

A regular meeting of the Mendon Town Board was held at 7:00PM, Monday, July 16, 2018, 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

RECORDING SECRETARY: Bonnie M. Toomey

OTHERS PRESENT: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr. *Town Attorney*, Brent Rosiek, *Planning Board*, Daniel Bassette, *Zoning Board of Appeals*; and approximately twenty-five other people.

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

AGENDA
(Resolution 18-169)

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to adopt the agenda with the following amendments: add new No. 20, "Terry Tree Service - Contract," and renumber accordingly.
Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

PUBLIC COMMENT

Charles F. Ryan II, President of RYAN homes, inc., commented on the Mendon Green project.

Jerry Watkins, Riedman Companies, commented on the proposed Mendon Green development.

Joe Ryan, Pittsford, commented on the proposed Mendon Green development.

Robert B. Koegel, attorney for Riedman Companies and Pittsford Town Attorney, commented on the proposed Mendon Green development.

Kristine M. Matteson, 864 Pittsford Mendon Road, commented on the proposed Mendon Green development.

David Riedman, President of Riedman Associates, commented on the proposed Mendon Green development.

Mr. Ryan commented further on the proposed Mendon Green development.

COMMUNICATIONS

Town Clerk's Office

Mrs. Toomey reported on the upcoming DEC license selling season, and the state's Charitable Reserve Fund legislation.

Highway Superintendent

Mr. Smith read and distributed his report to the Board

Town Board

Mr. Roberts reported on the Planning Board.

Mrs. Carroll reported on the Library Board of Trustees.

Mr. Dubois reported on his ideas for a youth center at 15 Monroe Street.

Mr. Hagreen reported on the former GM facility in the Village of Honeoye Falls.

Supervisor

Supervisor Moffitt reported on the Library Board of Trustees; ambulance billing; Summer Recreation; Mendon Green; air conditioning at the ambulance building; the roof at 15 Monroe Street; interior projects at the Library building; the Town Hall windows; concrete in front of the Town Hall; water district bond; and a job fair in August.

SUPERVISOR'S MONTHLY REPORT

(Resolution 18-170)

A motion was made by Mr. Dubois, seconded by Mr. Hagreen, to acknowledge receipt of the Supervisor's Monthly Report for June 2018.

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

TOWN CLERK'S MONTHLY REPORT

(Resolution 18-171)

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to acknowledge receipt of the Town Clerk's Monthly Report for June 2018, showing receipts and disbursements in the amount of \$4,754.00.

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

MINUTES

(Resolution 18-172)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to approve the minutes of the regular meeting held on June 11, 2018, as presented.

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

BUDGET ADJUSTMENTS/TRANSFERS

(Resolution 18-173)

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to approve the following budget action to fund work on the Semmel Road Tennis Courts:

Increase the expenditures in A7110.3R (Semmel Road Sports Facility Improvements Reserves) by \$12,000 and increase revenues with appropriated Reserves from Parkland Deposits at CNB by \$12,000.

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

VOUCHERS

General Abstract

(Resolution 18-174)

A motion was made by Mr. Hagreen, seconded by Mr. Dubois, to approve all claims on vouchers numbered 18-297 to 18-344, on General Abstract 18-07, in the amount of \$75,283.66.

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

Highway Abstract

(Resolution 18-175)

A motion was made by Mr. Hagreen, seconded by Mrs. Carroll, to approve all claims on vouchers numbered 18-157 to 18-187, on Highway Abstract 18-07, in the amount of \$14,273.97.

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 7:38PM, Monday, July 16, 2018, 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

RECORDING SECRETARY: Bonnie M. Toomey

OTHERS PRESENT: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr. *Town Attorney*, Brent Rosiek, *Planning Board*, Daniel Bassette, *Zoning Board of Appeals*; and approximately twenty-five other people.

Supervisor Moffitt called the public hearing to order at 7:38PM.

The public hearing was held for the purpose of considering a local law to amend Chapter 200 "Zoning," in regards to regulating Permanent Farm Markets.

Public Comment

Tim Pryor, 888 Pittsford Mendon Center Road, spoke concerning regulation with a strong, rational basis.

Deric West, 130 Sibley Road, spoke in favor of the proposed legislation.

Jenny Lundberg, Monroe County Farm Bureau President, read and distributed a letter stating that her organization opposes to the proposed legislation.

Gunhilde Buchsbaum, 140 Amann Road, spoke against the proposed legislation.

Jerard Brush, Pittsford, spoke against the proposed legislation.

Michelle Weiler, 270 Quaker Meeting House Road, spoke against the proposed legislation.

Gordon Goodman, 140 Amann Road, spoke against the proposed legislation.

Daniel Bassette, 20-1 East Street, via email:

"On the topic of Farm Markets: I believe the code as suggested goes too far and will cause worse problems then it is attempting to resolve. I would suggest either changing the verbiage or making no code changes at this time.

On the square footage limitation: I believe this is an appropriate regulatory method. Keeping the footprint low will prevent common 'store' functions, without needlessly burdening the farmer.

As to the 'grown in town' aspect, this seems problematic to me. For example, say I owned (and farmed) a parcel of land on the Town's border.

And I also farmed an adjoining parcel in a neighboring town. As I read the proposed code, I would be unable to sell the produce I can literally see next door, at a market in the town.

This takes the idea of 'locally grown' too far. A farmer will want to sell their own produce, it is the point of the farming. But if they need to subsidize their income with other produce, let them.

It seems a more reasonable limitation here would be something along the lines of 'only produce grown within upstate new york may be sold'. While this would effectively cover half the state, it would exclude the rest of the world. Thus relatively local.

Having said all of that, I think a better restraint on farm markets is 'majority of produce, on an annual basis, is grown by owner'. If the farmer wants/needs to sell something else, whatever it may be, so be it. So long as most of their product is their own produce.

Accordingly, below is proposed verbiage (a is unchanged, c is changed):

(a) Such structures shall not exceed 2,400 square feet of floor area.

(c) The majority of products displayed and sold, on an annual basis, must be grown in upstate New York by the operator of the farm market.

If 'majority' is believed to be too much, the ratio could be changed. 'At least 20% of products', 'At least 80% of products', or whatever percentage the Board feels is the dividing line between 'a FARM with a market on the side' and 'a farm that is inside a MARKET'.

That being said, I believe the proposed change will have a negligible impact on the aspect of farm markets that has recently brought them before both the Planning and Zoning Boards. Which is to say: the definition of 'farm market' is weak, and why they are allowed is not explained.

What, exactly, is an 'agricultural and nursery products'? Apples grown on site? Seeds for apple trees? Saplings grown on site? Saplings that did not originate on site, but have been there (and growing) for a month or more? Baskets, which were not grown or manufactured on site, to hold the apples that were? At which point, the door is now open to a world of related items, not grown on site but related to that which is. Apple peelers? Slicers? Blenders? At what point do shirts (for example) with the farms logo/image fit in?

Likewise, if 'commercial activity' is undesirable within RA districts, why are "Markets" of any sort allowed, even temporarily? Yet they are (with conditions), so clearly a degree of commerce is acceptable. Where then is the line between 'acceptable' commerce, and 'unacceptable'? Because it's all commercial activity. Are particular products 'bad'? Or is it the amount of product which is not grown by the farmer? Some other qualifier?

In many ways, this is the cell tower argument. We may not want a cell tower anywhere we can see it, but since we 'need' (should be want, but that is a different issue) our cell phones, we have given up the option to refuse the supporting infrastructure. Argue on the precise details, yes. Outright deny, no longer an option.

Similarly, as we all need food, and food comes from farms, we need farms. As such, we have given up the option of denying farms their necessary supporting infrastructure. This does leave the question of exactly what infrastructure is truly 'necessary'. As food is even more of a requirement for life than a cell phone, the farmer should be granted even greater leeway.

If a farmer believes the ability to sell items he did not grow on his farm is essential for his continued farming, then (despite any personal opinions) we should allow it, as our continued existence requires food. But should a farmer end up in the position of primarily selling things he has not produced, then he has become a "market" first, and a "farm" second. In which case, he no longer deserves the special treatment he once had.

In the end, the 'market' that is created by all of us making our daily decisions will react faster than the zoning code ever can. So do we minimize regulatory impact, to allow those closest to the situation to act in their best interests? Or do we impose a burden on those doing business, by taking options out of their hands? There is a balance, and maintaining it is difficult. We don't want those that would take advantage of lenient laws, but nor do we want to scare away beneficial uses. I would not want to put a farmer in the position where they feel their only option is to sell to a developer and move to greener pastures, as this leaves Mendon with fewer farms, and by extension, less locale produce. Which brings me back to the default stance of, 'that which governs least, governs best.'"

Brent Rosiek, 987 Mile Square Road, via email:

"With regards to the proposed Permanent Farm Market (PFM) Law:

1. The PB has differing opinions on the proposed law.
2. The first viewpoint voiced was if the Town Board wishes to allow ancillary items to be sold, a definition of ancillary needs to be added to the code and Agricultural Products should be better defined.
3. One view point voiced is the PFM should have leeway to adjust their business plans to include ancillary items to augment sales of their agricultural business.

- 4. Another view point voiced is the PFM should be allowed to source agricultural products from other Local farms to meet the demands of their customers.
- 5. The final viewpoint voiced is perhaps the Town Board consider addressing the PFM issue with Area Requirements and more restrictive setbacks and buffers than residential setbacks, similar to businesses within a Business or Industrial District which borders a residential, or possible future residential area.”

(Resolution 18-176)

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to close the public hearing at 7:57PM. 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 8:00PM, Monday, July 16, 2018, 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

RECORDING SECRETARY: Bonnie M. Toomey

OTHERS PRESENT: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr. *Town Attorney*, Brent Rosiek, *Planning Board*, Daniel Bassette, *Zoning Board of Appeals*; and approximately twenty-five other people.

Supervisor Moffitt called the public hearing to order at 8:00PM.

The public hearing was held for the purpose of considering a local law to amend Chapter 200 “Zoning,” in regards to regulating Roosters.

Public Comment

Carol Mulligan, 163 Sibley Road, spoke against the proposed legislation.

Tim Pryor, 888 Pittsford Mendon Center Road, spoke against the proposed legislation.

Gunhilde Buchsbaum, 140 Amann Road, spoke against the proposed legislation.

Gordon Goodman, 140 Amann Road, spoke against the proposed legislation.

Dimitri Stefanou, 6 Country Meadows Drive, spoke against the proposed legislation.

Jenny Lundberg, Monroe County Farm Bureau President, spoke against the proposed legislation.

Michelle Weiler, 270 Quaker Meeting House Road, spoke against the proposed legislation.

Louie Meader, 180 Sibley Road, spoke against the proposed legislation.

Daniel Bassette, 20-1 East Street, via email:
“On the topic of Roosters: I have no real opinion. I can see the positive in decreasing noise, but also the positive in allowing residents to use the property they own. Which leaves me at the default stance of, 'that which governs least, governs best.'”

Brent Rosiek, 987 Mile Square Road, via email:

“With regards the proposed Rooster(s) Law:

1. The PB believes the proposed law should specify "Chicken Roosters" as it was discussed other fowl, such as pheasants, are also referred to as roosters.
2. The PB has also discussed if a broader zoning discussion is required to address the Rural/Agricultural (RA) zoning designation. Areas which still carry the RA designation which maybe better served by the Rural/Suburban (RS) designation include Windham Hill, Topspin Drive, Surrey Hill, Mendonshire, and many others.
3. Perhaps the Town Board consider addressing the Rooster issue with Area Requirements and nuisance complaints, similar to barking dogs.”

(Resolution 18-177)

A motion was made by Mr. Dubois, seconded by Mr. Hagreen, to close the public hearing at 8:20PM.

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

ZONING CLASSIFICATION OF PROPERTIES 192.04-1-1.2 AND 192.04-1-1.3

Town Attorney Boyce explained the following: The Town has received a Subdivision Sketch Plan Application for a 95 lot residential subdivision on tax parcels 192.04-1-1.2 and 192.04-1-1.3. These parcels were conditionally rezoned from RA-5 to PUD on November 8, 2004; the condition being the completion of the entire final site plan approval process for the project (Mendon Town Board Resolution 04-440). Further, relevant provisions of the Town Code provide that approval of a PUD is conditioned upon final site plan approval. The original developer willfully did not fulfill all of the conditions of final site plan approval for that project, including, but not limited to, failure to post a letter of credit and failure to pay the recreation fees, such that the final site plan was not approved. Further, even if final site plan approval had been granted, final site plan approval expires after one (1) year unless substantial work is completed, and in fact, no work was completed. This condition placed on the zoning classification change has recently come to light due to the extensive research made necessary by the ongoing and intensive discussions with the new owner and the Town of Pittsford concerning the new project. Therefore, the two parcels remain zoned RA-5. The Town Board discussed this issue with the Attorney for clarification.

SEMMELE ROAD TENNIS COURTS RENOVATION PROJECT – TOWN WORK

(Resolution 18-178)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to approve the Highway Department preparation work for the replacement of the Semmel Road Tennis Courts, consisting of the removal of fencing and blacktop, at a cost not to exceed \$2,600.00, to be paid from account A77110.100.

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

SEMMELE ROAD TENNIS COURTS RENOVATION PROJECT – QUOTE FOR OTHER WORK – ACCEPTANCE

(Resolution 18-179)

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to accept the cost estimates for the completion of the Semmel Road Tennis Court replacement submitted by the Highway Superintendent and to proceed with the project, at a total cost not to exceed \$62,000.00 to be paid from account A7110.300.

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

15 MONROE STREET – INTERIOR CLEAN UP AND MOLD REMEDIATION – PREPARATION OF RFP

(Resolution 18-180)

A motion was made by Mr. Roberts, seconded by Mr. Dubois, to authorize the Supervisor to prepare a Request for Proposal for the Interior Clean Up and Mold Remediation at 15 Monroe St. based on the Mold Assessment and Sampling prepared by Lozier Environmental Consulting, Inc. and dated July 10, 2018.

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

15 MONROE STREET ROOF REPLACEMENT – CHANGE ORDER***(Resolution 18-181)***

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to approve the following Change Orders submitted by J&B Installations, Inc., and reviewed and approved by Labella, for the 15 Monroe Street Roof Replacement Project:

Change Order 1 – Metal Deck Repair \$427.50

Change Order 2 – Custom Under Deck Clamp Installation \$911.10

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

DECLARATION OF SURPLUS – ITEMS IN 15 MONROE STREET***(Resolution 18-182)***

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to declare the following items at 15 Monroe Street as surplus, and authorize their disposition: bookshelves and other unusable items with no value.

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

ASSOCIATION OF TOWNS TRAINING – CHARITABLE RESERVE FUNDS – ATTENDANCE APPROVAL***(Resolution 18-183)***

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to approve the attendance of Town Clerk/Receiver of Taxes James P. Merzke at Regional Charitable Reserve Funds Training, presented by the Association of Towns, at the Manlius Town Hall, Manlius, New York, on Tuesday, July 17, 2018, from 5:00PM-6:30PM. All legal and necessary expenses to be reimbursed. There is no cost for the training.

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

TERRY TREE SERVICE – CONTRACT***(Resolution 18-183)***

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to authorize the Highway Superintendent to contract with Terry Tree Service for the removal of trees along Quaker Meeting House Road, Chamberlain Road, Mendon Center Road, and the Library building parking lot. Total cost not to exceed \$2,797.61 to be paid from account DB5140.400 and \$227.46 to be paid from account A1620.421.

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

PUBLIC COMMENT

Robert B. Koegel, attorney for Riedman Companies and Pittsford Town Attorney, commented on the proposed Mendon Green development.

Kristine M. Matteson, 864 Pittsford Mendon Road, commented on the proposed Mendon Green development.

Charles F. Ryan II, President of RYAN homes, inc., commented on the Mendon Green project.

ADJOURNMENT***(Resolution 18-185)***

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to adjourn the meeting at 9:00PM.

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

*Minutes prepared by James P. Merzke, Town Clerk.
Meeting notes taken by Bonnie M. Toomey,
Deputy Town Clerk.*