

04/20/20

TOWN OF MENDON

REGULAR MEETING

The regular meeting of the Mendon Town Board was held at 7:00PM, Monday, April 20, 2020, via Zoom, Meeting No. 780-854-721, Password 514115, in compliance with the Governor's Executive Order No. 202.1.

**PRESENT:** John D. Moffitt, *Supervisor*  
Cynthia M. Carroll }  
Thomas G. Dubois }      *Town Board*  
John L. Hagreen }      *Members*  
Karen R. Jenkins }

**ABSENT:** None

**TOWN CLERK:** James P. Merzke

**OTHERS PRESENT:** Sheldon W. Boyce, Jr. *Town Attorney*, Andrew Caschetta, *Highway Superintendent*, Mary Fletcher, Finance Director, Daniel Bassette, *Zoning Board Chair*, and approximately three other people.

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

**AGENDA**

*(Resolution 20-116)*

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to adopt the agenda as presented.

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

**PUBLIC COMMENT**

No one from the public wished to comment.

**COMMUNICATIONS**

**Town Clerk**

Mr. Merzke reported on his office's schedule and workflow since the pandemic and closure to the public; tax collections; marriage licenses; NYSDEC licenses; dog licenses; and the website.

**Town Board**

Mrs. Carroll reported on the Library Board of Trustees. She also reported on the Planning Board meeting for Mr. Dubois.

Mr. Dubois reported on the Youth Center, and that there were no Environmental Conservation Board meetings.

**Supervisor**

Supervisor Moffitt reported on the reinstatement of the Town's State of Emergency; the cancelation of Memorial Day activities; an individual interested in the Environmental Conservation Board; upcoming Comprehensive Plan Update Citizens Advisory Committee meetings; EV charging stations; numerous calls with the County, other town supervisors and the Sentinel regarding the pandemic; communications with the local grocery store; the Annual Update Document has been completed and is on the Town's website for review; the Son-Dar property and potential outside interest in it as a solar farm site; receipt of the 2020-2021 Ambulance budget; Grievance Day; the Fern Center application before the Planning Board; a speeding complaint on Taylor Road forwarded to the MC Sheriff's Office; the Summer Recreation Program; a webinar from the State Comptroller's Office about interfund loans; and the cancelation of the Mendon Fireman's Carnival.

**SUPERVISOR'S MONTHLY REPORTS****(Resolution 20-117)**

A motion was made by Mr. Hagreen, seconded by Mrs. Jenkins, to acknowledge receipt of the Supervisor's Monthly Reports for February and March 2020.

The Board discussed the reports regarding the current pandemic situation. Supervisor Moffitt elaborated on Reserves the Town had available.

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

**TOWN CLERK'S MONTHLY REPORT****(Resolution 20-118)**

A motion was made by Mrs. Carroll, seconded by Mr. Hagreen, to acknowledge receipt of the Town Clerk's Monthly Report for March 2020, showing receipts and disbursements in the amount of \$7,025.75.  
Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mrs. Jenkins, Aye; Mr. Moffitt, Aye.

**MINUTES****(Resolution 20-119)**

A motion was made by Mrs. Jenkins, seconded by Mrs. Carroll, to approve the minutes of the regular meeting held on March 9, 2020, as presented.

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

**VOUCHERS****General Abstract****(Resolution 20-120)**

A motion was made by Mrs. Jenkins, seconded by Mr. Dubois, to approve all claims on vouchers numbered 20-195 to 20-271, on General Abstract 20-04, in the amount of \$150,030.08.

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

**Library Abstract**

Library vouchers numbered 20-040 to 20-058, on Library Abstract 20-04, in the amount of \$5,131.45, were presented to the Town Board for payment.

**PROPOSED LOCAL LAW – AMEND CHAPTER 5 “DEFINITIONS AND WORD USAGE,” OF THE TOWN CODE – CANCEL ALL PUBLIC HEARINGS****(Resolution 20-121)**

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

Be it RESOLVED by the Town Board of the Town of Mendon, duly assembled:

1. Pursuant to Executive Order 202.15 issued by the Governor, all public hearings scheduled to be heard by any Board of the Town in April and May, 2020, are postponed, without prejudice, until a date to be scheduled after May 31, 2020.
2. This Resolution shall take effect immediately.

Mr. Boyce stated that he would suggest changing the date in No. 1 to “...until June 1, 2020” to be in line with the wording of the Governor’s Executive Order.

Both Mrs. Carroll and Mr. Dubois agreed to the change. No 1. now reads:

1. Pursuant to Executive Order 202.15 issued by the Governor, all public hearings scheduled to be heard by any Board of the Town in April and May 2020, are postponed, without prejudice, until June 1, 2020.

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

**TOWN MEETINGS – AUTHORIZE SUPERVISOR TO CANCEL ANY TOWN MEETING WITHOUT NOTICE****(Resolution 20-122)**

A motion was made by Mr. Hagreen, seconded by Mrs. Jenkins, to adopt the following:

Be it RESOLVED by the Town Board of the Town of Mendon, duly assembled:

1. The Town Board hereby delegates to the Town Supervisor the authority to cancel and reschedule any Town Board meeting as the Supervisor may deem appropriate for public health and safety, or any other reasonable cause.
2. This resolution shall take effect immediately.

Mr. Boyce explained that while this was brought on by the current crisis, it makes sense to leave it open and part of policy for any reasonable cause in the future, such as a blizzard, etc.

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

**PUBLIC HEARINGS IN VIRTUAL MODE – DISCUSSION**

Supervisor Moffitt reviewed an email from the Planning Board Chair concerning ways to hold public hearings during the pandemic. Mr. Boyce explained that the Governor's Executive Order was clear that public hearings shall not be held. He further stated that it says they "may" be held under certain conditions, but they are not specific. This is problematic and a virtual legal minefield if the Town proceeded without more direction. The Executive Order suspends portions of the Open Meetings Law, but not certain provisions of Town Law. He recommends no public hearings until June 1, 2020. Mr. Hagreen stated that no applications will be slowed down. Mrs. Carroll agreed. Mr. Dubois also agreed and added that the Board could revisit the issue if needed. Supervisor Moffitt stated that he felt the most important part of a public hearing is public participation and attendance. The Town has a duty to hear everything people have to say, and he feels this mode does not allow that. Mrs. Carroll added that she felt this was fair to all constituents.

**REVENUE SHORTFALLS AND FURLoughs – DISCUSSION**

Supervisor Moffitt identified to the Board some possible revenue shortfalls due to the current pandemic. He stated they could total \$900,000.00, with \$800,000.00 of that from a shortage in sales tax revenue. He is asking the Board to consider possible cuts in the budget. The "easiest" to handle financially would be to postpone what is budgeted to be placed in Reserves. Another savings may occur if the Summer Recreation Program does not go ahead. Mrs. Carroll thanked the Supervisor for laying it all out. Mr. Dubois asked if the CHIPS money from the state for Highway related things is being eliminated. Supervisor Moffitt stated that it may not be completely eliminated, but the Governor is going to track his revenue and make decisions based on that. Mr. Boyce reinforced that point – the Governor has total authority to suspend any state law by Executive Order.

Supervisor Moffitt stated that the Town has some part-time employees that are not currently providing service but are still getting paid. They total six employees and approximately \$800.00 a week. They are part-time employees of the Youth Center and one part-time clerk in the Assessment Department. He wants to know if the Board is interested in furloughing and no longer paying them. Mr. Hagreen thought furloughing the Youth Center employees made sense and asked if the clerk was working at all. Supervisor Moffitt stated he was not. Mrs. Carroll stated she thought that furlough for all of them was appropriate. Mr. Dubois agreed. Mrs. Jenkins asked if they would be brought back if things returned to normal. Supervisor Moffitt stated that they definitely would be. Mr. Hagreen stated that the Youth Center operation is really linked to the school's operation. Mr. Dubois stated that he did not feel the school would be open again until the fall and that they were going to be off for a couple months anyway. He felt the people would come back when the Center was able to open again. Supervisor Moffitt added that this was not the sole source of income for any of these employees.

**(Resolution 20-123)**

A motion was made by Mr. Moffitt, seconded by Mr. Hagreen, to furlough five (5) employees from the Youth Center and one (1) part-time assessment clerk from the Town Hall, for a length of time to be determined by the Supervisor.

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

**MENDON RENEWABLE – PILOT PROGRAM DISCUSSION**

Supervisor Moffitt informed the Board that the company erecting the solar panels in Town would like to explore a Payment In Lieu Of Tax Program with the Town, taking them off the tax rolls and putting them into some kind of agreement, normally involving paying a lesser amount than if they were taxed normally. Mr. Hagreen would like to know what the Town receives in tax revenue currently. Supervisor Moffitt was not in favor: there were no sustainable jobs created in the Town; they are a for-profit company; they receive monetary assistance from the state, which is tax money; and there is not a lot of community benefit for Mendon. He feels this is different from the PILOT agreement with the companies on Carriage Street in the Village of Honeoye Falls because those companies employ people who are spending money in the community. The Board discussed the tax implications briefly. Supervisor Moffitt said he thought they should have pursued this before they went before the Planning Board if this is what they were interested in. The Board came to a consensus that they were not interested in pursuing a PILOT agreement with Mendon Renewable. Mr. Hagreen asked if the school district and/or the County could pursue this? Supervisor Moffitt indicated they could.

**STANDARD WORK DAY REPORTING RESOLUTION**

Mr. Hagreen asked about the purpose of the resolution. Supervisor Moffitt explained that Mrs. Jenkins is a newly elected or appointed official and as such, is required to report her work hours for a three-month period so the Town can submit it to the State Retirement System. Existing personnel only need to provide it to the Town every three years.

**(Resolution 20-124)**

A motion was made by Mr. Hagreen, seconded by Mrs. Carroll, to adopt the Standard Work Day and Reporting Resolution for Elected and Appointed Officials, form RS 2417-A, dated April 20, 2020.

Mr. Boyce clarified that this procedure was brought on by some state employees abusing the system a number of years ago and is required now from every municipality in the state. It is not particular to the Town of Mendon.

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

**COMPREHENSIVE PLAN UPDATE CITIZENS ADVISORY COMMITTEE – MEETING SCHEDULE****(Resolution 20-125)**

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to approve the following meeting dates for the Comprehensive Plan Update Citizens Advisory Committee. They will all be held at 6:00PM, at the Town of Mendon Falls Post #664 Community Center, 167 North Main Street, Honeoye Falls, NY. Tuesday, May 12, 2020; Tuesday, June 2, 2020; Tuesday, June 30, 2020; Tuesday, July 14, 2020; Tuesday, July 28, 2020; Tuesday, August 11, 2020; and Tuesday, August 25, 2020. The Town Supervisor has the ability to cancel any of these meetings per the resolution adopted earlier.

Supervisor Moffitt explained that although LaBella estimates only three more meetings are needed, he wanted to have more approved so the Board does not have to revisit the subject if necessary. He stated the May 12<sup>th</sup> meeting would be via Zoom or something similar.

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

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**PUBLIC COMMENT**

No one from the public wished to speak.

**ADJOURNMENT**

*(Resolution 20-126)*

A motion was made by Mr. Dubois, seconded by Mrs. Carroll, to adjourn the meeting at 8:05PM.

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

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Town Clerk