

A regular meeting of the Mendon Town Board was held at 7:00PM, Monday, September 10, 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

TOWN CLERK: James P. Merzke

OTHERS PRESENT: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr. *Town Attorney*, Gary Loope, *Highway Clerk*, Daniel Bassette, *Zoning Board of Appeals*; and one other person.

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

AGENDA

(Resolution 18-202)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to adopt the agenda with the following amendments: add new No. 21, "15 Monroe Street – Mold Mitigation Contract," and renumber accordingly. Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

PUBLIC COMMENT

Charles Ryan, former developer of Mendon Green, commented on the Mendon Green project.

COMMUNICATIONS

Town Clerk

Mr. Merzke reported on school tax collections and DEC license sales. He also reported that the Supervisor has filed the 2019 Tentative Town Budget in his office, in compliance with law.

Highway Superintendent

Mr. Smith read and distributed his report to the Board

Town Board

Mrs. Carroll reported on the Highway Department salt barn and the Comprehensive Plan update.

Mr. Dubois reported the Tentative Budget and ideas concerning using 15 Monroe Street as a youth center.

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

Supervisor

Supervisor Moffitt reported on the 15 Monroe Street roof; Town Hall windows; the salt barn; second quarter sales tax; the Monroe County in Bloom project; the ambulance and fire protection budgets from the Village; the Tentative Budget; the Town Hall door; a potential County CDBG grant for the restrooms at 15 Monroe Street; the Mendon Foundation race; a Comptroller’s webinar; the water district bond sale; the Carriage Street properties in the Village; communications he has received regarding the Mendon Green project; and an ad for vacancies.

SUPERVISOR'S MONTHLY REPORT***(Resolution 18-203)***

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

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

TOWN CLERK'S MONTHLY REPORT***(Resolution 18-204)***

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to acknowledge receipt of the Town Clerk's Monthly Report for August 2018, showing receipts and disbursements in the amount of \$6,156.00.

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

MINUTES

The Town Board had none to consider.

BUDGET ADJUSTMENTS/TRANSFERS***(Resolution 18-205)***

A motion was made by Mr. Hagreen, seconded by Mrs. Carroll, to approve the following budget adjustments:

To	A1110.410	Justices Travel/Dues	\$50.00
From	A1110.420	Justices Reference	\$50.00
To	A5132.3	Garage Improvements	\$7,300.00
From	A5132.2	Garage Equipment	\$7,300.00
To	B7450.4	Hist. Soc. Museum Utilities	\$30.03
From	B8020.41	Planning Engineering	\$30.03
To	A1620.417	Maintenance	\$5,000.00
From	A1620.427	Improvements	\$5,000.00

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

VOUCHERS**General Abstract*****(Resolution 18-206)***

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to approve all claims on vouchers numbered 18-384 to 18-420, on General Abstract 18-09, in the amount of \$44,710.22.

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

Highway Abstract***(Resolution 18-207)***

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to approve all claims on vouchers numbered 18-216 to 18-245, on Highway Abstract 18-09, in the amount of \$103,988.83.

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 7:23PM, Monday, September 10, 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

TOWN CLERK: James P. Merzke

OTHERS PRESENT: William E. Smith, *Highway Superintendent*; Sheldon W. Boyce, Jr. *Town Attorney*, Gary Loope, *Highway Clerk*, Daniel Bassette, *Zoning Board of Appeals*; and one other person.

Supervisor Moffitt opened the public hearing at 7:23PM.

The public hearing was being held for the purpose of considering a local law that is a recodification of the Town Code

Public Comment

Charles F. Ryan, II, President RYAN homes, inc., submitted the following:

“Ladies and Gentlemen:

For tonight’s public hearing on the above referenced topic, we respectfully refer you to Attorney Koegel’s letter of September 6, 2018 which details our legal position.

In addition, the latest Comprehensive Plan Update, which zoning regulations must follow, embraces PUD development (see our letter to the Town Board of July 16, 2018). So, the Town can’t abolish PUD zoning until its comprehensive Plan *rejects* PUD development, which is an anti-environmental position.

Finally, the Recodification presents an opportunity to “correct the zoning glitch” and address “environmental and related concerns” referred to in the attached excerpt from a memo dated March 10, 2004 from Land Planner Randall Arendt to the Town Board. Now is the time to add a classification that would allow for higher densities only where sanitary sewers are available.

Thank you for your consideration.”

Supervisor Moffitt referred to communications he received from a Robert King and a Robert Koegel.

Mr. Merzke submitted the following comments received via email from Dave Engel, 16 Old French Road:

“RE: Comments on Draft Town Code Provisions Relating to Permanent Farm Markets and Roadside Produce Stands

Dear Jim,

I reviewed the August 2018 draft Town Code and have a few comments relating to provisions applicable to Permanent Farm Markets (“PFMs”) and Roadside Produce Stands (“RPS”). Although I serve on the Town’s Planning Board, I am submitting these comments as a Town resident, not in my capacity as a Planning Board member. None of my comments are intended to change the structure or the proposed

approach to regulate these activities; all of the comments are intended to address what I believe are ambiguities in certain draft Code language relating to these provisions.

A. Section 5.4 General Definitions

1. Add definition of “agricultural products.” The PFM provision in draft Code section 260-43, the definition of “Farm Markets, Permanent or Temporary” in section 5.4 and the RPS section (section 260-13(C)(4)) all use the term “agricultural products.” However, that term is not defined in either the existing Code or the draft Code. A definition will reduce confusion over what items may and may not be sold at PFM and RPS. The NY Direct Marketing Association’s Model Zoning for Roadside Stands and Farm Markets contains a definition of “agricultural products,” a portion of which (quoted below) could be added to the Code to define that term. (The entire definition can be found at https://www.farmlandinfo.org/sites/default/files/New-York-Direct-Marketing-Association-Model-Zoning-for-Roads_1.pdf . I deleted from the Model Zoning definition the language relating to livestock and aquaculture products.)

Crops, including, but not limited to the following: a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans. b) Fruits, including apples, peaches, grapes, cherries and berries. c) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions. d) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers. e) Milk, eggs. f) Maple sap. g) Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.

Without an “agricultural products” definition such as what I suggest above, PFM applicants and PFM and RPS operators may argue that agricultural-related products, including such items as ice cream, cider and donuts, coffee, fruit pies and other baked goods containing fruit may be sold at PFM and RPS. The addition of a definition would provide clarification to PFM and RPS operators, Town enforcement officials, and Planning Board members when those members consider future PFM applications.

An argument could be made that the reference to “agricultural products principally grown” implies that all items sold at PFM and RPS must be “grown.” However, a counter argument could be made this language does not require all products sold at PFM and RPS to be “grown” because the definition includes the term “principally.” The addition of a definition of agricultural products to the Code likely would preclude this argument.

2. Modify draft definition of “Farm Markets, Permanent or Temporary” to delete the word “Temporary.”

The draft Code contains a definition of “Farm Markets, Permanent or Temporary” that reads:

“Markets for the sale of seasonal agricultural products principally grown by a farmer on his/her farm operation, which could include a number of parcels owned or leased by that farmer throughout the Town, county or the state. The Town considers all such land, when it is located within a county-adopted state certified agricultural district, as part of the farm operation.”

I did not locate any provision in the draft Code relating to “temporary” farm markets. Therefore, I suggest that the word “temporary” be removed and the definition read “Permanent Farm Markets.” Note that a RPS could be construed as “temporary,” but the draft Code requirements for RPS differ substantially from the requirements applicable to PFM (compare section 260.13(C)(4) with section 260-43). Thus, the draft Code does not consider an RPS to be a “temporary” farm market.

B. Section 5.4 General Definitions and Section 260.13(C)(4)—What is “Principally”?

Modify draft definition of “Farm Markets, Permanent or Temporary” and “Roadside Produce Stands” to define what “principally” means. Both the draft definition of “Farm Markets, Permanent or Temporary” and Section 260.13(C)(4) relating to RPS use the term “principally.” That term is not defined in the draft Code, is likely to be difficult to enforce, and will create uncertainty with operators of these facilities. Does it mean that “most” of the products sold at PFM and RPS must be grown by the farmer on his/her operation? Is that more than 50%; more than 75%? And what time period will be used to determine compliance; is it at any point in time, averaged over a week, a month or an entire year?

C. Section 260.13(C)(4)—RPS Provision—Delete “Produce”

Modify the RPS provision to delete “produce.” Section 13(C)(4) addresses RPS and states:

“Roadside produce stands of a nonpermanent nature (movable and temporary) for the sale of seasonal agricultural products principally grown on the premises by the operator, under the following conditions:”

I recommend deleting “produce” because that term is not defined in the draft Code and its presence in the same section as “agricultural products” creates confusion. Alternatively, the section could be changed to read:

“Roadside agricultural products ~~produce~~ stands of a nonpermanent nature (moveable and temporary) for the sale of seasonal agricultural products principally grown on the premises by the operator, under the following conditions:”

D. Section 260-43--Permanent Farm Market Provision—Clarifications

The Special Use Permit section of the draft Code contains a provision relating to PFM. It states:

“Permanent structures for the display and sale of agricultural and nursery products are subject to the following provisions:

- A. One structure shall be devoted to sale of produce. Said structure shall not exceed 2,400 square feet of floor area.
- B. Such structures shall conform to the minimum setback requirements for accessory buildings.”

I suggest that this provision be revised as follows:

“Permanent structures for the display and sale of agricultural ~~and nursery~~ products are subject to the following provisions:

- A. Only one structure per premises shall be devoted to sale of agricultural products ~~produce~~. Said structure shall not exceed 2,400 square feet of floor area.
- B. Such structures shall conform to the minimum setback requirements for accessory buildings.”

I recommend deleting “nursery” because the definition of agricultural products that I suggest and that is discussed above includes nursery products and therefore the inclusion of “nursery” in the PFM provision would be redundant. I recommend adding “per premises” to make clear that only one PFM may be located on any one parcel (“premises” is defined in draft Code Section 5-2). I recommend deleting “produce” because that term is not defined in the draft Code and its presence in the same section as “agricultural products” creates confusion.

Thank you for your consideration of these comments.”

The Board discussed the areas of roosters, PUDs and permanent farm markets. A consensus was reached that a minimum of three (3) acres would be required to have a rooster, with a 150 foot setback for any structure housing a rooster from a property line. Supervisor Moffitt stated that the 2004 response from Monroe County concerning the Town’s proposed PUD regulations stated that it did not meet the Town’s own legislation.

(Resolution 18-208)

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to close the public hearing at 7:49PM. Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mr. Roberts, Aye; Mr. Moffitt, Aye.

2019 TENTATIVE TOWN BUDGET – PRESENTATION

Supervisor Moffitt presented his 2019 Tentative Town Budget to the Town Board.

FIRE PROTECTION DISTRICT CONTRACT – ESTABLISH PUBLIC HEARING

(Resolution 18-209)

A motion was made by Mr. Hagreen, seconded by Mr. Dubois, to hold a public hearing to consider renewing the contract with the Village of Honeoye Falls to provide fire protection in 2019 for the Mendon Fire Protection District #1, 7:00PM, or as soon thereafter as said hearing can be convened, Monday, October 15, 2018, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY. The cost of the proposed contract is \$166,210.25.

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

2019-2024 CAPITAL IMPROVEMENT PROGRAM – ESTABLISH PUBLIC HEARING

(Resolution 18-210)

A motion was made by Mrs. Carroll, seconded by Mr. Roberts, to hold a public hearing to consider the 2019-2024 Capital Improvement Program, 7:00PM, or as soon thereafter as said hearing can be convened, Monday, October 15, 2018, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.

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

AMBULANCE BUILDING – REPLACEMENT OF INTERIOR LIGHTING – CONTRACT ENGINEER

(Resolution 18-211)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to authorize the Supervisor to enter into an agreement with LaBella, related to the upgrade of the lighting in the Ambulance Facility, 220 East Street, Honeoye Falls, NY, for services detailed in their Proposal No. P1803483, dated July 23, 2018, at a cost not to exceed \$21,000.00 to be paid from account B4540.410.

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

COMPREHENSIVE PLAN UPDATE – CONTRACT CONSULTANT

(Resolution 18-212)

A motion was made by Mr. Roberts, seconded by Mr. Hagreen, to authorize the Supervisor to enter into an agreement with LaBella to provide services related to the Comprehensive Plan Update according to their proposal dated November 13, 2017, at a cost not to exceed \$20,980.00 to be paid from the 2019 Town Budget account B8023.440. This resolution is subject to the approval of the 2019 Final Town Budget.

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

COMPREHENSIVE PLAN UPDATE – ESTABLISH COMMITTEE***(Resolution 18-213)***

A motion was made by Mr. Roberts, seconded by Mr. Dubois, to

BE IT RESOLVED by the Town Board of the Town of Mendon, duly assembled:

1. There is hereby established the Comprehensive Plan Citizen Advisory Committee. The charge of this committee is to make recommendations to the Town Board for amendments to the Comprehensive Plan of the Town.
2. The Committee shall consist of nine members to be appointed by the Town Board. Members shall serve at the pleasure of the Town Board, and all vacancies shall be filled by the Town Board. One member shall be appointed from each of the following categories: Planning Board member, Zoning Board member, Environmental Conservation Board member, Town Board member, Business Owner within the Town, Village Resident, Town outside Village resident, Historic Preservation Commission member, and At Large member. The Supervisor or his designee shall serve ex officio as a member.
3. If there is no member of the various Boards ready, willing and able to serve, that position shall be considered an At Large member.
4. The Town Board shall appoint a Chair and a Vice Chair of the committee, to serve at the pleasure of the Town Board.
5. Labella Associates shall be a professional advisor to the committee.
6. This resolution shall take effect immediately.

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

HIGHWAY DEPARTMENT – DISPOSITION OF BRUSH***(Resolution 18-214)***

A motion was made by Mr. Roberts, seconded by Mrs. Carroll, to authorize the Highway Superintendent to dispose of the brush stored at the Highway Department by contracting with Green Renewable Inc. at a price not to exceed \$12,250.00, to be paid from account DB5140.400. The Village of Honeoye Falls will be billed for 25% of the total.

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

HIGHWAY DEPARTMENT – RADIO COMMUNICATIONS – DISCUSSION

Highway Superintendent Smith presented the Board with a request to purchase a new radio system for the Highway Department and Code Enforcement Officer. He has found out that radio equipment may be purchased with CHIPS funding. The radio is in the Department's 2019 budget request, but he is asking that it be moved to 2018 and its purchase reimbursed with CHIPS funding. Supervisor Moffitt stated that it was provided for in the 2019 budget and would like to keep it there.

DECLARATION OF SURPLUS – HIGHWAY DEPARTMENT***(Resolution 18-215)***

A motion was made by Mr. Hagreen, seconded by Mrs. Carroll, to declare the following items as surplus and authorizes their disposition:

1. Box #1, Brake shoe kits.
2. Box #2, Large wire rope clamps.
3. Box #3, Misc. bulbs.
4. 2013 Ford, Pickup rear bumper.
5. Dump box lift jack.
6. 6 Harder salter doors.
7. 3 Grote plow lights.
8. 1 2014 Ford tailgate.
9. 2 Volvo cross members
10. 1 2016 Western Star front bumper.

11. 1 Harder 10 wheel salter spreader, missing id tag, last use in Tk #95 in 2014.

12. 1 large plastic wheeled tote.

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

15 MONROE STREET – MOLD MITIGATION CONTRACT

(Resolution 18-216)

A motion was made by Supervisor Moffitt, seconded by Mr. Hagreen, to authorize the Supervisor to enter into a contract with Jet Dry for mold mitigation at 15 Monroe Street, cost not to exceed \$17,000.00, and to be paid from account A1620.417.

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

PUBLIC COMMENT

Gary Loope, 21 Semmel Road, commented on the Mendon Green project.

ADJOURNMENT

(Resolution 18-217)

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to adjourn the meeting at 8:23PM.

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

Town Clerk