

**TOWN OF FARMINGTON AGRICULTURAL ADVISORY COMMITTEE
MINUTES OF THE MEETING OF APRIL 23, 2014**

The following minutes are written as a summary of the main points that were made and the actions taken at the Town of Farmington Agricultural Advisory Committee meeting.

Committee Members Present:

Peter Maslyn, *Chairperson*

Henry Adams

John Marvin

Royal Purdy

Staff Present:

Ronald L. Brand, Town of Farmington Director of Planning and Development

David Degear, Town of Farmington Water and Sewer Superintendent

Ed McLaughlin, Town of Farmington Highway and Parks Superintendent

Also Present:

Greg Atwood

George Ayres

Michael Casale, Farmington Town Board, Deputy Town Supervisor

Jim Gray

1. MEETING OPENING

Mr. Maslyn called the meeting to order at 7:00 p.m.

2. DISCUSSION OF TOWN-WIDE DRAINAGE DISTRICT

Mr. Brand began the discussion of the proposal to establish a town-wide drainage district by explaining that currently there is one drainage district in Farmington that covers only the land west of County Road 8. Because of this, the Town cannot make drainage improvements on properties east of County Road 8. He said that a town-wide district was proposed about 15 years ago but was never implemented due to objections from the agricultural community at the time. He said that if the Town Board were to entertain the proposal again, it should come *up* from the community, rather than *down* from the Town government.

Mr. Brand said that one of the reasons for this discussion at this time is that the proposal to establish a town-wide drainage district will be among the topics to be explored by the advisory committee now working on the Farmland Protection Plan. It was also noted that the evaluation of a Townwide Drainage District is an implementation action in the adopted Comprehensive Plan. He said that the Farmland Protection Plan would have to

address the Town's policy on improving drainage on agricultural lands and that there would not be much that the Town could do to make these improvements without the funding mechanism provided by a drainage district.

He also noted that there may be some opponents located in the west side of the Town who might not want to pay higher property taxes for drainage work to be done on the east side of the Town. The same sentiment could be found for those living on the east side of Town not wanting to contribute to drainage improvements on the west side of Town. He discussed the option of keeping the existing drainage district on the west side of County Road 8 and establishing a second district on the east side. But, he noted, the tax base on the east side of County Road 8 is not as significant as on the west, which compounds the decision making of the issue.

Mr. McLaughlin explained that the majority of the development on the west side of County Road 8 produces drainage water that flows to the east, primarily via Paddleford Creek, Black Brook, Trap Brook and Beaver Creek. He said that when drainage ditches located in the eastern portion of Town become plugged and jammed with debris, the Town currently has no authority to bring its equipment off the public roadway to clear these.

Dr. Casale noted that the bulk of the tax funds come from the west side of the Town in the more densely developed areas.

Mr. Marvin said that a regional or watershed district might be considered to take into account adjacent towns and the continuation of the drainage after it leaves the boundaries of the Town of Farmington. He said that this was considered when the district was proposed years ago.

Mr. Brand asked if it would be better to wait for all the municipalities to join together for a regional approach or if would it be better for Farmington to go ahead and deal with its problems now? He said that the staff needs to know what are the specific drainage problems that are affecting the agricultural lands within the Town. When such a list is compiled, these details would provide the Town Board members with a better understanding of the drainage problems affecting farmland located outside the established Drainage District.

Mr. McLaughlin then explained the details of the storm water requirements of the federal Clean Water Act that are administered by the New York State Department of Environmental Conservation's (DEC) Municipal Separate Storm Sewer System (MS4) Program. Under the MS4 Program, the Town is required to incorporate the following six elements (known as minimum control measures, or MCMs) into its storm water management program:

- Public education and outreach
- Public involvement

- Illicit discharge detection and elimination
- Construction site runoff control
- Post-construction storm water management in new development and redevelopment
- Pollution prevention and good housekeeping for municipal operations and maintenance

He said that the program provides generally good practices but is quite cumbersome to administer. Mr. Brand said that this is another unfunded State mandate and that its purpose is to control the quality of runoff rates into other unprotected areas.

Dr. Casale asked if there would be a point at which the State would require that a drainage district be established on the east side of County Road 8? Mr. Brand said that if the Town does nothing, the Federal Emergency Management Agency (FEMA) might at some point designate more land as being located in a flood-prone area that would further restrict landowners' use of their properties. He noted a recent controversy in the Town of Gates in Monroe County where FEMA revised flood-plain maps that caused homeowners' insurance rates to increase from several hundred dollars a year to several thousand dollars, and asked which would be more expensive: flood-plain insurance or the cost of a town-wide drainage district?

Mr. Adams asked about drainage district funding and prioritization of drainage work. Mr. McLaughlin and Mr. Brand said that the cost would be at a rate per \$1,000 of assessed value of a parcel, and that the first step would be an engineering review of the drainage needs to determine priorities. Without an engineering prioritization of the work needed, the Town highway superintendent would not be able to properly implement the order of the work. In addition, Mr. Brand said that the Town Farmland Protection Plan should also provide some rationale for the drainage needs of the Town. This is why it is important to identify the existing problems.

Mr. Gray asked if the DEC allows drainage of wetland areas. Mr. McLaughlin explained the process that involves obtaining permits from the DEC and the Army Corps of Engineers. Mr. Gray said that he is opposed to bringing more water into a wetland if there is no way for the water to leave the wetland. Eventually, he said, wetlands will continue to grow and land available for agriculture would diminish. Mr. Brand and Mr. McLaughlin said that some recent developments located in the western portion of town have made use of such features as rain gardens and other engineering measures to contain and infiltrate surface water runoff on the site, rather than channeling it to other properties downstream.

Mr. Adams said that the only remedy is to open drainage channels to avoid wetlands from increasing in size.

Mr. Brand said that if the drainage issues created by increased growth are not addressed, more wetlands could be identified and regulated by FEMA. He said he is trying to promote the idea for the community to identify the drainage concerns that are affecting agri-

culture and to have these concerns addressed in the Farmland Protection Plan that is now in progress. He said that by identifying these concerns and including them in the Plan, with public review, the community will be in a better position to attract the attention of the State agencies that regulate these issues and that often do not communicate, or that may be at cross purposes, with one another.

Dr. Casale said that the purpose of the town-wide drainage district is not to collect more tax, but to provide the Town with the funding opportunity to correct a drainage problem.

Mr. Brand said that the Town has identified the zoning of land and outdated town regulations that also have effects on the amount of land remaining available for agriculture operations. He noted that in his reviews of several past developments that some were constructed on prime and unique agricultural lands. It was also noted that there are other agricultural parcels in Farmington that are zoned for general industrial purposes. He said that historically it was easier for developers to build upon these properties that possess the more viable agricultural soils because of the availability of water and sewer services. Such practice has resulted in a premature loss or retirement of the more productive farmland soils.

Mr. Brand said that the next meeting of the Farmland Protection Plan Advisory Committee would be held on Tuesday, May 20, 2014. Mr. Maslyn asked that the various soil and land use maps be provided electronically and that he would distribute these to the committee members. Mr. Brand said that the maps are available electronically and that he will send these to Mr. Maslyn. Mr. Brand then explained that the farmland use identification that the committee members have recently completed has been compiled onto Town maps by Lu Engineers. He asked that the committee members spend the next several weeks reviewing these work maps for accuracy.

Mr. Maslyn asked about the property tax and annual funding of a town-wide drainage district. Mr. McLaughlin and Dr. Casale said that the amount to be raised by tax might fluctuate from year to year based on project priorities and existing fund balances that would carry over from year to year.

Mr. Brand explained how the Town of Chili in Monroe County once had more than 25 separate drainage districts that had been created in individual neighborhoods and that funds from one district could not be used in another district. He said that it would be best to keep the number of districts controlled so that funds could be more readily available for projects wherever they may be located in an established drainage district in the Town.

Mr. Maslyn asked about the current drainage situations in adjacent towns at the Farmington borders. Mr. McLaughlin said that the drainage channels in the towns of Macedon and Manchester are already maintained and well opened. Mr. Atwood asked about the point at which the drainage district would stop. Mr. McLaughlin said that the district would stop at the established Town of Farmington boundaries.

Mr. Ayres said that he was on the committee years ago that looked into a town-wide drainage district and that the group was not opposed to the concept, but was opposed to that specific plan, because it was not designed properly to remove storm water and drainage runoff. He then asked how the idea for this town-wide drainage district was formed and wanted to know if there have been specific requests from people on the east side of County Road 8 who have identified problems and wanted something done? Mr. McLaughlin said that he has heard from people in this area who have unique drainage problems. Mr. Brand also noted that there was no public opposition identified in any of the public record on the Town Comprehensive Plan that contains such a specific implementation action.

Mr. Ayres then explained his individual problem with removing water from his land, noting that construction of the New York State Thruway blocked a considerable amount of drainage channels and that the DEC will not permit him to deal with a recurring problem created by the beavers that restrict water flow from his property. He also explained how the DEC will allow some opening of drainage channels but then will not allow entrance into a wetland with equipment to remove the excess spoils. He again said that farmers were opposed to the town-wide drainage proposal 15 years ago because the plan did not adequately remove the water.

Mr. Maslyn said that it appears that the committee is being asked for more than a “yes” or “no” recommendation on the issue. Mr. Brand said that the Agricultural Advisory Committee’s recommendation to the Farmland Protection Plan Advisory Committee should include the parameters and specific topics that the committee members would like to have addressed.

Mr. Ayres said that he would support a town-wide drainage district if it were engineered in an intelligent manner that removes the water from the properties.

Mr. Ayres also said that even if drainage were improved on his property and he could have the use of 25 more acres, he would not receive much benefit from the district because he could not farm these acres. He explained that by Federal law, land that has not been tilled since 1985 cannot be disturbed so as not to destroy a wetland if the owner receives a Federal funding benefit. Mr. Marvin noted that some Mennonite farmers are draining these types of parcels, but they do not receive federal benefits.

Mr. Atwood said that many farmers with whom he is acquainted are trying themselves to keep their drainage ditches and channels open, but that nearby homeowners may be creating some of the drainage problems by blocking ditches and putting in their own ponds.

Mr. Degear, speaking as a landowner, said that he cleans the drainage channels on his own property and that he, too, is struggling to keep standing water off his fields.

Mr. Adams asked how the committee might go about receiving more input from the public? Mr. Maslyn suggested that perhaps a town-wide mailing could be sent. Dr. Casale

said that Supervisor Fafinski should be contacted on the best way to send out a mailing to seek public comments on this issue.

3. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

The next meeting of the Agricultural Advisory Committee will be on Thursday, May 15, 2014, at 7:00 p.m., at the Farmington Town Hall.

An agenda and meeting notice will be provided by the chairperson to the Director of Planning and Development for publishing and posting on the Town's website.

The next meeting of the Farmland Protection Plan Advisory Committee will be held on Tuesday, May 20, 2014, at 7:00 p.m. at the Farmington Town Hall.

Following the meeting, Mr. Brand secured the building.

Respectfully submitted,

John M. Robortella L.S.