

Local Law Filing

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Division of Corporations, State Records and Uniform Commercial Code
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Farmington, Ontario County, New York

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

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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
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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:

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- 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 where 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

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- 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number 4 of 2023, of the Town of Farmington, was duly passed by the Town Board on _____, 2023, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the Town of Farmington was duly passed by the _____ on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2023, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by _____ on 2023. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 2023, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the Town of Farmington was duly passed by the Farmington Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ on 2023. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2023, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 2023, became operative.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law number _____ of 2023 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2023, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the Town

(Seal)

Date: _____