

A special meeting of the Mendon Town Board was held at 7:00PM, Monday, July 29, 2019, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.

**PRESENT:** John D. Moffitt, *Supervisor*  
Cynthia M. Carroll }  
Thomas G. Dubois } *Town Board*  
John L. Hagreen } *Members*  
Michael E. Roberts }

**ABSENT:** None

**TOWN CLERK:** James P. Merzke

**OTHERS PRESENT:** Sheldon W. Boyce, Jr. *Town Attorney.*

*Supervisor Moffitt called the meeting to order at 7:00PM. The Pledge of Allegiance was recited.*

**AGENDA**

**(Resolution 19-183)**

A motion was made by Mr. Hagreen, seconded by Mrs. Carroll, to adopt the agenda with the following amendment: add new No. 6 "Mendon Youth Center," and renumber accordingly.

Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

A public hearing of the Mendon Town Board was held at 7:01PM, Monday, July 29, 2019, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.

**PRESENT:** John D. Moffitt, *Supervisor*  
Cynthia M. Carroll }  
Thomas G. Dubois } *Town Board*  
John L. Hagreen } *Members*  
Michael E. Roberts }

**ABSENT:** None

**TOWN CLERK:** James P. Merzke

**OTHERS PRESENT:** Sheldon W. Boyce, Jr. *Town Attorney.*

*Supervisor Moffitt opened the public hearing at 7:01PM.*

The public hearing was held to consider the adoption of the Town Code.

**Public Comment**

No one from the public wished to speak.

**(Resolution 19-184)**

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to close the public hearing at 7:01PM.

Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

**RECODIFICATION – SEQRA AND ADOPTION OF TOWN CODE**

**(Resolution 19-185)**

A motion was made by Mr. Roberts, seconded by Mr. Dubois, as follows: the Town Board declares the Recodification a Type II Action under SEQRA, thus necessitating no further action.

Adopted/Defeated: Mrs. Carroll, Aye/Nay; Mr. Dubois, Aye/Nay; Mr. Hagreen, Aye/Nay; Mr. Roberts, Aye/Nay; Mr. Moffitt, Aye/Nay.

***(Resolution 19-186)***

A motion was made by Mr. Carroll, seconded by Mr. Dubois, to adopt the following local law:

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Town of Mendon into a Municipal Code to be designated the "Code of the Town of Mendon."

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

**ARTICLE I****Adoption of Code****§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Mendon, as codified by General Code, and consisting of Chapters 1 through 260, together with an Appendix, shall be known collectively as the "Code of the Town of Mendon," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Mendon" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the prior 1994 Code, local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such prior Code, local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior Code, local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Mendon, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of the prior 1994 Code, local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

**§ 1-3. Repeal of inconsistent enactments.**

Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all portions of the prior 1994 Code, local laws and ordinances, or parts of such prior Code, local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Mendon which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

**§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Mendon prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Mendon or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Mendon.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Mendon.
- E. Any local law or ordinance of the Town of Mendon providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or

- vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Mendon or any portion thereof.
- F. Any local law or ordinance of the Town of Mendon appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Mendon or other instruments or evidence of the Town's indebtedness.
  - G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
  - H. The levy or imposition of special assessments or charges.
  - I. The annexation or dedication of property.
  - J. Any local law or ordinance relating to salaries and compensation.
  - K. Any local law or ordinance amending the Zoning Map.
  - L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
  - M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
  - N. Any local law or ordinance adopted subsequent to March 12, 2018.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Mendon and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Mendon by impressing thereon the Seal of the Town of Mendon, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Mendon" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be published and, as provided hereunder, inserted in the Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the Code of the Town of Mendon. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are published as supplements to said Code.

§ 1-9. Sale of Code; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Mendon in any manner whatsoever which will cause the legislation of the Town of Mendon to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Mendon, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Mendon, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Haggren, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

**MENDON YOUTH CENTER**

Mr. Dubois updated the Board on the proposed Youth Center.

**PUBLIC COMMENT**

No one from the public wished to comment.

**ADJOURNMENT**

***(Resolution 19-187)***

A motion was made by Mr. Dubois, seconded by Mrs. Carroll, to adjourn the meeting at 7:10PM.

Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Haggren, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

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Town Clerk