

A regular meeting of the Mendon Town Board was held at 7:00PM, Monday, May 8, 2017, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.

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

ABSENT: None

TOWN CLERK: James P. Merzke

OTHERS PRESENT: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr., *Town Attorney*; Gary Loope, *Highway Clerk*; Bruce Peckham, *Zoning Board of Appeals/Library Board of Trustees*; Daniel Bassette, *Zoning Board of Appeals*; and approximately 15 other people.

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

AGENDA
(Resolution 17-126)

A motion was made by Mr. Roberts, seconded by Mr. Dubois, to adopt the agenda as presented. Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

PUBLIC COMMENT

Dr. John L. O'Donoghue, 3915 Clover Street, submitted and read written comments concerning the Village ambulance service.

Joan S. Heaney, 364 Lanning Road, and Sue Anne Robinson, 3598 Rush Mendon Road, appeared to introduce a new garden club in town.

John R. Walsh, 244 Mendon Center Road, commented on the Village ambulance service.

Edmond D. Sheidlower, 169 Amann Road, commented on the Village ambulance service.

A gentleman named Mike, living at 12 Quaker Meeting House Road, commented on the Village ambulance service.

William Inglese, 299 Cheese Factory Road, commented on the Village ambulance service.

Paul J. Eiffert, 34 Hyde Park, commented on the Village ambulance service.

Emma Sheidlower, 169 Amann Road, commented on the Village ambulance service.

Mrs. Robinson, commented on the Village ambulance service.

Kimberly A. Sheidlower, 169 Amann Road, commented on the Village ambulance service.

COMMUNICATIONS
Highway Superintendent

Mr. Smith distributed and read his report.

Town Board

Mr. Roberts reported on the Planning Board.

Mrs. Carroll reported on the Library Board of Trustees.

Mr. Dubois reported on the Historic Preservation Commission.

Supervisor

Supervisor Moffitt reported on a Department of State shared services conference; a Comptroller/ Association of Towns Finance School; a shared services seminar in Batavia; library renovations; the proposed water extension; the roof on 15 Monroe Street; the reassessment project; Summer Recreation equipment inventory; and working on an assessment of needs for the ambulance facility.

SUPERVISOR'S MONTHLY REPORT

(Resolution 17-127)

A motion was made by Mrs. Carroll, seconded by Mr. DuBois, to acknowledge receipt of the Supervisor's Monthly Report for April 2017.

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

TOWN CLERK'S MONTHLY REPORT

(Resolution 17-128)

A motion was made by Mr. Hagreen, seconded by Mr. Roberts, to acknowledge receipt of the Town Clerk's Monthly Report for April 2017, showing receipts and disbursements in the amount of \$4,574.16.

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

MINUTES

(Resolution 17-129)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to approve the minutes of the regular meeting held on April 10, 2017, as presented.

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

VOUCHERS

General Abstract

(Resolution 17-130)

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to approve all claims on vouchers numbered 17-192 to 17-244, on General Abstract 17-05, in the amount of \$56,356.72.

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

Highway Abstract

(Resolution 17-131)

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to approve all claims on vouchers numbered 17-096 to 17-119, on Highway Abstract 17-05, in the amount of \$16,889.46.

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

Library Abstract

Vouchers numbered 17-056 to 17-072, on Library Abstract 17-05, in the amount of \$4,569.88, were presented to the Town Board for payment.

A public hearing of the Mendon Town Board was held at 7:37PM, Monday, May 8, 2017, 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: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr., *Town Attorney*; Gary Loope, *Highway Clerk*; Bruce Peckham, *Zoning Board of Appeals/Library Board of Trustees*; Daniel Bassette, *Zoning Board of Appeals*; and approximately 15 other people.

Supervisor Moffitt opened the Public Hearing at 7:37PM.

Public Comment

David Norbut, a solar developer, commented on the proposed local law.

Daniel Bassette, 20-1 East Street, commented on the definition of solar farm.

Planning Board Chair Brent Rosiek submitted comments in writing which the Board and Attorney discussed.

(Resolution 17-132)

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to close the public hearing at 7:44PM. Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

LOCAL LAW No. 1 of 2017

(Resolution 17-133)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to adopt the following which includes Mr. Rosiek's suggested changes:

A local law to enact legislation regulating solar farms in the Town of Mendon.

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

Section I. Authority.

This local law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing Towns to adopt a local law which may amend or supersede any provision of State law in relation to the property, affairs or government of the Town unless there is a State legislative restriction on such amendment or supersession.

Section II. Amend Chapter 86, Definitions and Word Usage, §86-4, Definitions, by adding:

Solar Farm – The use of land where a series of one or more devices or structures are constructed or installed, the purpose of which is to generate photovoltaic power in whole or in part for offsite sale or consumption.

Section III. Amend Chapter 200, Zoning, §200-13, RA-5 Residential Agricultural District, D, Special permitted uses, by adding:

(19) Solar Farms

Section IV. Amend Chapter 200, Zoning, §200-18, Business District, D, The following uses may be permitted..., by adding:

(15) Solar Farms

Section V. Amend Chapter 200, Zoning, §200-19, Industrial District, D, The following uses may be permitted...by adding:

(7) Solar Farms

Section VI. Amend Chapter 200, Zoning, §200-26, Criteria, D, The following conditions and criteria must be met...by adding (and renumbering accordingly):

24. Solar Farms

- (a) The minimum lot size for the placement of a solar farm shall be twenty acres of land, which may be rented, leased or owned by the provider, and which is further located on a parcel of land where no other specially permitted use (or a previously issued conditional use permit) exists.
- (b) Not more than one solar farm shall be permitted on any parcel of land.
- (c) The minimum setback for each solar farm from any property line shall be 200 feet.
- (d) No solar farm shall exceed 16 feet in height above finished grade.
- (e) No solar farm shall be erected within a federal or state designated freshwater wetland or within any protected buffer area thereto, within a federal designated area of special flood hazard, on a slope greater than 15% or on a site which has been determined to possess important scenic vistas.
- (f) Any cutting of live trees which exceed four inches in diameter, measured at a height of four feet above ground, to provide for the placement of a solar farm shall first be approved by the Planning Board, in consultation with the Environmental Conservation Board, as part of any preliminary site plan application. Clear-cutting of trees beyond what is deemed necessary by the Planning Board to install and maintain the solar farm shall be prohibited.
- (g) A minimum radius of 2,000 feet shall be maintained between any proposed solar farm and any existing solar farm, whether located in the Town or in an adjacent municipality.
- (h) All solar farms shall be enclosed by a fence not less than eight feet in height above ground level. The fence shall contain adequate security measures along the top of the fence to deter site vandalism.
- (i) No solar farm shall contain any signage except that identifying a health, safety or general welfare message, including but not limited to the owner of the solar farm, an emergency telephone number and solar farm site identification (i.e., solar farm number) and address.
- (j) Each solar farm and accessory structure(s) shall be adequately screened from any adjacent property and public right-of-way. To accomplish this screening, at least one row of native evergreen shrubs or other screening acceptable to the Planning Board which is capable of forming a continuous hedge at least 16 feet in height within two years of planting shall be required and maintained. This minimum screening requirement may be waived if the Planning Board determines that some other suitable screening already exists.
- (k) All utility connections shall, to the greatest extent practical, be buried. This requirement may be waived, in whole or in part, by the Planning Board, if, in its opinion, such underground facilities would be impractical due to natural conditions.

- (l) If a solar farm becomes obsolete, or not used for a period of 90 days for the purpose specified in the original approval, the solar farm shall be dismantled and removed from the site at the owner's expense within 30 days of receipt of written notice from the CEO and based upon the Planning Board declaration to the effect specified herein. All special use permits and site plan approvals shall expire as of the date of abandonment of the facility. The applicant and/or the property owner shall be required to restore the site to the condition then existing on the approval date of the initial special use permit, absent grading and landscaping required above.
- (m) The applicant shall provide the Town with an automatically renewing security bond which shall be in an amount adequate to guarantee that the solar farm and related site facilities are built, maintained and can be removed in accordance with the conditions imposed by the Town in the special use permit. Said security bond shall be in a form and of a sufficient amount which is subject to approval of the Town Attorney and Town Supervisor. Said amount shall be established upon consultation with the Town Engineer.
- (n) Access to solar farm and facilities shall be obtained from a public right-of-way.
- (o) Each application for a special use permit and site plan approval for a solar farm facility shall be accompanied by a plan which shall reference all existing solar farm facilities that are either located within the Town or whose area extends into the Town. Included in the plan shall be:
 - [1] A report from a licensed professional engineer shall be submitted, which shall:
 - [a] Describe the need for the facilities on the proposed site in the Town, the solar farm and facilities designs and the intended use.
 - [b] Describe the appropriateness of the proposed site, including factors such as the following:
 - [i] Availability of alternative, less intrusive sites.
 - [ii] Physical site features and general neighborhood character, present and future use of the site and the density of development within 2,000 feet of the site.
 - [iii] Distance from existing and planned residential structures and public rights-of-way.
 - [iv] Suitability and adaptability of the site for the proposed structure, considering, for example, site topography, natural buffers, screening and security fencing.
 - [v] Noise, glare, vibration, electrical disturbance or other objectionable consequences of the propose installation and operation of the facility.
 - [2] A complete environmental assessment and visual summary which includes:
 - [a] How the facilities can be blended with the view shed, including any attempts at camouflage.
 - [b] Computer-enhanced photo simulations of the site proposed solar farm, both before and after construction, from all adjacent public rights-of-way.
 - [3] All building permits for the erection and maintenance of a solar farm facility must be obtained within six months of the date of approval of a special use permit, and construction must be completed within 12 months of such approval. The special use permit shall expire in the event that either of these conditions have not occurred within the time periods specified herein.

Section VII. Repealer.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section VIII. Effective Date.

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

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

AMBULANCE – DISCUSSION

The Board discussed the Village ambulance service and the Town's relationship to it.

TOWN HALL – FURNITURE AND LECTERN PURCHASE***(Resolution 17-134)***

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to authorize the Supervisor to purchase furniture and a lectern for the Town Hall, in an amount not to exceed \$1,600.00.

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

COMMUNITY CENTER – LECTERN PURCHASE***(Resolution 17-135)***

A motion was made by Mr. Hagreen, seconded by Mr. Dubois, to authorize the Supervisor to purchase a lectern for the Community Center, in an amount not to exceed \$400.00.

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

HIGHWAY DEPARTMENT – SLIDEIN SALTER – AUTHORIZATION TO BID***(Resolution 17-136)***

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to authorize the Highway Superintendent to solicit and receive bids to be opened at 2:00PM, Wednesday, May 31, 2017, at the Mendon Town Hall, for a new slide-in salter to be used in the new 6-wheel dump truck currently on order.

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

HIGHWAY DEPARTMENT – TREE REMOVAL – AUTHORIZATION TO CONTRACT***(Resolution 17-137)***

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to authorize the Highway Superintendent to enter into an agreement with Terry Tree Service LLC to remove trees along Taylor Road and Chambord Drive, for a cost not to exceed \$9,260.82, to be paid from account DB5140.400.

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

HIGHWAY DEPARTMENT – NYS SNOW AND ICE AGREEMENT - AUTHORIZATION***(Resolution 17-138)***

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to authorize the Supervisor to enter into an agreement with New York State regarding snow and ice control. The previous agreement was rejected by the Attorney General's Office.

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

PROPOSED LOCAL LAW – CHAPTER 200 AMENDMENT – ESTABLISH PUBLIC HEARING***(Resolution 17-139)***

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to hold a public hearing at 7:30PM, or as soon thereafter as said hearing can be convened, Monday, June 12, 2017, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, to discuss a proposed local law regarding allowing so called "secondary structures" on parcels without a primary structure.

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

PROPOSED LOCAL LAW – SOLAR FARM ASSESSMENT OPT-OUT – ESTABLISH PUBLIC HEARING***(Resolution 17-140)***

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to hold a public hearing at 7:30PM, or as soon thereafter as said hearing can be convened, Monday, June 12, 2017, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, to discuss a proposed local law regarding opting out of New York State regulations that allow tax breaks for Solar Farms, Wind Energy Systems, or Farm Waste Energy Systems.

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

BUILDING/ASSESSMENT CLERK PART-TIME – APPOINTMENT***(Resolution 17-141)***

A motion was made by Mr. Roberts, seconded by Mr. Dubois, to hold appoint Bruce R. Fullerton to the position of Building/Assessment Clerk Part-Time, effective immediately, term to expire December 31, 2017.

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

USE OF ATHLETIC FIELDS***(Resolution 17-142)***

A motion was made by Mr. Hagreen, seconded by Mr. Roberts, to accept the application, proof of insurance and fee from the Honeoye Falls Blaze Travel Soccer Club, to use the Town's rectangular fields as per their submitted schedule, May 16, 2017 to July 25, 2017.

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

PURCHASE OF BOOK BY LOCAL AUTHOR TO OFFER FOR SALE – DISCUSSION***(Resolution 17-143)***

A motion was made by Mr. Dubois, seconded by Mr. Roberts, to purchase a supply of My Heroes and Their Stories of Survival, by local author Patrick J. Bastow, DDS., for an amount not to exceed \$200.00, so it can be offered for sale in the Town Hall. A portion of the proceeds of the sale of the book are slated to be donated to Veterans organizations by the author.

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

PUBLIC COMMENT

Paul Heaney, 364 Lanning Road, commented on the sale of the local author's book.

Dr. O'Donoghue commented on the Village's ambulance service.

Mrs. Heaney commented on the Village's ambulance service.

Mr. Sheidlower commented on the Village's ambulance service.

ADJOURNMENT***(Resolution 17-144)***

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to adjourn the meeting at 8:23PM.

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