A/1B Study for new road off of Purdy Road.
2. Farmington Intern Program Scope of Lead & Copper Service Line Inventory Project.
3. Email from the Town Supervisor to Felix Tao. Re: Request to waive late fee denial.
4. Letter to the Town Supervisor from Edward Burgess IV, Chief of Data Operations, of the NYS Comptroller. Re: State Aid Payment Advisory.
5. Letter to Regina Sousa, Senior Planner, of the Ontario County Department of Sustainability and Solid Waste Management from the Town Supervisor. Re: Request for funds to cover staging of a trailer and mattresses collected from the Fall Cleanup Day.
6. NYSEG/RG&E fact sheets on natural gas emergencies.
7. Letter to the Town Supervisor from Congresswoman Claudia Tenney. Re: Academy Committee.
8. Certificates of Liability Insurance from: Betlem Service Corporation; Christa Construction, LLC; FSI Acoustical Systems, LLC.
9. Certificates of Workers' Compensation Insurance from: FSI Acoustical Systems, LLC.
10. Cancellation of Insurance from: Serenity Pool and Spa, LLC; D Loco, Inc.

REPORTS & MINUTES:

1. NYS Agriculture and Markets Municipal Shelter Inspection Report – August 24, 2023.
2. Historic Preservation Meeting Minutes – July 13, 2023.
3. Manchester Fire Department Incident Run Log – August, 2023.
4. Farmington Senior Citizens Meeting Minutes – August 21, 2023.
5. Project Review Committee Meeting Minutes – September 7, 2023.

ORDER OF BUSINESS:**RESOLUTION 344-2023:**

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

RESOLUTION TO PURCHASE TWO (2) CATERPILLAR EXCAVATING BUCKETS FOR A CAT 310 EXCAVATOR

WHEREAS, The Water and Sewer Superintendent has identified the need to purchase two (2) Caterpillar Excavating Buckets for the Cat 310 Excavator; and

WHEREAS, The Water and Sewer Superintendent has received one (1) quote with NYS OGS PC69406 advertised discount for said excavating buckets from Milton Cat, 400-Wheeler St., Tonawanda NY at a cost of \$ 6,075.00; now therefore

BE IT RESOLVED, that the Farmington Town Board authorizes the Water and Sewer Superintendent to purchase two (2) Caterpillar Excavating Buckets at a cost not to exceed \$6,075.00 from 2023 account codes SS8130.20 and SW1-8340.20; and

BE IT FURTHER RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Superintendent and the Accountant I.

All Voting "Aye" (Ingalsbe, Bowerman, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION #345-2023:

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

RESOLUTION ACCEPTING AND DIRECTING THE FILING OF A TWO (2) YEAR MAINTENANCE BOND FROM A&D REAL ESTATE DEVELOPMENT CORPORATION, LLC, FOR NEWLY INSTALL TOPCOAT OF ASPHALT WITHIN SECTION 2, MONARCH MANOR INCENTIVE ZONING PROJECT, IN THE TOTAL AMOUNT OF \$3,918.00

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, a letter dated September 8, 2023, recommending a two (2) year Maintenance Bond, for the newly installed site improvement [topcoat of asphalt] for Monarch Drive and Brimstone Drive, both located within Section 2 of the above referenced Project, be provided in the total amount of \$3,918.00 prior to authorizing the close out of the Letter of Credit Release for Section 2; and

WHEREAS, the Town Board understands that said Maintenance Bond is to be used for making repairs or replacement of any defects that may be found, during a specified two (2) year period, in material and/or workmanship relating to the dedicated item; and

WHEREAS, the Town Board further understands that prior to the close out of a condition of approval for the remaining items in the letter of credit for this project, a two (2) year maintenance bond is required to be provided to the Town and filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the Town Engineer's recommendation and directs the Applicant to file with the Town Clerk a two (2) year Maintenance Bond, in the total amount specified above herein, for the above referenced project improvements which has been completed as part of Section 2 of said Project.

BE IT FURTHER RESOLVED, that said Maintenance Bond is to be filed with the Town Clerk prior to the Town Board taking any further action to release funds remaining in the Letter of Credit for this Phase of said Project.

BE IT FURTHER RESOLVED, that the Town Clerk is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; David Conti, Town Water & Sewer Superintendent, Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; Edward Hemminger, Town Planning Board Chairperson; and Ronald L. Brand, Town Director of Planning and Development.

BE IT FINALLY RESOLVED, that a certified copy of this resolution is to be issued to the Applicant, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; Joseph Sortino, President, Sortino Properties, 2015 Maiden Lane, Rochester, New York 14626; and Walter Baker, Project Manager, D.S.B. Engineers & Architects, 2394 Ridgeway Avenue, Rochester, New York 14626.

All Voting "Aye" (Ingalsbe, Bowerman, Holtz, Herendeen, and Casale), the Resolution was **CARRIED**.

RESOLUTION 346-2023:

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

RESOLUTION ACCEPTING AND DIRECTING THE FILING OF A TWO (2) YEAR MAINTENANCE BOND FROM A&D REAL ESTATE DEVELOPMENT CORPORATION, LLC, FOR NEWLY INSTALL TOPCOAT OF ASPHALT WITHIN SECTION 8S, AUBURN MEADOWS INCENTIVE ZONING PROJECT, IN THE TOTAL AMOUNT OF \$4,308.00

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, a letter dated September 8, 2023, recommending a two (2) year Maintenance Bond, for the newly installed site improvement [topcoat of asphalt] for a portion of Ackerman Drive, located within Section 8S of the above referenced Project, be provided in the total amount of \$4,308.00 prior to authorizing the close out of the Letter of Credit Release for this Section; and

WHEREAS, the Town Board understands that said Maintenance Bond is to be used for making repairs or replacement of any defects that may be found, during a specified two (2) year period, in material and/or workmanship relating to the dedicated item; and

WHEREAS, the Town Board further understands that prior to the close out of a condition of approval for the remaining items in the letter of credit for this project, a two (2) year maintenance bond is required to be provided to the Town and filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the Town Engineer's recommendation and directs the Applicant to file with the Town Clerk a two (2) year Maintenance Bond, in the total amount specified above herein, for the above referenced project improvements which has been completed as part of Section 8S of said Project.

BE IT FURTHER RESOLVED, that said Maintenance Bond is to be filed with the Town Clerk prior to the Town Board taking any further action to release funds remaining in the Letter of Credit for this Phase of said Project.

BE IT FURTHER RESOLVED, that the Town Clerk is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; David Conti, Town Water & Sewer Superintendent, Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; Edward Hemminger, Town Planning Board Chairperson; and Ronald L. Brand, Town Director of Planning and Development.

BE IT FINALLY RESOLVED, that a certified copy of this resolution is to be issued to the Applicant, Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; Frank Affronti, President, 104 Contractors, Inc., P.O. Box 205, Union Hill, New York 14563; and Walter Baker, Project Manager, D.S.B. Engineers & Architects, 2394 Ridgeway Avenue, Rochester, New York 14626.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #347-2023:

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

RESOLUTION ACCEPTING A TWO (2) YEAR MAINTENANCE BOND FROM S. B. ASHLEY MANAGEMENT CORPORATION, FOR NEWLY CONSTRUCTED SITE IMPROVEMENTS WITHIN HATHAWAY'S CORNERS INCENTIVE ZONING PROJECT, PHASE 1A (5TH PHASE OF DEDICATION), IN THE TOTAL AMOUNT OF \$38,324.85

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineers, a letter dated September 8, 2023, recommending a two (2) year Maintenance Bond, for the newly constructed improvements that have been dedicated to the Town, be provided and accepted in the total amount of \$38,324.85 prior to authorizing the next Letter of Credit Release; and

WHEREAS, the Town Board understands that said Maintenance Bond is to be used for making repairs or replacement of any defects that may be found, during a specified two (2) year period, in material and/or workmanship relating to the dedicated items; and

WHEREAS, the Town Board further understands that prior to the close out of a condition of approval for the remaining items in the letter of credit for this project, a two (2) year maintenance bond is required to be provided to the Town and filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby directs the Applicant to file with the Town Clerk a two (2) year Maintenance Bond, in the total amount specified above herein, for the above referenced project improvements which has been completed as part of Phase 1 A of said Project.

BE IT FURTHER RESOLVED, that said Maintenance Bond is to be filed with the Town Clerk prior to the Town Board taking any further action to release funds remaining in the Letter of Credit for this Phase of said Project.

BE IT FURTHER RESOLVED, that the Town Clerk is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; David Conti, Town Water & Sewer Superintendent, Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; Edward Hemminger, Town Planning Board Chairperson; and Ronald L. Brand, Town Director of Planning and Development.

BE IT FINALLY RESOLVED, that a certified copy of this resolution is to be issued to the Applicant, Mark Stevens, S.B. Ashley Management Corporation, 16 West Main Street, Suite 700, Rochester, New York 14614; and Tom Danks, Project Manager, BME Associates, 10 Lift Bridge Lane East, Fairport, New York 14450.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #348-2023:

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

RESOLUTION DECLARING MISCELLANEOUS EQUIPMENT FROM THE TOWN SUPERVISOR'S OFFICE AS SURPLUS SO IT MAY BE DISPOSED OF AT AUCTION OR DISCARDED

WHEREAS, the Confidential Secretary has asked that the following items in the Town Supervisor's Office be declared surplus so that they may be disposed of and/or discarded

- Two (2) CyberPower Battery Backup
- Two (2) APC Battery Backup
- One (1) HP Officejet Pro 8600 Plus All-in-one Printer
- One (1) Acer Monitor
- Two (2) Microsoft Keyboards
- Three (3) Lenovo Keyboards
- One (1) Jetbook Laptop
- One (1) LG Computer
- One (1) Lenovo ThinkCentre
- One (1) NexLink Computer
- One (1) MinuteMan Pro1500RT
- One (1) Martin Yale 1611 Folding Machine

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes that miscellaneous equipment from the Town Supervisor's Office be declared surplus and disposed of and/or discarded, and be it further

RESOLVED, that the Town Clerk forward copies of this Resolution to the Accountant I.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #349-2023:

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

RESOLUTION ACCEPTING A FOUR (4) YEAR MAINTENANCE BOND FROM A&D REAL ESTATE DEVELOPMENT CORPORATION, LLC, FOR TOPCOAT OF ASPHALT INSTALLED ALONG IVORY DRIVE WITHIN SECTION 7N, AUBURN MEADOWS SUBDIVISION, IN THE TOTAL AMOUNT OF \$3,640.00

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Director of Planning & Development, a letter dated September 20, 2023, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineering Firm, recommending establishing a four-year Maintenance Bond in the total amount of \$3,640.00, for topcoat of

asphalt installed along Ivory Drive within Section 7N of the Auburn Meadows Subdivision, prior to closing out the Letter of Credit associated with this project; and

WHEREAS, the Town Board understands that said Maintenance Bond is to be used for making repairs or replacement of any defects that may be found during the specified four year period of the maintenance bond, in material and/or workmanship, relating to the installation of the above cited topcoat of asphalt within Section 7N of the Auburn Meadows Subdivision Project; and

WHEREAS, the site contractor, Frank Affronti, 104 Contractors, has agreed-to the specified four-year period for this maintenance bond; and

WHEREAS, the Town Construction Inspector has verified the recommended amount of the maintenance bond and the four-year period for the bond as being correct.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the above referenced recommendation to establish a four-year maintenance bond for the identified site improvements and directs the applicant to file a maintenance bond, in the amount specified herein, with the Town Clerk’s Office prior to the Town Board taking action to approve a request for the final release of funds from the Letter of Credit on file for this project.

BE IT FURTHER RESOLVED, that the Town Clerk is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; David Conti, Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; Edward Hemminger, Town Planning Board Chairperson; and Ronald L. Brand, Town Director of Planning and Development.

BE IT FINALLY RESOLVED, that a certified copy of this resolution is to be issued to: Mr. Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; Mr. Frank Affronti, President, 104 Contractors, Inc., P.O. Box 205, Union Hill, New York 14563; and Mr. Walter Baker, Project Manager, D.S.B. Engineers & Architects, 2394 Ridgeway Avenue, Rochester, New York 14626.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #350-2023:

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

RESOLUTION ACCEPTING A FOUR (4) YEAR MAINTENANCE BOND FROM A&D REAL ESTATE DEVELOPMENT CORPORATION, LLC, FOR TOPCOAT OF ASPHALT INSTALLED ALONG IVORY DRIVE WITHIN SECTION 8N, AUBURN MEADOWS SUBDIVISION, IN THE TOTAL AMOUNT OF \$3,920.00

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) has received from the Town Director of Planning & Development, a letter dated September 20, 2023, from Lance S. Brabant, CPESC, MRB Group, D.P.C., the Town Engineering Firm, recommending establishing a four-year Maintenance Bond in the total amount of \$3,920.00, for topcoat of asphalt installed along Ivory Drive within Section 8N of the Auburn Meadows Subdivision, prior to closing out the Letter of Credit associated with this project; and

WHEREAS, the Town Board understands that said Maintenance Bond is to be used for making repairs or replacement of any defects that may be found during the specified four year period of the maintenance bond, in material and/or workmanship, relating to the installation of the above cited topcoat of asphalt within Section 8N of the Auburn Meadows Subdivision Project; and

WHEREAS, the Town Construction Inspector has verified the recommended amount of the maintenance bond is correct.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the above referenced recommendation to establish a four-year maintenance bond for the identified site improvements and directs the applicant to file a maintenance bond, in the amount specified herein, with the Town Clerk’s Office prior to the Town Board taking action to approve a request for the final release of funds from the Letter of Credit on file for this project.

BE IT FURTHER RESOLVED, that the Town Clerk is to provide certified copies of this resolution to: Matt Heilmann, Town Construction Inspector; Tim Ford, Town Highway & Parks Superintendent; David Conti, Town Water & Sewer Superintendent; Lance S. Brabant, CPESC, Director of Planning Services, MRB Group, D.P.C.; Dan Delpriore, Town Code Enforcement Officer; Edward Hemminger, Town Planning Board Chairperson; and Ronald L. Brand, Town Director of Planning and Development.

BE IT FINALLY RESOLVED, that a certified copy of this resolution is to be issued to: Mr. Anthony DiPrima, A&D Real Estate Development Corporation, LLC, 7 Beauclaire Lane, Fairport, New York 14450; Mr. Frank Affronti, President, 104 Contractors, Inc., P.O. Box 205, Union Hill, New York 14563; and Mr. Walter Baker, Project Manager, D.S.B. Engineers & Architects, 2394 Ridgeway Avenue, Rochester, New York 14626.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #351-2023:

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

RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE SEWER FUND

WHEREAS, budget amendments are needed in the sewer fund for contractual expenses

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the following budget amendments:

From: SS599 Appropriated Fund Balance	\$65,000	
To: SS8130.42 Chemicals		\$60,000
To: SS8130.47 UV Contractual		\$5,000

BE IT RESOLVED, that the Accountant I completes the budget amendments,

FURTHER RESOLVED, that the Town Clerk submits a copy of the resolution to the Accountant I and the Water and Sewer Department.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was CARRIED.

RESOLUTION #352-2023:

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR THE GENERAL FUND

WHEREAS, a budget amendment is needed in the Highway Administration Personnel Line for the Construction Inspector hours as well as planning board contractual expense lines,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Farmington hereby authorizes the following budget amendment:

Credit: A2401V22 Interest & Earnings	\$27,000	
Debit: A1910.4 Unallocated Insurance		\$2,500
Debit: A3640.41 Mowing		\$3,000
Debit: A5010.4 Highway Administration		\$1,500
Debit: A1420.4		\$20,000

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Accountant I.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was CARRIED.

RESOLUTION #353-2023:

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

RESOLUTION APPROVING A BUDGET TRANSFER WITHIN THE HIGHWAY FUND

WHEREAS, additional funding is needed within the Highway Fund contractual lines,

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves the following budget amendments within the Highway Fund

From: DA599 Appropriated Fund Balance	\$41,000	
To: DA5110.41 Engineering		\$30,000
To: DA5110.2		\$11,000

BE IT FURTHER RESOLVED, that the Town Clerk forwards a copy of the resolution to the Accountant I.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was CARRIED.

RESOLUTION #354-2023:

Councilman Bowerman offered the following Resolution, seconded by Councilman Holtz:

ADOPTION OF LOCAL LAW NO. 3 OF 2023, ESTABLISHING A NEW CHAPTER 38 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ENTITLED "RECORDS MANAGEMENT AND PUBLIC RECORDS ACCESS."

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has completed its review of the public hearing record and has previously classified the above referenced action as a Type II Action [under 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations]; and

WHEREAS, Type II Actions are not subject to further review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 3 of 2023, dated September 12, 2023, which is hereby made as an attachment to this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution and the attached final draft of Local Law No. 3 of 2023, dated September 12, 2023, with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, in Albany, New York.

FINALLY BE IT RESOLVED, that the Town Clerk, upon receiving the filing notice from the Department of State, is directed to provide a certified copy of said local law to General Code Publishers requesting this new chapter be published and copies thereof be provided to the Town for inserting in their copies of the Town's Code Book.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was CARRIED.

Local Law No. 3 of the year 2023

A local law creating Chapter 38 of the Town Code of the Town of Farmington, Ontario County, New York, entitled "Records Management and Public Records Access."

Be it enacted by the Town Board of the Town of Farmington as follows:

Section 1: Chapter 38, of the Town Code of the Town of Farmington to be entitled "Records Management and Public Records Access," is hereby established and shall read in its' entirety as provided for within this Local Law as follows:

Article I, Records Management.

§38-1. Intent.

Records are essential to the administration of local government. They contain the information that keeps government programs functioning. It is the intent of this chapter that a records management program and records management access be established which will assist officials in making decisions, administering programs and providing administrative continuity with past operations. The program is intended to document the delivery of services, show the legal responsibilities of government, and protect the legal rights of citizens.

It contains information on taxation and on the management and expenditure of public funds. These records will also document the historical development of government itself, the community, and the people of the Town.

§ 38-2. Program established; designation of Records Management Officer.

- A. A records management program is hereby established under the aegis of the Town Clerk and headed by the Records Management Officer (RMO). The Town Clerk is designated as the Records Management Officer (RMO) and is responsible for administering the current and archival public records in storage areas for the Town in accordance with local, state, and federal laws and guidelines.
- B. The RMO may appoint designee(s) to carry out the specific duties listed in § 38-4 herein.

Article II - Definition of terms.

§ 38-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCHIVES - Those official records which have been determined by the Records Management Officer to have sufficient historical or other value to warrant the continued preservation by the Town.

RECORDS - Official files, minutes and documents, books, papers, photographs, electronic documents, sound recordings, video recordings, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or in conjunction with the transaction of official Town business.

RECORDS ACCESS OFFICER – The person appointed by the Town Board, known as and referred to herein as the Records Management Officer (RMO), who administers the requests for public records in accordance with the rules and regulations contained in this chapter of the Town Code.

RECORDS CENTER – One or more central storage area(s) maintained by the Records Management Officer (RMO) for the storage, servicing, security and processing of records which must be preserved for varying periods of time.

RECORDS COURT, TOWN – Public access to Town Court Records are subject to the provisions of the New York State Judicial Law and, therefore, are not subject to provisions contained in this Chapter of the Town Code.

RECORDS DISPOSITION – The removal by the Town of Farmington, in accordance with approved records control schedules, of the records no longer necessary for the conduct of business by such agency through removal methods which may include the disposition of temporary records by destruction or donation or the transfer of records to a central storage facility for records with scheduled retention periods or permanent storage of records determined to have historical or other sufficient value warranting continued preservation or the transfer of records from one Town agency to another Town agency.

RECORDS ELECTRONIC - Official files, minutes and documents, in their native digital format for the legally proscribed retention period for said records as described in the adopted Local Governmental Services (LGS)-01 Schedule, regulations of the State Commissioner of Education Part 185.8, made or received on or after December 12, 2020 pursuant to Town Board Resolution No. 448 of 2020, or in conjunction with the transaction of official Town business on or after said date.

RECORDS JUSTICE, TOWN – The records of Town Justices (e.g. casefiles, financials, dockets, etc.) maintain by an active Justice and upon vacating the Office of Town Justice become property of the Town Record Management Officer (RMO).

RECORDS MANAGEMENT – The planning, controlling, directing, organizing, training, promotion and other managerial activities involved in records creation, records maintenance and use and records disposition, including records preservation, records disposal and the records center or other storage facilities.

RECORDS MANAGEMENT OFFICER – The person appointed by the Town Board responsible for the administering the records management program, including public access to the records made under the State's Freedom of Information Law (FOIL), subject to the provisions established by this chapter and subsequent amendments thereto.

SERVICING – Making information in records available to any agency for official use or to the public.

Article III - Records Management Officer.

§ 38-4. Powers and duties of Records Management Officer.

The Records Management Officer (RMO) shall have all the necessary powers to carry out the efficient administration and determination of value, use, preservation, storage, and disposition of the public records kept, filed or received by the officers and departments of the Town.

- A. The RMO shall continually survey and examine public records to recommend their classification to determine the most suitable method to be used for maintaining, storing, and servicing them under the following guidelines:
1. Disposition. Records deemed obsolete and unnecessary according to the New York State Records Retention and Disposition Schedule are subject to disposition.
 2. Archival retention. Records containing information with administrative, legal, fiscal, research, historical or educational value which warrants their permanent retention are subject to archival retention.
 3. Active retention. Records not yet subject to disposition according to state law are subject to active retention.
- B. The RMO shall establish guidelines for proper records management in any department of the Town government in accordance with local, state and federal laws and guidelines.
- C. The RMO shall operate a central records management storage facility for storage, processing, and servicing of all Town records for all Town departments and agencies.
- D. Additional requirements of the RMO include but are not limited to:
1. Development of a comprehensive records management program.
 2. Conduct of an initial survey and analysis of all records, to be followed up annually with a report of records stored.
 3. Encouragement and coordination of the continuous legal destruction of obsolete records through the adoption and use of the State Archive Records Retention and Disposition Schedules.
 4. Development of suitable retention periods for records not covered by the New York State Records Retention and Disposition Schedules. (Subsequently, the RMO must secure approval of such retention periods from the New York State Commissioner of Education and gain adoption from the Town Board of any proposed change before the retention period takes effect.)
 5. Assistance to each department for the establishment of a records management system to support the overall Town records management program and encouragement of the continued efficient management of records within respective departments.
 6. Setting up and overseeing a center for the storage of inactive records.
 7. Maintenance of archival materials which are not official Town records, but which have historical value to the community or close relationship to the existing archival collection. This shall be subject to archive space, staff, and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.
 8. Coordination of and carrying out or participating in the planning for development of advanced records management systems and equipment.
 9. Preparation of special and annual reports for the Town Board on the records management program's progress, cost savings and cost avoidance problems and additional issues.

Article IV - Custody and Control of Records.

§ 38-5. Classification of Records.

- A. Active records. The originating department has full custody (legal and physical) over records still in active use.
- B. Inactive records. The originating department is the legal custodian of its records and shall retain the power to retrieve and use records deposited in inactive storage in the records center. The RMO will have physical custody of inactive records and will determine the method and design of storage.
- C. Archival records. Records transferred to or acquired by the archives shall be under the full custody (legal and physical) of the archives, as directed by the RMO, rather than the department which created or held them immediately prior to being transferred to the archives.
1. Records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the head of the department which had custody of the records.
 2. Records may be removed (temporarily or permanently) from the archives at the request of the RMO and the head of the department which had custody of the records immediately prior to the transfer of those records to the archives.
 3. Electronic Records may also be retained (temporarily or permanently) in the files of Town Departments after being removed from the archives by the RMO for as long as the Department Head determines they are needed.

Article V - Disposition of Records.

No records shall be destroyed or otherwise disposed of by a department of the Town until it has met the time limit on the New York State Records Retention and Disposition Schedule, the adopted LGS-01 Schedule, regulations of the State Commissioner of Education, Part 185.8 or unless approved of by the RMO.

No records shall be destroyed or otherwise disposed of by the RMO without the express written consent of the department head having authority. Following required consents and prior to actual destruction, the RMO will allow the Town Historian to review and/or remove any single document or sampling of documents that are of historic value to the community.

Article VI. Access to Public Records.

§ 38-6. Public requests, decisions, and appeals procedure.

In compliance with Article 6 of the New York State Public Officers Law, as may be amended from time to time, the following format will be followed:

- A. All requests for information from any Town Department shall be in writing, reasonably describing the record requested and submitted to the Town Clerk/Records Management Officer (RMO) during regular business hours of the Town of Farmington Town Clerk's Office.
- B. Within five (5) business days of the receipt of the written request, one (1) of the following will occur by the RMO:
 1. The record will be made available to the person requesting it.
 2. The request will be denied in writing.
 3. A written acknowledgment of the receipt of the request and a statement of the approximate date when such request will be granted or denied shall be forwarded.
- C. Any person denied access to a public record may appeal, within thirty (30) days of the date of denial in writing, such denial to the Town Board.
- D. The Town Board is hereby designated as the appeal agency for determination of denials and will proceed as follows:
 1. The Town Board shall, upon the receipt of an appeal at a regular scheduled Town Board meeting, fully explain, in writing, to the person requesting the record the reason for further denial, or the Town Board shall provide access to the record sought.
 2. The Town Board shall forward to the New York State Committee on Open Government a copy of such appeal when received by the appeal agency and shall also forward to said Committee the ensuing determination thereon. The State Committee address shall be:
NYS Committee on Open Government
Department of State
One Commercial Plaza
99 Washington Avenue, Suite 650
Albany, New York 12231

§ 38-7. Fees.

A set fee shall be charged per photocopy of a record. Such charge shall be established by resolution of the Town Board and shall be part of the Town's Annual Fee Schedule. No fee shall be charged for an electronic copy of a record.

Article VIII – Records Officials and Process.

§ 38-8. Records Access Officer.

- A. The Town Board of the Town of Farmington, Farmington, New York, is responsible for insuring compliance with the regulations herein and designates the Town Clerk as Records Management Officer (RMO)/Records Access Officer (RAO).
- B. The New York State Freedom of Information Law, which took effect on January 1, 1978, gives the public the right of access to public records. The Town Board of the Town of Farmington has adopted these regulations governing when, where, and how the public can see public records.
- C. The New York State Judicial Law establishes the rules and regulations for public access to Town Court Records. The Town Court Clerks are hereby designated to help the public with the procedures for obtaining Court Records.

§ 38-9. Location of Records.

Records shall be available for public inspection, during normal business hours, at the Farmington Town Hall, 1000 County Road 8, Farmington, New York, 14425.

§ 38-10. Hours for Public Inspection.

Requests for public access to records shall be accepted and records produced during normal business hours. These hours are as posted at or near the main public entrance to Town Hall and on the Town's website.

§ 38-11. Requests for Access to Records.

- A. All requests made to the RMO shall be in written format.
- B. If requested records are maintained on the Town's website, the requester shall be informed that the records are accessible via the Town's website and in printed form either on paper or electronic format.

- C. The process for providing a written response by the RMO or the Town Board are contained in §38- 6 above herein.

§ 38-12. Subject Matter List.

- A. The RAO shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether records are available pursuant to Subdivision 2 of § 87 of the New York State Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

§ 38-13. Denial Process.

- A. The time for deciding an appeal by the Farmington Town Board shall commence upon receipt of a written appeal at a regular scheduled public meeting and said appeal shall include:
 - B. The date and location of requests for records;
 - C. A description, to the extent possible, of the records that were denied; and
 - D. The name and return address of the person denied access.
- E. A failure to determine an appeal, as provided for within the period identified in §38-6 D. 1. above of its receipt, by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

§ 38-16. Public Notice.

A notice containing the title or name and business address of the Records Access Officer and the appeals body and the location where records can be seen or copied shall be posted in a conspicuous location on the Town Hall Bulletin Board.

Section 2: Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this chapter or the application thereof to other persons and circumstances.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #355-2023:

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

ADOPTION OF LOCAL LAW NO. 4 OF 2023, REPEALING LOCAL LAW NO. 6 OF 1995 IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 9, ARTICLE II, ENTITLED “AGRICULTURAL ADVISORY COMMITTEE, DUTIES AND RESPONSIBILITIES.”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has completed its review of the public hearing record and has previously classified the above referenced action as a Type II Action [under 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations]; and

WHEREAS, Type II Actions are not subject to further review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 4 of 2023, dated September 12, 2023, which is hereby made as an attachment to this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution and the attached final draft of Local Law No. 4 of 2023, dated September 12, 2023, with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, in Albany, New York.

FINALLY BE IT RESOLVED, that the Town Clerk, upon receiving the filing notice from the Department of State, is directed to provide a certified copy of said local law to General Code Publishers requesting this new chapter be published and copies thereof be provided to the Town for inserting in their copies of the Town’s Code Book.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

Local Law no. 4 of the year 2023

A local law amending Chapter 9, Article II, Agricultural Advisory Committee (AAC) of the Town Code of the Town of Farmington, Ontario County, New York.

Be it enacted by the Town Board of the

Town of Farmington as follows:

Section 1: Chapter 9, Article II, Agricultural Advisory Committee was established by the adoption of Local Law no. 6-1995, adopted 11-14-1995, which is hereby deleted in its' entirety and replaced in its' entirety as provided for within this Local Law as follows:

§9-7. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article II, Sections 9-7 through 9-16, and is entitled the "Town of Farmington Agricultural Advisory Committee (AAC), Duties and Responsibilities."

§9-8. Purpose.

The purpose of this article is to recognize the importance of agriculture as an integral component of the Town of Farmington's Future Land Use Plan, as identified in the latest edition of the adopted Town of Farmington Comprehensive Plan; the Comprehensive Plan's adopted Goals, Objectives and Recommended Actions; and the adopted Policy Statements and Plan Implementation Actions contained in the Town of Farmington Farmland Protection Plan. Furthermore, the Town Board desires that this component continues to enhance the quality of life of all residents of the Town by enhancing the viability of agriculture as an industry important to the local economy and to the protection, to the extent practical, of open space and scenic vistas within the Town.

§9-9. Intent.

The intent of these regulations is to establish and maintain an advisory committee to provide information to the Town Board, Town Planning Board, Town Zoning Board of Appeals, the Town Environmental Conservation Board, the Ontario County Agriculture Enhancement Board, the Ontario County Board of Supervisors and the New York State Department of Agriculture and Markets on issues relating to sustaining and promoting agriculture within the Town. In addition, this chapter is intended to:

- A. Encourage the wise use and management of the Town's natural resources through best management practices that support the most beneficial relationship between the use of land and buildings and the agricultural practices of the community; and
- B. Provide the Town, County and State Boards and Agencies with an advisory body that is comprised of local experts on a variety of matters of importance to or which may impact the agricultural sector of the Town of Farmington.

§9-10. Membership.

- A. The Committee shall consist of nine (9) members, all of whom shall be residents of the Town of Farmington. The members shall be appointed by the Town Board in accordance with the provisions herein. The Town Board shall appoint members for terms of three calendar years, with the terms of three (3) members ending at the conclusion of each calendar year. At the expiration of a member's three-year term, his or her successor shall be appointed for a three-year term. Vacancies which occur prior to the conclusion of a member's three-year term shall be filled by the Town Board for the remainder of the unexpired term.
- B. One Town Board member shall serve as liaison to the AAC.
- C. Members of the AAC shall attend at least seventy-five percent (75%) of the total number of AAC meetings scheduled in each calendar year to be eligible for reappointment.
- D. Any AAC member not attending three (3) consecutive scheduled AAC meetings during a calendar year shall be issued a verbal warning by the Chairperson that continued absentee within the remainder of the year shall require the member to be removed from office.
- E. Members of the AAC shall serve without salary.

§9-11. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

§9-12. Officers and Committee Meeting Dates.

- A. The AAC each year at its Organizational Meeting shall designate the date, time and place of the Committee Meetings for said calendar year. The Town Board shall appoint the Committee Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. Additional meetings may be called by the Chairperson as needed.

§9-13. Powers and Duties of the Committee.

The powers and duties of the Committee shall include, but not be limited to:

- A. Advise the Town Boards and Committees on matters affecting the protection and sustainability of the Town's agricultural soils and resources, including, but not limited to:
 - (1) land use measures to promote the long-term prospects for farming and agriculture-related businesses in the Town; and
 - (2) the proposed establishment, modification, continuation, or termination of any county agricultural district. The AAC shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area; and
 - (3) the review of Agricultural Data Statements (Article 25-AA – Agricultural Districts §305-B, Agriculture and Markets Law) that are forwarded to the Chairperson of the AAC which may be deemed necessary to convene an AAC meeting.

- B. Administer those applicable sections for the AAC that are established in Chapter 117, Right To Farm, of the Town of Farmington Town Code; and
- C. Maintain the Town of Farmington Farmland Protection Plan; and
- D. Conduct studies, surveys and inventories of the land currently used for agricultural purpose within the Town to identify areas where farmland protection measures are deemed necessary; and with assistance provided from other Town boards and committees, and Town staff authorized by the Town Board, such other studies and surveys as may be necessary to carry out the general purpose of this chapter; and
- E. Seek to coordinate, assist, unify and were determined feasible support the efforts of other governmental entities, private groups, institutions, and individuals within the Town in accordance with the purpose and intent of this chapter; and
- F. Maintain liaison and communications with public and private agencies and organizations of local, state, and national scope whose programs and activities are deemed to have an impact upon sustaining and promoting the viability of agriculture, including soils resource protection within the Town.
- G. Make recommendations to the Town Boards identified above in this Chapter concerning plans and programs relating to agricultural goals, objectives, and implementation actions for inclusion in the most recent edition of the adopted Town of Farmington Comprehensive Plan and recommend to the Town Board appropriate local legislation relating to the protection and sustainability of agriculture in the Town.
- H. Review the State Agriculture and Markets Law on an annual basis for amendments that may affect agriculture and policies affecting agriculture in the Town, and report findings to the Town Board.
- I. Carry out such other duties as may be assigned from time to time by the Town Board to the AAC.

§9-14. Review Process.

Any matter referred to the AAC for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the AAC, the Chairperson shall convene a meeting of said Committee and render its opinion or response to said referral within 30 days of the date of the referral to said Committee. With the advice and consent of a majority of the AAC members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the AAC to act on such referral.

§9-15. Quorum.

A quorum for meeting of the AAC shall be five (5) members. The AAC is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-16. Reports.

The AAC shall submit an annual report to the Town Board not later than the Town Board's Organizational Meeting of each year, concerning the activities and work of the Committee.

Section 2: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #356-2023:

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

ADOPTION OF LOCAL LAW NO. 5 OF 2023, A LOCAL LAW AMENDING CHAPTER 9 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS," BY ADDING ARTICLE III, "ENVIRONMENTAL CONSERVATION BOARD (ECB)"; AMENDING CHAPTER 165 OF THE TOWN CODE, ARTICLE II, TERMINOLOGY, SECTION 9, ENTITLED "ADMINISTRATIVE TERMS," AND SECTION 10, ENTITLED "DEFINITIONS;" AND AMENDING CHAPTER 165 OF THE TOWN CODE, ARTICLE VIII, ENTITLED "ADMINISTRATION AND ENFORCEMENT," SECTION 96, ENTITLED "APPOINTMENT OF ENVIRONMENTAL CONSERVATION BOARD; POWERS AND DUTIES."

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has completed its review of the public hearing record and has previously classified the above referenced action as a Type II Action [under 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations]; and

WHEREAS, Type II Actions are not subject to further review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 5 of 2023, dated September 12, 2023, which is hereby made as an attachment to this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution and the attached final draft of Local Law No. 5 of 2023, dated September 12, 2023, with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, in Albany, New York.

FINALLY BE IT RESOLVED, that the Town Clerk, upon receiving the filing notice from the Department of State, is directed to provide a certified copy of said local law to General Code Publishers requesting this new chapter be published and copies thereof be provided to the Town for inserting in their copies of the Town's Code Book.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

Local Law no. 5 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled "Boards, Committees and Commissions," by adding Article III, "Environmental Conservation Board (ECB)"; amending Chapter 165 of the Town Code, Article II, Terminology, Section 9, entitled "administrative terms," and Section 10, entitled "Definitions;" and amending Chapter 165 of the Town Code, Article VIII, entitled "Administration and Enforcement," Section 96, entitled "Appointment of Environmental Conservation Board; powers and duties."

Be it enacted by the Town Board of the
Town of Farmington as follows:

Section 1: Chapter 9, Article III, to be entitled "Environmental Conservation Board (ECB)," is hereby established and shall read in its' entirety as provided for within this Local Law as follows:

§9-17. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article III, Sections 9-1 through 9-11, and is entitled the "Town of Farmington Environmental Conservation Board (ECB), Duties and Responsibilities."

§9-18. Purpose.

The purpose of this article is to recognize the importance of the Town's natural environmental resources and providing for an advisory board for protecting them, to the extent practical from degradation, a specific goal contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and to provide technical assistance to the town's boards established for managing the built environment, another specific goal contained in the latest edition of the Town of Farmington Comprehensive Plan.

§9-19. Intent.

The intent of these regulations is to identify the Town of Farmington Environmental Conservation Board (ECB) as an advisory board established to provide information to the residents of the Town, the Town Board, Town Planning Board, Town Zoning Board of Appeals, the Ontario County Soil & Water District, and the New York State Department of Environmental Conservation on issues relating to sustaining and promoting natural resource protection and identify open areas within the Town. Establishment of the board for conservation of the environment is a necessary step in fostering unified action on environmental matters. In addition, this chapter is intended to:

- A. Encourage the wise use and management of the Town's natural resources through best management practices that support the most beneficial relationship between the use of land and buildings and the protection and sustainability of the natural and man-made environmental setting within the Town; and
- B. Provide the Town, County and State Departments, Boards and Agencies with an advisory body that is comprised of local volunteers who are focused upon the importance to, or which may impact the naturally occurring qualities of the Town of Farmington.

§9-20. Redesignation of the Town of Farmington Conservation Board.

The Town of Farmington Conservation Board, established by the Town Board Resolution on March 9, 1976, and identified in §165-96 of the Town Code is hereby redesignated as the Town of Farmington Environmental Conservation Board (ECB) having those duties and responsibilities set forth within Chapter 9, entitled "Boards, Committees and Commissions," Article III, entitled "Environmental Conservation Board (ECB) of the Town Code of the Town of Farmington."

§9-21. Membership.

- A. The ECB shall consist of seven (7) members, all of whom shall be residents of the Town of Farmington. The members shall be appointed by the Town Board in accordance with the provisions herein. The Town Board shall appoint members for a term of office so fixed that four (4) members terms shall expire at the end of their fourth calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that three (3) members terms shall expire at the end of the third calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to initial term of appointment.
- B. There may be one (1) Alternate Member appointed by the Town Board to serve the needs of the Town of Farmington Environmental Conservation Board (ECB).
- C. The Alternate Member shall substitute for a ZBA Member in the event such member is unable to participate because of a conflict of interest.
- D. The Alternate Member may not be substituted for a ZBA Member for purpose of constituting a quorum of the board.
- E. All members of the Town of Farmington Environmental Conservation Board and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- F. One Town Board member shall serve as liaison to the ECB.
- G. ECB Members and an Alternate ECB Member shall receive training and be reimbursed for their expenses incurred while attending such training but only when recommended by the ECB Chairperson and authorized by the Town Board.
- H. Members of the ECB shall serve without salary.

§9-22. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

§9-23. Officers and Board Meeting Dates.

- A. The Town Board shall appoint the ECB Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. The ECB each year at its' Organizational Meeting shall designate the date, time, and place of the ECB Meetings for said calendar year.
- C. All ECB Meeting shall be subject to the provisions of the State's Open Meeting Law. Meetings shall be posted on the Town's website calendar each month.
- D. Additional meetings may be called by the ECB Chairperson as needed.
- E. The Town Board shall appoint a Clerk of the ECB, who shall be paid an established hourly fee, for preparing and filing approved meeting minutes along with any correspondence for said Board.

§9-24. Duties and Responsibilities of the Environmental Conservation Board (ECB).

The powers and duties of the ECB shall include, but not be limited to:

- A. Those powers and duties set forth elsewhere within Section 239-y (3) of the New York State General Municipal Law, as may be amended from time to time by the State Legislature, except as modified below.
- B. The ECB shall maintain the adopted inventory or index of identified open spaces in public or private ownership within the Town, including but not limited to glacial and other geomorphic physiographic features, streams and their floodplains, mapped federal and state freshwater wetlands (including their buffer areas), swamps, unique biotic communities, scenic and other open areas, so as to provide a base of information for recommendations by the ECB for their preservation and/or use.
- C. The ECB shall review applications, including but not limited to, rezoning, subdivision approval, site plan approval, temporary use permits, and area variances received by the Town Board, Planning Board, Zoning Board of Appeals, or other administrative body, which seek approval for the use or development of any open area identified in the latest edition of the Town of Farmington Open Space Index and which application or project that is:
 - (1) A classified Type I Action under the New York State Environmental Quality Review Act (SEQRA) and related regulations; or
 - (2) Involves a classified Unlisted Action under SEQRA having five (5) or more acres of land; or
 - (3) Creates five (5) or more building lots.
- D. The ECB shall review any other applications that involve land identified in the latest edition of the Town of Farmington Open Space Index upon:
 - (1) The request of the Town Director of Planning and Development, the Town Code Enforcement Officer, the Town Zoning Enforcement Officer, and the concurrence of the ECB Chairperson; or
 - (2) The concurrence of the ECB Chairperson and the Chairperson of the entity receiving the application.
- E. The ECB shall perform duties assigned to it by resolution of any Town Board.
- F. The ECB shall participate in the periodic updates to the Town of Farmington Comprehensive Plan, the Town of Farmington Parks and Recreation Master Plan Updates and the Town of Farmington Farmland Protection Plan Updates, and to ensure the town's open space index is maintained.
- G. The ECB shall update the town's open space index, at least once every ten (10) years, identifying and evaluating the open space planning objectives as stated in the most current edition of the above referenced Plans; providing recommendations as to the most appropriate use or development of open space areas; and recommending land uses that would be consistent with areas identified in the index and other plans.
- H. The ECB may conduct studies, surveys, and inventories of the natural and man-made features within the Town and such other studies and surveys as may be necessary to carry out the general intent of this chapter.
- I. The ECB may contribute articles for the periodic Town of Farmington Newsletters.
- J. The ECB shall monitor the ECB TAB on the Town's Website and provide information to the Town Supervisor's Office Secretary for postings.
- K. The ECB shall maintain maps, reports, and other publications to support the necessary research of the ECB into local environmental conditions.
- L. The ECB may request the assistance of the New York State Department of Environmental Conservation in the preparation of any report.

- M. The ECB shall present an annual operating budget for the Town Board’s review and approval not later than August first of each calendar year.
- N. The ECB shall provide assistance in maintaining the environmental setting along a defined portion of the State Route 332 Corridor in the manner envisioned within the New York State Department of Transportation’s Adopt-A-Highway Program.

§9-25. Review Process.

Any matter referred to the ECB for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the ECB, the ECB Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board’s meeting on the matter. With the advice and consent of a majority of the ECB members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the ECB to act on such referral.

§9-26. Quorum.

A quorum for meeting of the ECB shall be four (4) members. The ECB is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-27. Reports.

The ECB shall submit an annual report to the Town Board not later than the ECB’s annual Organizational Meeting, concerning the activities and work of the ECB during the previous year and that planned for the coming year.

Section 2: Chapter 165, Article II, Section 9, Word usage; administrative terms, is hereby further amended by adding the following Administrative Terms that are to be inserted in alphabetical order:

ENVIRONMENTAL CONSERVATION BOARD – The Environmental Conservation Board, first established by the Town Board in October 1970 as the Town of Farmington Conservation Advisory Council under the provisions of §239-x of the New York State General Municipal Law, then in March 1976 redesignated as the Town of Farmington Conservation Board under the provisions of §239-y of the New York State General Municipal Law. Said Board is now identified as the Town of Farmington Environmental Conservation Board having duties and responsibilities identified in Chapter 9, Article III, of the Town Code of the Town of Farmington.

OPEN SPACE INDEX, TOWN OF FARMINGTON – The document prepared by the Town of Farmington Environmental Conservation Board and adopted by the Town of Farmington Town Board, in accordance with the provisions contained in Section 239-y of the New York State General Municipal Law, that contains descriptions and delineations of the natural resources and the areas where they are located within the Town, including federal, state and local regulations that are in effect for protecting these open areas.

Section 3: Chapter 165, Article II, Section 10, entitled Definitions is hereby further amended by adding the following definitions, that are to be inserted in alphabetical order:

CONSERVATION OPEN AREAS INVENTORY

An area containing environmentally sensitive features, including, but not necessarily limited to, open marshlands, swamps, ponds, wetlands, steep slopes, glacial features, mature woodlands, flood hazard zones, stream corridors or other hydrological features. The term may also be referred to as Natural Resource Area.

CONSERVATION OPEN AREAS MAP

A map or maps identifying open areas within the Town which are earmarked for protection, including but not limited to open areas that are required by federal or state legislation to be set aside from development out of subdivision plats or site plans, publicly owned open areas, open areas preserved by non-public organizations and open areas having conservation, historical or scenic significance.

OPEN AREA

Any area characterized by natural scenic beauty or, whose existing openness, natural condition, or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the Town’s planning goals and objectives or would maintain or enhance the conservation of natural or scenic resources.

OPEN SPACE INDEX

The documented conservation open areas inventory maintained by the Environmental Conservation Board and conservation open areas map after acceptance by the Town Board. This term may also be known as Natural Resource Index.

Section 4: Chapter 165, Article VIII, Section 96, entitled Appointment of Conservation Board; powers and duties is hereby amended in its entirety to read as follows:

§165-96. In accordance with the provisions contained in Chapter 9, Article III, of the Town Code of the Town of Farmington, the Town of Farmington Environmental Conservation Board (ECB) is re-established with the Powers and duties, the procedures applicable to their review(s) of applications, membership, officers, other procedures, and reports.

Section 5: If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 6: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #357-2023:

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

ADOPTION OF LOCAL LAW NO. 6 OF 2023, A LOCAL LAW AMENDING CHAPTER 9 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” BY ADDING ARTICLE IV, “RECREATION ADVISORY BOARD (RAB)”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has completed its review of the public hearing record and has previously classified the above referenced action as a Type II Action [under 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations]; and

WHEREAS, Type II Actions are not subject to further review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 6 of 2023, dated September 12, 2023, which is hereby made as an attachment to this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution and the attached final draft of Local Law No. 6 of 2023, dated September 12, 2023, with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, in Albany, New York.

FINALLY BE IT RESOLVED, that the Town Clerk, upon receiving the filing notice from the Department of State, is directed to provide a certified copy of said local law to General Code Publishers requesting this new chapter be published and copies thereof be provided to the Town for inserting in their copies of the Town’s Code Book.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

Local Law no. 6 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled “Boards, Committees and Commissions,” by adding Article IV, “Recreation Advisory Board (RAB)”.

Be it enacted by the Town Board of the
Town of Farmington as follows:

Section 1: Chapter 9, Article IV, to be entitled “Recreation Advisory Board (RAB),” is hereby established and shall read in its’ entirety as provided for within this Local Law as follows:

§9-28. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article IV, Sections 9-28 through 9-41, and is entitled the “Town of Farmington Recreation Advisory Board (RAB), Duties and Responsibilities.”

§9-29. Purpose.

The purpose of the Recreation Advisory Board (RAB) is to:

- A. Provide a resource to the Town Boards and Departments for strengthening and supporting public parks, facilities and recreation program needs in the Town of Farmington; and
- B. Increase the visibility of, promote and enhance the image of recreational opportunities to the public; and
- C. Establish and maintain effective communications with the Town Boards and Departments and Town residents; and
- D. To identify specific goals, objectives and implementation actions to be contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and
- E. To provide on-going technical assistance to the town’s boards established for managing the built environment; and
- F. To assist the Town Board in the maintenance of high standards in park and recreational leadership and in the quality of the recreation program service; and

§9-30. Intent.

The intent of these regulations is to identify the Town of Farmington Recreation Advisory Board (RAB) is hereby established to provide information to the residents of the Town, the Town Board, Town Planning Board, Town Zoning Board of Appeals, Town Environmental Conservation Board and the New York State Department of Parks, Recreation and Historic Preservation on issues relating to sustaining, promoting, and identifying public park lands, facilities and recreational needs within the Town.

§9-31. Functions.

- A. To investigate and determine the needs and interests of the community for recreational facilities and programs, including but not limited to senior citizen facilities and programs, and make recommendations on how to meet these needs and interests; and
- B. To interpret and advise facility and program needs to the Town Recreation Director, the Town Parks Superintendent, and the Town Board; and
- C. To interpret the community recreation program and bring needs/ideas to the attention of elected officials and the public; and

- D. To maintain the Town of Farmington Parks and Recreation Master Plan and any other studies of parks and recreation opportunities for the acquisition and development of an adequate system of parks, trails, and recreation programs; and
- E. To solicit and enlist public opinion of and support for park and recreation services through such means as community and neighborhood groups; and
- F. To assist the Town Board in developing partnerships with other organizations and private groups (e.g. Victor Hiking Trails, Ontario Pathways, etc.) to further the Town's Parks and Recreation Objectives with added and varied programs; and
- G. To advise and recommend recreational needs for possible inclusion in the Parks Department and the Recreation Board's Annual Operating Budgets; and
- H. To assist the Town Park Superintendent and the Town Recreation Director in evaluating recreation programs and activities with input collected from program participants; and
- I. To assist in recruiting volunteers to assist with park and recreation program/activities; and
- J. To assist the Director of Recreation and the Town Board in developing program priorities; and
- K. To educate the public of the importance and need for park and recreational programs, facilities and services, by including but not limited to articles contained in the Town of Farmington Newsletter and information posted on the town's website.

§9-32. Membership; terms of office; vacancies.

- A. There shall be seven (7) members of the Town of Farmington Recreation Advisory Board (RAB) appointed by the Town Board.
- B. Board members shall serve three-year terms. However, in order to stagger the terms, the initial terms of the first four members appointed shall be three years; and the remaining three members appointed shall be four years. At the expiration of such initial terms, all terms shall be for periods of three years.
- C. Vacancies on the RAB shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.
- D. One Town Board member shall serve as liaison to the RAB.
- E. Members of the RAB shall serve without salary.

§9-33. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

§9-34. Officers and Board Meeting Dates.

- A. The RAB each year at its' Organizational Meeting shall designate the date, time and place of the RAB Meetings for said calendar year. The Town Board shall appoint the RAB Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. Additional meetings may be called by the Chairperson as needed.

§9-35. Responsibilities of Chairperson.

The chairperson is designated leader of the Board and is therefore accountable for the RAB/s overall performance. The chairperson shall have the following responsibilities:

- A. Planning and providing the agenda and chairing the meetings; and
- B. Ensuring that all minutes of each meeting accurately record all actions taken and that minutes are filed with the Town Clerk's Office; and
- C. Seeing that RAB members and the Town Board are fully informed; and
- D. Working with the Director of Recreation and the RAB to plan and develop programs; and
- E. Supporting policies and programs adopted by the RAB; and
- F. Taking part in an annual review of the Recreation Programs; and
- G. Providing the Town Board with a written annual overview on RAB activities and future recommendations; and
- H. Appointing committee chairpersons when needed and giving them a clear charge and providing opportunities for them to report to the RAB.

§9-36. Duties and Responsibilities of RAB members.

- A. Being aware of the Town's Parks, Facilities and Programs; and
- B. Being aware of past Board business including the minutes of meetings; and

- C. Coming to meetings fully informed about issues to be discussed; and
- D. Contributing to formulation and establishment of policies for the RAB; and
- E. Accepting and fulfilling specific assignments; and
- F. Supporting policies adopted by the Town Board and the RAB; and
- G. Evaluating and making recommendations of recreational programs and services provided by the Town.

§9-37. Duties and Responsibilities of the Town Recreation Director.

The powers and duties of the Town Recreation Director shall include, but not be limited to:

- A. Plan, organize and administer community events (e.g. Easter Egg Hunt, July 3rd Fireworks Event, Trunk and Treat, and Christmas Party), recreation programs, services and activities.
- B. Manages the daily operations, as well as the long-range planning of the Recreation Department, its services and facilities along with the Recreation Advisory Board.
- C. Establishes and maintains planning and working relationships with other local, state and regional agencies. Works collaboratively with other town recreation departments, the school districts, citizens and other public agencies and organizations to bring about coordinated, effective delivery of recreation programs.
- D. Prepares and administers the Recreation Department's annual operating budget.
- E. Approves all payroll, vouchers and requisitions related to the Recreation Department.
- F. Conducts short-term and long-term planning of department activities and services, in coordination with the RAC,
- G. Supervises department personnel and volunteers including hiring, training, evaluation, and discipline. Recruits, selects, and employs all personnel necessary for the successful operation of the Recreation Department. Plans, assigns, and supervises work assignments, and resolves grievances.
- H. Serves as consultant to the RAB, makes recommendations relative to all phases of the department's operations.
- I. Reviews the effectiveness of the Recreation Department and implements changes or new programs to meet the Town's recreational needs.
- J. Responds to and resolves citizens inquiries and complaints related to recreation.
- K. Organizes, develops, and distributes various public information and marketing materials related to services and programs. Promotes interest in recreation programs through publicity, social media, brochures, and public contacts.
- L. Administers and supervises recreation program to ensure conformance with community expectations, and applicable laws and regulations, and maximize safety and minimize risk.
- M. Performs related work as required for the smooth operation of the Recreation Department and all other duties as assigned.

§9-38. Relationship to other Town Departments, Boards and Committees.

All significant issues, determined by the Town Board, involving parks or open spaces that come before any branch of the Town may be referred to the RAB for review and report before they are approved.

§9-39. Review Process.

Any matter referred to the RAB for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the RAB, the RAB Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board's meeting on the matter. With the advice and consent of a majority of the RAB members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the RAB to act on such referral.

§9-40. Quorum.

A quorum for meeting of the RAB shall be four (4) members. The RAB is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-41. Reports.

The RAB shall submit an annual report to the Town Board not later than the Town Board's Organizational Meeting of each year, concerning the activities and work of the RAB during the previous year and that planned for the coming year.

Section 2: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #358-2023:

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

ADOPTION OF LOCAL LAW NO. 7 OF 2023, A LOCAL LAW AMENDING CHAPTER 9 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” BY ADDING ARTICLE V, “PLANNING BOARD (PB) DUTIES AND RESPONSIBILITIES.”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has completed its review of the public hearing record and has previously classified the above referenced action as a Type II Action [under 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations]; and

WHEREAS, Type II Actions are not subject to further review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 7 of 2023, dated September 12, 2023, which is hereby made as an attachment to this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution and the attached final draft of Local Law No. 7 of 2023, dated September 12, 2023, with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, in Albany, New York.

FINALLY BE IT RESOLVED, that the Town Clerk, upon receiving the filing notice from the Department of State, is directed to provide a certified copy of said local law to General Code Publishers requesting this new chapter be published and copies thereof be provided to the Town for inserting in their copies of the Town’s Code Book.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

Local Law no. 7 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled “Boards, Committees and Commissions,” by adding Article V, “Planning Board (PB) Duties and Responsibilities.”

Be it enacted by the Town Board of the
Town of Farmington as follows:

Section 1: Chapter 9, Article V, of the Town Code of the Town of Farmington to be entitled “Planning Board (PB), Duties and Responsibilities” is hereby established and shall read in its’ entirety as provided for within this Local Law as follows:

§9-44. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article V, Sections 9-44 through 9-55 and is entitled the “Town of Farmington Planning Board (PB), Duties and Responsibilities.”

§9-45. Purpose.

The purpose of the Town of Farmington Planning Board (PB) is hereby established to:

- A. Administer the provisions of Article 16, §§ 271, 272-A, 273, 274-A, 274-B, 276, 277, 278, 279 and 283-A New York State Town Law; and the provisions contained in Chapters 144 (Articles I through VI) and 165 (Articles IV through X) of the Town of Farmington Town Code, as further specified herein; and
- B. Administer the applicable provisions within article 8 of the New York State Environmental Conservation Law (ECL); and
- C. Establish and maintain effective communications with the various Town Boards, Committees and Commissions; and
- D. To identify specific goals, objectives and implementation actions contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and
- E. To recommend appropriate land use regulations for the community to be contained in the Town Code of Farmington Town Code; and

§9-46. Intent.

The intent of these regulations is to identify the Town of Farmington Planning Board (PB), established by Local Law No. 2 of 2001, is hereby further established to provide information to the residents of the Town, the Town Board, Town Zoning Board of Appeals, Town Environmental Conservation Board, the Town Agriculture Advisory Committee, the Town Recreation Advisory Board, the New York State Department of Transportation, the Ontario County Department of Public Works, the Ontario County Department of Planning, the Ontario County Planning Board, the Ontario County Soil and Water Conservation Agency, the New York State Department of Environmental Conservation, the New York State Department of Agriculture and Markets, the New York State Department of Health and the New York State Department of Parks, Recreation and Historic Preservation on issues relating to sustaining, promoting, and identifying land use and related needs within the Town.

§9-47. Function of the Planning Board (PB).

The function of the Town Planning Board includes but is not limited to the following:

- A. To prepare reports and recommendations upon request(s) received from the Town Board, the Town Zoning Board of Appeals, the Town Environmental Conservation Board, the Town Agricultural Advisory Committee, the Town Code Enforcement Officer and the Town Director of Planning and Development; and

- B. To participate with the members of the Town Board's Town Operations Committee in the preparation of the annual review of and the preparation of the implementation actions report identified in the latest edition of the adopted "*Town of Farmington Comprehensive Plan*;" and
- C. To administer the provisions contained within Chapter 144 of the Town of Farmington Town Code, entitled "Subdivision of Land;" and
- D. To administer the provisions contained within Chapter 165 of the Town of Farmington Town Code, entitled "Zoning;" and
- E. To participate with members of the Town of Farmington Comprehensive Plan Update Committee during the public participation process involved with amendment to the latest edition of the "*Town of Farmington Comprehensive Plan*;" and
- F. To contribute to sustaining the established high standards for development that are part of the Town's ongoing planning program, its' reviews and decisions upon development projects, and related land use issues, by providing consistent and accountable services to the community; and
- G. To maintain training certification of each of its members by requiring at least the minimum number of hours established by the Town Board; and
- H. To advise and recommend to the Town Board, the Planning Board's needs for Annual Operating Budgets; and
- I. To educate the public of the importance and need for planning programs and services, by including but not limited to, articles contained in the Town of Farmington Newsletter and information posted on the town's website.
- J. To seek legal and professional advice from established experts upon a matter pending before the Planning Board for its' review and action.

§9-48. Membership; terms of office; vacancies.

- A. There shall be five (5) members of the Town of Farmington Planning Board (PB) appointed by the Town Board.
- B. There may be one (1) Alternate Member appointed by the Town Board to serve the needs of the Town of Farmington Planning Board (PB).
- C. All members of the Town of Farmington Planning Board and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- D. The Planning Board shall have the power and authority granted by the Town Board to employ experts and a clerk and to pay for their services; and to provide for such other appropriation that may be authorized therefor by the Town Board for the Planning Board.
- E. Town Board Members Ineligible. No person who is a member of the Town Board shall be eligible for membership on the Town Planning Board.
- F. Town Board Member Liaison. There shall be one (1) member of the Town Board assigned by the Town Board to serve as liaison to the Town Planning Board.
- G. Planning Board Membership. The terms of members of the Planning Board shall be fixed so that the term of one member shall expire at the end of the calendar year in which such member was initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. The terms of all members shall expire at the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Planning Board.
- H. Vacancies on the Planning Board. Any vacancy shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.
- I. To be eligible for reappointment to the Planning Board, such member shall have completed the training requirements of the Town.
- J. To be eligible for reappointment to the Planning Board, such member shall have participated in at least eighty percent (80%) of the scheduled meetings during said term of Office.
- K. Removal of members. The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or resolution.
- L. Members of the Planning Board shall serve with a stipend amount approved by the Town Board.

§9-49. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

§9-50. Officers and Board Meeting Dates.

- A. The Planning Board, each year at its' Organizational Meeting, shall designate the date, time, and place of the Planning Board Meetings for said calendar year. The Town Board shall appoint the Planning Board Chairperson who shall serve a term that expires on December 31st of said calendar year.

- B. Once appointed the Planning Board Chairperson may appoint an Alternate Chairperson to serve in the Chairperson’s absence. The Alternate Chairperson shall be appointed for a term that expires on December 31st of said calendar year.
- C. Additional meetings may be called by the Chairperson as needed.

§9-51. Duties and responsibilities of the Planning Board.

The powers and duties of the Town Planning Board shall include, but not be limited to:

- A. The Planning Board shall perform duties assigned to it by resolution of the Town Board.
- B. The Planning Board shall participate in the periodic updates to the Town of Farmington Comprehensive Plan, the Town of Farmington Parks and Recreation Master Plan Updates and the Town of Farmington Farmland Protection Plan Updates, and the town’s Open Space Index is maintained.
- C. The Planning Board may conduct studies, surveys, and inventories of planning programs within the Town and such other studies and surveys as may be necessary to carry out the general intent of this chapter.
- D. The Planning Board shall contribute articles for the periodic Town of Farmington Newsletters.
- E. The Planning Board may suggest amendments to the Town’s website.
- F. The Planning Board shall maintain maps, reports, and other publications to support the necessary research of the ECB into local environmental conditions.
- G. The Planning Board may request legal and/or professional assistance once authorized by the Town Board in the preparation of any report or decision.
- H. The Planning Board shall present an annual operating budget for the Town Board’s review and approval.

§9-52. Planning Board Review Process.

Any matter referred to the Planning Board for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Director of Planning and Development, the Town Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the Planning Board, the Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board’s meeting on the matter. With the advice and consent of a majority of the Planning Board members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the Planning Board to act on such referral.

§9-53. Quorum.

A quorum for meeting of the Planning Board shall be three (3) members participating either in person or via remote video conference. The Planning Board is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-54. Planning Board Reports.

The Planning Board shall submit an annual report to the Town Board not later than ten (10) business days following the Planning Board’s Organizational Meeting of each year, concerning the activities and work of the Planning Board during the previous year and that planned for the coming year.

§9-55. Planning Board Rules of Procedure.

The Planning Board, at their organizational meeting each year shall review and adopt Rules of Procedure for their meetings. Once adopted, the Rules of Procedure may be amended only by a majority vote of the full membership of the Planning Board. Said adopted Rules of Procedure shall remain in effect until replaced the following year by Planning Board action. The adopted Rules of Procedure shall be maintained on the town’s website.

Section 2: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #359-2023:

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

ADOPTION OF LOCAL LAW NO. 8 OF 2023, A LOCAL LAW AMENDING CHAPTER 9 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” BY ADDING ARTICLE VI, “ZONING BOARD OF APPEALS (ZBA) DUTIES AND RESPONSIBILITIES;” AND AMENDING CHAPTER 165 OF THE TOWN CODE OF THE TOWN OF FARMINGTON, ONTARIO COUNTY, NEW YORK, ENTITLED “ZONING,” ARTICLE II, SECTION 9, WORD USAGE; ADMINISTRATIVE TERMS AND SECTION 10, DEFINITIONS

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has completed its review of the public hearing record and has previously classified the above referenced action as a Type II Action [under 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) Regulations]; and

WHEREAS, Type II Actions are not subject to further review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 8 of 2023, dated September 12, 2023, which is hereby made as an attachment to this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is to file certified copies of this resolution and the attached final draft of Local Law No. 8 of 2023, dated September 12, 2023, with the: New York State Department of State, Division of Corporations, State Records and Uniform Commercial Code, in Albany, New York.

FINALLY BE IT RESOLVED, that the Town Clerk, upon receiving the filing notice from the Department of State, is directed to provide a certified copy of said local law to General Code Publishers requesting this new chapter be published and copies thereof be provided to the Town for inserting in their copies of the Town's Code Book.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

Local Law no. 8 of the year 2023

A local law amending Chapter 9 of the Town Code of the Town of Farmington, Ontario County, New York, entitled "Boards, Committees and Commissions," by adding Article VI, "Zoning Board of Appeals (ZBA);" and Chapter 165 of the Town Code of the Town of Farmington, Ontario County, New York, entitled "Zoning," Article II, Section 9, Word usage; administrative terms and Section 10, Definitions.

Be it enacted by the Town Board of the
Town of Farmington as follows:

Section 1: Chapter 9, Article VI, of the Town Code of the Town of Farmington to be entitled "Zoning Board of Appeals (ZBA)," is hereby established and shall read in its' entirety as provided for within this Local Law as follows:

§9-54. Title.

This Article shall be known as Chapter 9, Boards, Committees and Commissions, Article VI, Sections 9-54 through 9-65, and is entitled the "Town of Farmington Zoning Board of Appeals (ZBA), Duties and Responsibilities."

§9-55. Purpose.

The purpose of the Town of Farmington Zoning Board of Appeals (ZBA) is hereby established to:

- A. Administer the provisions of Article 16, §§ 267, 267-A, 267-B, 267-C, 268, 269, 274-A, 3, 280 and 280-A New York State Town Law; and
- B. Administer the provisions contained in Chapter 87, entitled "Flood Damage Prevention," Article VI, Variance Procedure, Sections 16 and 17; and
- C. Administer the provisions of Chapter 165 (Articles II, IV through X) of the Town of Farmington Town Code, as further specified therein; and
- D. Administer the applicable provisions within article 8 of the New York State Environmental Conservation Law (ECL); and
- E. Establish and maintain effective communications with the various Town Boards, Committees and Commissions; and
- F. To identify specific goals, objectives and implementation actions contained in the latest edition of the adopted Town of Farmington Comprehensive Plan; and
- G. To recommend appropriate land use regulations for the community to be contained in the Town Code of Farmington Town Code.

§9-56. Intent.

The intent of these regulations is to identify the Town of Farmington Zoning Board of Appeals (ZBA), established by Town Board Resolution dated July 15, 1957, is hereby further amended to provide information and service to the residents of the Town, the Town Board, Town Planning Board, Town Environmental Conservation Board, the Town Agriculture Advisory Committee, the New York State Department of State, the Ontario County Department of planning, the Ontario County Planning Board, the New York State Department of Environmental Conservation, the New York State Department of Agriculture and Markets, the New York State Department of Health and the Federal Emergency Management Agency (FEMA) on issues relating to sustaining, promoting, and identifying land use and related needs within the Town which protect the health, safety and welfare of the community.

§9-57. Function of the Town Zoning Board of Appeals (ZBA). The function of the Town Zoning Board of Appeals includes but is not limited to the following:

- A. To receive applications and to hear appeals upon an interpretation, decision or determination provided by the Town Code Enforcement Officer that would enable an application for an area variance to be made to the Zoning Board of Appeals pursuant to section two hundred sixty-seven-b. 1. (§267-b.1.) of the New York State Town Law; and
- B. To receive applications and to hear appeals upon an interpretation, decision or determination provided by the Town Code Enforcement Officer that would enable an application for a use area variance to be made to the Zoning Board of Appeals pursuant to section two hundred sixty-seven-b. 2. (§267-b.2.) of the New York State Town Law; and
- C. To receive applications and to hear appeals upon an interpretation, decision or determination provided by the Town Code Enforcement Officer, or the Town Planning Board, that would enable an application for an area variance to be

made to the Zoning Board of appeals pursuant to section two hundred seventy-four a. 3. (§274-a. 3.) of the New York State Town Law. A Decision rendered upon a requested area variance pending as part of an action before the Town of Farmington Planning Board for either preliminary subdivision plat approval or preliminary site plan approval, shall only be made by the Zoning Board of appeals after having received an application therefore from the Town Code Enforcement Officer and either a report, a recommendation, or a preliminary resolution of approval with condition(s) from the Town of Farmington Planning Board. No ZBA decision upon a requested area variance may overrule an authorized review of either of the two above referenced actions (Preliminary Subdivision Plat or Preliminary Site Plan) that have been approved with condition(s) by the Town of Farmington Planning Board.

- D. To receive applications of appeal upon an interpretation, decision or determination to the provisions of Chapter 165, Article VIII, Administration and Enforcement, Section 97 F. of the Town Code of the Town of Farmington; and/or
- E. To receive applications and to hear appeals upon an interpretation, decision or determination provided by the Town Code Enforcement Officer that would enable an application for a temporary use permit to be made to the Zoning Board of Appeals pursuant to Chapter 165, Article VIII, Administration and Enforcement, Section 91 of the Town Code of the Town of Farmington; and/or
- F. To administer the provisions contained within Chapter 165, Article VIII, Administration and Enforcement, Section 98 of the Town Code of the Town of Farmington; and
- G. To receive applications and to hear appeals upon an interpretation, decision or determination provided by the Town Code Enforcement Officer, acting in the capacity as the designated Local Administrator of the provisions contained within Chapter 87, Flood Damage Prevention, of the Town Code of the Town of Farmington, that would enable an application for an area variance to be made to the Zoning Board of Appeals pursuant to Chapter 87, Article VI, Variance Procedure, Sections 16 and 17 of the Town Code of the Town of Farmington; and/or
- H. To participate with members of the Town of Farmington Comprehensive Plan Update Committee during the public participation process involved with amendment to the latest edition of the "*Town of Farmington Comprehensive Plan;*" and
- I. To contribute to sustaining the established high standards for development that are part of the Town's ongoing planning program, its' reviews and decisions upon development projects, and related land use issues, by providing consistent and accountable services to the community, by granting the minimum relief determined necessary and appropriate by the ZBA when acting upon an area variance; and
- J. To advise the Town Board of concerns found within the Town Code Chapters identified above herein and to recommend amendments thereto; and
- K. To maintain training certification of each of its members by requiring at least the minimum number of hours established by the Town Board; and
- L. To advise and recommend to the Town Board, the Zoning Board of Appeals' (ZBA) needs for Annual Operating Budgets; and
- M. To seek legal and professional advice from established experts upon a matter pending before the Zoning Board of Appeal (ZBA) for its' review and action.

§9-58. Membership; terms of office; vacancies.

- A. There shall be five (5) members of the Town of Farmington Zoning Board of Appeals (ZBA) appointed by the Town Board.
- B. There may be one (1) Alternate Member to serve the needs of the Town of Farmington Zoning Board of Appeals (ZBA) appointed by the Town Board, as further provided for in Article 16, Section 267. (a), (b) and (c) of New York State Town Law.
- C. All members of the Town of Farmington Zoning Board of Appeals and any Alternate Member shall be residents of the Town of Farmington and at least 21 years of age.
- D. The Zoning Board of Appeals shall have the power and authority granted to it by the Town Board to employ experts and a clerk and to pay for their services; and to provide for such other appropriation that may be authorized therefor by the Town Board for the Zoning Board of Appeals.
- E. Town Board Members Ineligible. No person who is a member of the Town Board shall be eligible for membership on the Town Zoning Board of Appeals.
- F. Town Board Member Liaison. There shall be one (1) member of the Town Board assigned by the Town Board to serve as liaison to the Town Zoning Board of Appeals.
- G. Zoning Board of Appeals Membership. The terms of members of the ZBA shall be fixed so that the term of one member shall expire at the end of the calendar year in which such member was initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. The terms of all members shall expire at the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Zoning Board of Appeals.
- H. Vacancies on the Zoning Board of Appeals. Any vacancy shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.
- I. To be eligible for reappointment to the Zoning Board of Appeals, such member shall have completed the training requirements established by the Town Board.

- J. To be eligible for reappointment to the Zoning Board of Appeals, such member shall have participated in at least eighty percent (80%) of the scheduled meetings during said term of Office.
- K. Removal of members. The Town Board shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause. Any Zoning Board of Appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or resolution.
- L. Members of the Zoning Board of Appeals shall serve with a stipend amount approved by the Town Board.

§9-59. Terms of members now in office.

Members now holding office for terms established shall upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be as specified in the above section.

§9-60. Officers and Zoning Board of Appeals Meeting Dates.

- A. The Zoning Board of Appeals, each year at its' Organizational Meeting, shall designate the date, time, and place of the Zoning Board of Appeals Meetings for said calendar year. The Town Board shall appoint the Zoning Board of Appeals Chairperson who shall serve a term that expires on December 31st of said calendar year.
- B. Once appointed the Zoning Board of Appeals Chairperson may appoint an Alternate Chairperson to serve in the Chairperson's absence. The Alternate Chairperson shall be appointed for a term that expires on December 31st of said calendar year.
- C. Additional meetings may be called by the Zoning Board of Appeals Chairperson as needed.

§9-61. Zoning Board of Appeals Meetings.

- A. All Zoning Board of Appeals Meetings shall be public meetings subject to the provisions of the New York State Open Meetings Law and the public meeting policies established by the Farmington Town Board.
- B. A majority of the Zoning Board of Appeals members shall be present in order to convene a meeting.
- C. All ZBA meetings, including public hearings and workshops, shall be conducted in accordance with the Rules of Procedure adopted each year by the Zoning Board of Appeals.
- D. The Zoning Board of Appeals may conduct workshop sessions to discuss matters of concern to its members. Said workshops shall be advertised in the Town's Official Newspaper, posted on the Town Hall Bulletin Board and on the Town's website. Minutes of all workshops shall be approved by the Zoning Board of Appeals and filed with the Town Clerk's Office.
- E. All deliberations and decisions made by the Zoning Board of Appeals shall be only in a scheduled public session.
- F. No public hearing before the Zoning Board of Appeals shall be closed until it can be determined by the Board's Chairperson that all the public comments have been received by those in attendance in the meeting room and those individuals participating on-line and only after there is a motion made and seconded by members of the Zoning Board of Appeals and a voice vote to close the public hearing.
- G. At any point during a public hearing upon an application a member of the Zoning Board of Appeals deems it to be appropriate, they may move to table any further discussion on the matter and to continue the public hearing to a specific date and time. Once a second to this motion is received, the Chairperson shall take a roll call vote on the motion. A majority vote of the Board shall be required to stay any further deliberations and continue the public hearing.
- H. Any continued application shall be heard first at the next scheduled meeting prior to opening a new public hearing upon a new application. Once the public hearing is closed the Zoning Board of Appeals may act upon the matter under review before proceeding to new meeting agenda items.
- I. The Zoning Board of Appeals (ZBA) shall decide upon the appeal within sixty-two (62) days after the conduct (close) of said hearing. The time within which the ZBA must render its decision may be extended by mutual consent of the applicant and the board.

§9-62. Zoning Board of Appeals (ZBA) Rules of Procedure.

Each year, the ZBA shall review, amend as necessary and adopt Rules of Procedure for conducting public meetings. Once adopted by ZBA Resolution, said Rules of Procedure shall be filed with the Town Clerk's Office. Said adopted Rules of Procedure shall remain in effect until replaced the following year by ZBA action. The adopted Rules of Procedure shall be maintained on the town's website.

§9-63. Zoning Board of Appeals (ZBA) Review Process.

Any matter referred to the Zoning Board of Appeals (ZBA) for possible review and consideration shall be transmitted in written form to all members of said board as soon as may be practical by another referring board and/or by the Director of Planning and Development, the Town Code Enforcement Officer or Town Attorney, as the case may be. If the referral is reasonably determined to require the review of the ZBA, the Chairperson shall convene a meeting of said board and render its opinion or response to said referral prior to the scheduled date of the referring board's meeting on the matter. With the advice and consent of a majority of the ZBA members not to render a formal review, the Chairperson shall so notify the referring body. Such notification shall be deemed to have discharged the responsibility of the ZBA to act on such referral.

9-64. Quorum.

A quorum for meeting of the Zoning Board of Appeals (ZBA) shall be three (3) members participating in person. The ZBA is hereby deemed a public body for the purposes of Article 7 of the New York State Public Officers Law.

§9-65. Zoning Board of Appeals (ZBA) Reports.

The ZBA may submit an annual report to the Town Board not later than ten (10) business days following the ZBA's Organizational Meeting of each year, concerning the activities and work of the ZBA during the previous year and that planned for the coming year.

Section 2: Chapter 165, Article II, Section 9, Word usage; administrative terms, is hereby further amended by adding the following Administrative Terms that are to be inserted in alphabetical order:

CLERK OF THE BOARD

The officials appointed by the Town Board to take meeting minutes of all Planning Board, Zoning Board of Appeals, Environmental Conservation Board, Recreation Advisory Board and Agriculture Advisory Committee Meetings and Resolutions acted upon, that are filed with the Town Clerk's Office. Upon request of the Town Board or the Director of Planning and Development, said officials may also serve as the Clerk of Advisory Committees created by the Town Board. Said officials may be required to prepare meeting notices, legal notices, take attendance at meetings, circulate draft resolutions, certify the meeting minutes and resolutions, prepare abstracts as requested by Town Staff, keep tapes of said public meetings and prepare memos for the Chairpersons of said Boards or Committees. Any salary for said position(s) shall be established by the Town Board.

SECRETARY OF THE BOARD

The term as used in the Town Code refers to the Clerk of the Board as defined above herein.

BUILDING DEPARTMENT

The term as used in the Town Code refers to the department of the Town charged by the Town Board with the enforcement of laws regulating the erection, construction, or alteration of buildings and structures. The Department administers the receiving and processing applications for building permits, appeals of interpretations, variances, scheduling inspection appointments, providing information and assistance to applicants and the public, coordinating Project Review Committee (PRC) meetings, coordinating pending applications for approvals by the Planning Board and the Zoning Board of Appeals, scheduling and administrating inspections associated with site development and maintaining records on all site development.

DEVELOPMENT OFFICE

The office which provides direction over land use planning, management of natural resources, buildings and other permit and site development actions. The office coordinates the review of pending applications for approvals by the Town Board, the Planning Board, and the Zoning Board of Appeals. The office prepares legal notices, posts meeting agendas and draft resolutions to be acted upon. The office coordinates the review of all incentive zoning applications and drafts resolution for the Town Board and Planning Board. Provides Town documents for all State Environmental Quality Review (SEQR) classifications and determinations of significance for all projects submitted to the Town Board, Planning Board, or Zoning Board of Appeals.

DEVELOPMENT OFFICE ADMINISTRATOR -The term as used in the Town Code refers to the administrative duties of the person(s) receiving applications for building permits, appeals, variances, scheduling inspection appointments, providing information and assistance to applicants and the public, coordinating Project Review Committee (PRC) agendas and meetings, coordinating pending applications for approvals by the Planning Board and the Zoning Board of Appeals, preparing legal notices, posting agendas and draft resolutions to be acted upon, and maintaining property records on all site development

Section 3: Chapter 165, Article II, Section 10, entitled Definitions is hereby further amended by adding the following definitions, that are to be inserted in alphabetical order:

AMENITY – Shall mean community benefits such as open space, housing for persons of low or moderate income, parks, trails, sidewalks, elder care, day care or other specific physical, social, or cultural amenities, or cash in lieu thereof, or benefit to the residents of the community authorized by the Town Board.

INCENTIVE – Adjustments by the Town Board to the permissible population's density, area, height, open space, use, or other provisions of Chapter 165 of the Town Code of the Town of Farmington for a specific purpose authorized by the Town Board.

Section 4: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 5: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #360-2023:

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A UTILITY EASEMENT FOR PROPERTY LOCATED AT 1120 HOOK ROAD.

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with Curly-Q-link, LLC ("Owner") regarding the Town's obtaining a Utility Easement over portions of its property located at 1120 Hook Road, as shown on a map prepared by MRB Group dated August 2023; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that said Owner grant to the Town the easement over said land of said Owner; and

WHEREAS, said easement has been offered by Owner to the Town of Farmington; and

WHEREAS, the Town Board of the Town of Farmington is desirous of accepting said offered easement on behalf of said Town; and

WHEREAS, the Town Board of the Town of Farmington has examined said instrument and finds the consideration described in said easement to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easement attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instrument and directs that the same be recorded in the Office of the Clerk of the County of Ontario by Town Attorney, the fees for said recording to be borne by the Town, and

BE IT FURTHER RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

MAY IT BE FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Jeff Graff 26 East Main Street Clifton Springs for filing with the County Clerk's Office, Code Officer Dan Delpriore, Confidential Secretary, Lance Brabant with MRB.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #361-2023:

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

RESOLUTION ACCEPTING A DRAFT LOCAL LAW NO. 10 OF 2023, FOR AMENDING LOCAL LAW NO. 5 OF 2015, INVOLVING THE REDESIGN OF THE REMAINING LANDS LOCATED WITHIN PORTIONS OF PHASE 3 OF THE REDFIELD GROVE INCENTIVE REZONING PROJECT AND FURTHER INVOLVING LANDS FRONTING ALONG THE NORTH SIDE OF STATE ROUTE 96 AND THE EAST SIDE OF COMMERCIAL DRIVE; CLASSIFYING THE ACTION UNDER THE PROVISIONS OF 6 NYCRR PARTS 617.4 AND .5 OF ARTICLE 8 OF THE STATE ENVIRONMENTAL CONSERVATION LAW (ECL), AS A TYPE II ACTION; DIRECTING THE SUBMISSION OF SAID ACTION ALONG WITH ATTACHMENTS THERETO TO THE ONTARIO COUNTY PLANNING BOARD FOR REVIEW AT ITS OCTOBER 11, 2023, MEETING; SCHEDULING A PUBLIC HEARING UPON SAID LOCAL LAW TO BE CONDUCTED ON TUESDAY, OCTOBER 24, 2023; AND DIRECTING THE PUBLISHING AND POSTING OF A LEGAL NOTICE FOR SAID ACTION

WHEREAS, the Farmington Town Board (hereinafter referred to as Town Board) tonight received from the Town Director of Planning and Development a draft local law (hereinafter referred to as Action) to be known as Local Law No. 10 of 2023, amending Local Law No. 5 of 2015, affecting the redesign of the remaining portions of land located within Phase 3 of the Overall Site Plan for the Redfield Grove Incentive Zoning Project; and

WHEREAS, said draft local law has been prepared in response to the request contained in Town Board Resolution #324 of 2023, dated September 12, 2023; and

WHEREAS, the Town Board has reviewed the criteria for classifying Actions under the provisions of 6NYCRR, Part 617.5 of article 8 of the State Environmental Conservation Law (ECL); and

WHEREAS, said draft Local Law is based in part upon the Report and Recommendations received by the Town Board from the Town Planning Board, dated September 6, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accepts the draft Local Law No. 10 of 2023, dated September 26, 2023.

BE IT FURTHER RESOLVED, that the Town Board does hereby classify the proposed Action as being a Type II Action, under the provisions of NYCRR Part 617.5 (26), (33) of the State ECL.

BE IT FURTHER RESOLVED, that the Town Board in making this classification determines Type II Action are not subject to review under Part 617.5 as they have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review under the ECL.

BE IT FURTHER RESOLVED, that said draft local law and the attachments thereto are to be referred to the Ontario County Planning Board for its review at their October 11, 2023, meeting.

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule a public hearing to be held upon said draft local law commencing at 7:00 p.m., on Tuesday October 24, 2023, in the Farmington Town Hall, 1000 County Road 8, Farmington, New York 14425 to receive public comments upon the proposed Local Law and its adoption.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish a legal notice in the Town's Official Newspaper and to post a copy of said Local Law on the Town's Official Website in accordance with adopted procedures.

BE IT FINALLY RESOLVED, that a copy of said Local Law, including all attachments thereto, shall be made available to the public for review at the Town Clerk's Office during normal business hours, Monday through Friday, commencing on Wednesday, September 27, 2023.

All Voting "Aye" (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #362-2023:

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

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO SIGN AN AGREEMENT TO HIRE KENNEDY MECHANICAL CONTRACTORS TO PROVIDE FIRE INSPECTION SERVICES FOR FIVE (5) YEARS AT THE TOWN COURT AND HIGHWAY BUILDINGS

WHEREAS, New York state is now requiring annual testing of forward flow testing, and

WHEREAS, the quotes were requested from Kennedy (\$3,200) per yearly inspection, Landry is unable at this time due to no certified technicians, and Davis-Ulmer was unable to provide us with a quote, and

WHEREAS, Kennedy Mechanical Contractors will be able to provide the following types of inspections: Wet, Dry, Full FWD Flow and Backflow Testing (which they are currently providing for Farmington’s Court and Highway Buildings, and

WHEREAS, the annual cost for Farmington’s Town Court should be expensed to Buildings Contractual (A-1620.4), and

WHEREAS, the annual cost for Farmington’s Highway Building should be expensed to Highway Garage Contractual (A-5132.4), and

WHEREAS, the Company (Kennedy Mechanical Contractors) requests in advance the sum of \$3,200, now therefore

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Kennedy Mechanical Contractors at a cost not to exceed \$3,200 per fiscal year – for the duration for a five (5) year contract, and

BE IT FURTHER RESOLVED, that the Town Clerk forward the originals of this Resolution to the Highway/Parks Department and the Accountant I.

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

RESOLUTION #363-2023:

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

Abstract 18 – 2023

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

ABSTRACT NUMBER		18	
DATE OF BOARD MEETING		9/26/2023	
FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	100,588.98	1802-1805,1808-1819,1921-1833, 1835,1837-1845,1848,1857,1558, 1864
DA	HIGHWAY FUND	39,697.37	1802,1808,1816,1821,1823,1826, 1831,1846-1847,1849-1857,1859-1862
HK	SIDEWALK CAP PROJECT	0	
HG	CTY RD 8 WATERLINE	20,875.00	1821
HN	NORTH ROAD CAP PROJECT	256,155.44	1821,1834
HB	BEAVER CREEK PARK		
HP	TOWN PARK IMPROVEMENTS	304.00	1821
HW	WATER TANK REPAIR	8,965.00	1821
SD	STORM DRAINAGE	3,909.79	1806,1808,1821,1826,1863
SF	FIRE PROTECTION DISTRICT		
SL1	LIGHTING DISTRICT	1,613.56	1804,1827,1870
SS	SEWER DISTRICT	87,131.41	1763,1764-1791,1794,1799,1802, 1806,1808,1815,1816,1820,1821, 1823,1826,1831,1865-1867
SW1	WATER DISTRICT	30,062.67	1764,1766,1773,1774,1776,1778, 1780,1782,1784,1788-1790,1792, 1793,1795-1802,1806,1808,1815, 1816,1820,1821,1823,1826,1831, 1868,1869
TA200	PAYROLL DEDUCTIONS	8,672.94	1788,1789,1802,1807,1808,1826, 1845
	TOTAL ABSTRACT	\$ 557,976.16	

All Voting “Aye” (Ingalsbe, Holtz, Herendeen, Bowerman, and Casale), the Resolution was **CARRIED**.

TRAINING UNDER \$100: None.

DISCUSSION: None.

WAIVER OF THE RULE: None.

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Casale** offered a motion to adjourn the meeting at 7:46 p.m., seconded by **Councilman Bowerman**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk