

The regular meeting of the Mendon Town Board was held at 7:00PM, Monday, December 13, 2021, at the Town of Mendon Falls Post #664 Community Center, 167 North 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>
	Karen R. Jenkins	}	

ABSENT: None

TOWN CLERK: James P. Merzke

OTHERS PRESENT: Sheldon W. Boyce, Jr., *Town Attorney*, Andrew Caschetta, *Highway Superintendent*, Michelle Booth, *Court Clerk*, Danny Bassette, *Zoning Board Chair*, Brent Rosiek, *Planning 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 21-246)

A motion was made by Mr. Dubois, seconded by Mrs. Carroll, 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 that school tax collection is complete, and Mrs. Booth, Town Clerk-Elect, has been working in his office and receiving training for the transition.

Town Board

Mrs. Jenkins reported on the Historic Preservation Commission.

Mrs. Carroll reported on the Library Board of Trustees.

Mr. Dubois reported on the Planning Board and the Environmental Conservation Board.

Supervisor

Supervisor Moffitt reported on the Mendon Business Association meeting; a Comptroller’s webinar concerning fund balance; the menorah lighting in the Village; Covid test distribution on Saturday; conference calls with the utility companies; information from the Town’s insurance carrier regarding cyber insurance; communications regarding Summer Recreation fees for next years; the purchase offer on 3808 Pittsford Mendon Road being rejected; a meeting with the Village ambulance; receipt of the AIM payment; the Fire Protection District Contract; and the upcoming review of the Ambulance Contract in January.

SUPERVISOR'S MONTHLY REPORT***(Resolution 21-247)***

A motion was made by Mr. Dubois, seconded by Mrs. Jenkins, to acknowledge receipt of the Supervisor's Monthly Report for November 2021.

Supervisor Moffitt reported that the Town has received 100% of its revenue and expenditures were at 68%.

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

TOWN CLERK'S MONTHLY REPORT***(Resolution 21-248)***

A motion was made by Mrs. Carroll, seconded by Mr. Hagreen, to acknowledge receipt of the Town Clerk's Monthly Report for November 2021, showing receipts and disbursements in the amount of \$7,296.00

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

MINUTES***(Resolution 21-249)***

A motion was made by Mrs. Jenkins, seconded by Mr. Hagreen, to approve the minutes of the regular Town Board Meetings held on September 13, 2021, September 27, 2021, and October 18, 2021, as presented.

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

BUDGET TRANSFERS/ADJUSTMENTS***(Resolution 21-250)***

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

From: A1620.407	Town Hall Gas	\$600.00
To: A1620.408	Town Hall Electric	\$600.00
From: A1310.401	Purchased Services	\$600.00
To: A1310.100	Director of Finance	\$600.00
From: A1620.407	Town Hall Gas	\$100.00
To: A1620.406	Town Hall Water	\$100.00
From: A1620.422 22	North Insurance	\$1000.00
To: A1620.421 22	North Building Maint.	\$1000.00
From: A5020.420	Safety Personal Physicals	\$1000.00
To: A5020.400	Safety Supplies	\$1000.00
From: B8020.42	Planning Stormwater	\$149.00
To: B8020.111	Planning Attorney	\$149.00
From: DB5112.4	Contracted Improvements	\$15,000.00
To:	Equipment Reserves	\$15,000.00
From: A1620.113	15 Monroe Staffing	\$8,000.00
To: A7110.4	Semmel Rd. Contractual	\$8,000.00
From: DB5130.2R	Equipment Reserves	\$15,000.00
To:	Equipment Reserves	\$15,000.00

TRANSACTION VOIDED FROM NOVEMBER 2021

The Board discussed the transfers.

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

VOUCHERS

General Abstract

(Resolution 21-251)

A motion was made by Mrs. Jenkins, seconded by Mr. Hagreen, to approve all claims on vouchers numbered 21-802 to 21-872, on General Abstract 21-12A, in the amount of \$59,946.74.

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

Library Abstract

Library vouchers numbered 21-149 to 21-175, on Library Abstract 21-12A, in the amount of \$28,305.88 were presented to the Town Board for payment.

JANUARY 2022 CONSULTANT FINANCE DEPT.

(Resolution 21-252)

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to contract with Mary Fletcher for service related to the Finance Dept. for the month of January 2022. Amount not to exceed \$ from account 2022 budget.

Supervisor Moffitt explained Finance Director Parmelee’s request. Mrs. Carroll agreed it made sense.

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

MCATSH MEMBERSHIP AND DUES

(Resolution 21-253)

A motion was made by Mrs. Jenkins, seconded by Mr. Dubois, to allow membership for Andrew Caschetta, Mendon Highway Superintendent, 2022 dues for the Monroe County Association of Town Superintendents of Highway. Not to exceed \$295.00 in the 2022 Budget, A5010.46

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

2022 NEWLY ELECTED SCHOOL TRAINING

(Resolution 21-254)

A motion was made by Mr. Hagreen, seconded by Mrs. Jenkins, to allow Brent Rosiek to attend virtual training for newly Elected Officials 2022. Not to exceed \$75.00, from account A1110.410 in the 2021 budget.

Supervisor Moffitt offered an amendment to include Michelle Booth. Mr. Hagreen and Mrs. Jenkins agreed.

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

A public hearing of the Mendon Town Board was held at 7:16PM, Monday, December 13, 2021, at the Town of Mendon Falls Post #664 Community Center, 167 North 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>
	Karen R. Jenkins	}	

ABSENT: None

TOWN CLERK: James P. Merzke

OTHERS PRESENT: Sheldon W. Boyce, Jr., *Town Attorney*, Andrew Caschetta, *Highway Superintendent*, Michelle Booth, *Court Clerk*, Danny Bassette, *Zoning Board Chair*, Brent Rosiek, *Planning Board Chair*, and approximately three other people.

Supervisor Moffitt opened the public hearing at 7:16PM.

The public hearing was held to consider a proposed local law concerning cannabis retail sales and on-site consumption.

PUBLIC COMMENT

Wy McBain, a Village of Honeoye Falls resident, spoke against the proposed opt-out legislation.

Brent Rosiek, 987 Mile Square Road, spoke in favor of the proposed opt-out legislation.

Supervisor Moffitt received correspondence from the following: Jane and Roger Greiten, in favor of opting out; Amy Bartell, in favor of opting out; Danny Bassette, in favor of opting out; and Jane and Jayme Towner, in favor of opting out.

(Resolution 21-255)

A motion was made by Mr. Dubois, seconded by Mrs. Carroll, to close the public hearing at 7:25PM. Adopted: Mrs. Carroll, Aye; Mr. Dubois, Aye; Mr. Hagreen, Aye; Mrs. Jenkins, Aye; Mr. Moffitt, Aye.

LOCAL LAW 21-04 – CANNABIS RETAIL AND ON-SITE CONSUMPTION

The Board discussed the proposed legislation and the comments received from the public. Mrs. Carroll stated that she has spoken to her neighbors, and no one was in favor of opting in. Mr. Dubois stated that this was not a moratorium on legal consumption. He does feel that he is not comfortable opting in until the state clarifies things. Supervisor Moffitt explained that the Town has no jurisdiction over the Village of Honeoye Falls in this matter. This only would pertain to the Town outside the Village limits.

(Resolution 21-256)

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

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4.

Section I. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Mendon that would otherwise be allowed under Cannabis Law Article 4.

Section II. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section III. Local Opt-Out

The Town Board of the Town of Mendon hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section IV. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be

invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section V. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Section VI. 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; Mrs. Jenkins, Aye; Mr. Moffitt, Aye.

A public hearing of the Mendon Town Board was held at 7:29PM, Monday, December 13, 2021, at the Town of Mendon Falls Post #664 Community Center, 167 North 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>
	Karen R. Jenkins	}	

ABSENT: None

TOWN CLERK: James P. Merzke

OTHERS PRESENT: Sheldon W. Boyce, Jr., *Town Attorney*, Andrew Caschetta, *Highway Superintendent*, Michelle Booth, *Court Clerk*, Danny Bassette, *Zoning Board Chair*, Brent Rosiek, *Planning Board Chair*, and approximately three other people.

Supervisor Moffitt opened the public hearing at 7:29PM.

The public hearing was held to consider a proposed local law to amend Section 52 “Tourist homes and bed-and-breakfast establishments” of Chapter 260 “Zoning,” of the Town Code.

PUBLIC COMMENT

Mary Fiore, owner of 383 Pond Road, spoke against the proposed legislation.

Andrew Conroy, 603 West Bloomfield Road, spoke in favor of the proposed legislation.

(Resolution 21-257)

A motion was made by Mrs. Carroll, seconded by Mrs. Jenkins, to close the public hearing at 7:38PM.

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

LOCAL LAW 21-05 – AMEND SECTION 52 “TOURIST HOMES AND BED-AND-BREAKFAST ESTABLISHMENTS” OF CHAPTER 260 “ZONING”

(Resolution 21-258)

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

The following conditions and criteria must be met for tourist homes and bed-and-breakfast establishments:

- A. The building proposed for occupancy as a tourist home/bed-and-breakfast shall contain no more than four lodging rooms for hire.

B. The subject premises shall be owner occupied, such that the premises is the owner's primary residence. If the owner is not a natural person, then owner occupancy shall be satisfied so long as a natural person owning at least a 50% interest in the corporate owner occupies the residence as his/her primary residence.

C. No tourist home/bed-and-breakfast use shall be established on a lot that is within 500 feet of another lot measured along the same street frontage on which there is an existing tourist home/bed-and-breakfast establishment.

D. The exterior of the building shall be maintained consistent with the character of the area.

E. All parking shall be located outside of the highway right-of-way.

F. Use/occupancy of the premises (including the lands on which the building sits) as a tourist home / bed and breakfast shall be limited to those persons occupying the lodging rooms for hire. Additional invitees/guests of the persons occupying the lodging rooms for hire shall not be permitted.

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

2022 TOWN BOARD MEETING SCHEDULE AND LOCATION

(Resolution 21-259)

A motion was made by Mrs. Carroll, seconded by Mr. Dubois, to schedule the following Town Board Meetings in 2022. January 3 (Organizational Meeting), January 24, February 14, March 14, April 11, May 9, June 13, July 11, August 8, September 12 & 26, October 17, November 14, December 12 & 28. All meetings held at the Mendon Town Hall or Community Center.

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

2022 PAY SCHEDULE FOR TOWN EMPLOYEES

(Resolution 21-260)

A motion was made by Mr. Dubois, seconded by Mrs. Jenkins, to schedule bi-weekly payroll beginning January 6, 2022.

Mrs. Jenkins asked if this was different than the current schedule. Supervisor Moffitt replied it was not.

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

2022 HOLIDAY SCHEDULE TOWN HALL

Supervisor Moffitt reported that Juneteenth was added, but it did not increase the number of paid holidays.

(Resolution 21-261)

A motion was made by Mr. Hagreen, seconded by Mr. Dubois, for the following Holiday schedule for Town Hall:

Monday, January 17, 2022

Monday, February 21, 2022

Monday, May 30, 2022

Monday, June 20, 2022

Friday, July 1, 2022

Monday, July 4, 2022

Monday, September 5, 2022

Monday, October 10, 2022

Friday, November 11, 2022

Thursday, November 24, 2022

Friday, November 25, 2022

Friday, December 23, 2022

Monday, December 26, 2022

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

2022 HOLIDAY SCHEDULE HIGHWAY DEPARTMENT***(Resolution 21-262)***

A motion was made by Mrs. Jenkins, seconded by Mrs. Carroll, for the following Holiday schedule for the Highway Dept.

Monday, May 30, 2022
Monday, June 20, 2022
Monday, July 4, 2022
Tuesday, July 5, 2022
Wednesday, July 6, 2022
Thursday, July 7, 2022
Friday, July 8, 2022
Monday, September 5, 2022
Monday, October 10, 2022
Friday, November 11, 2022
Thursday, November 24, 2022
Friday, November 25, 2022
Friday, December 23, 2022

The Board discussed two versions of the schedule submitted.

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

PURCHASE GAS POWERED HOT WATER PRESSURE WASHER***(Resolution 21-263)***

A motion was made by Mr. Hagreen, seconded by Mrs. Jenkins, for the purchase of a hot water pressure washer, not to exceed \$4,349.99 from account number DA5130.400 in accordance with the Town of Mendon Procurement Policy, after receiving three quotes.

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

AUTHORIZE THE SUPERVISOR TO ENTER INTO A CONTACT WITH LABELLA FOR THE NATIONAL GUARD MEMORIAL PROPOSAL***(Resolution 21-264)***

A motion was made by Mrs. Jenkins, seconded by Mrs. Carroll, to authorize the Supervisor to enter into a contract with LaBella for the Military Memorial, not to exceed \$12,900.00 from account A7110.400.

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

APPOINT JOHN HAGREEN AS LIAISON TO THE TOWN BOARD FOR THE COMPLETION OF THE SPLASH PARK AND MILITARY MEMORIAL***(Resolution 21-265)***

A motion was made by Mrs. Jenkins, seconded by Mr. Dubois, to appoint John Hagreen as Liaison to the Town Board for the Completion of the Splash Park and Military Memorial. This is a non-compensated position.

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

LAPTOP COMPUTER PURCHASE***(Resolution 21-266)***

A motion was made by Mrs. Jenkins, seconded by Mr. Dubois, to purchase one laptop for the Town Clerk's Office, not to exceed \$1,666.27, from account A1620.200.

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

**AUTHORIZE THE SUPERVISOR TO MAKE ALL NECESSARY ARRANGMENTS
TO SOLICIT PROPOSALS FOR THE SPLASH PARK AND MILITARY MEMORIAL
(Resolution 21-267)**

A motion was made by Mrs. Jenkins, seconded by Mrs. Carroll, to authorize the Supervisor to make all necessary arrangements for soliciting proposals for the Splash Park and Military Memorial, in accordance with the Town of Mendon Procurement Policy.

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

**CONTRACT WITH BONADIO & CO. LLP
(Resolution 21-268)**

A motion was made by Mr. Hagreen, seconded by Mr. Dubois, to contract with Bonadio and Co. LLP, Certified Public Accountants, to prepare the Town of Mendon Annual Update Document (AUD) not to exceed \$2,800.00 from account A1310.401.

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

**EXECUTIVE SESSION – REGARDING PROPOSED ACQUISITION OF REAL PROPERTY
(Resolution 21-269)**

A motion was made by Mr. Dubois, seconded by Mrs. Jenkins, to enter into executive session for the Proposed Acquisition of Real Property at 7:57PM.

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

(Resolution 21-270)

A motion was made by Mrs. Jenkins, seconded by Mr. Dubois, to exit the executive session at 8:06PM.

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

**AUTHORIZE THE SUPERVISOR TO PLACE A BID ON 3808 RUSH-MENDON ROAD
(Resolution 21-271)**

A motion was made by Mr. Hagreen, seconded by Mrs. Jenkins, to authorize the Supervisor to place an offer on 3808 Rush Mendon Road, not to exceed the Market Value on the Appraisal Report secured from Kevin Bruckner, Appraiser.

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. The Board discussed the departure of Mr. Hagreen and Mr. Merzke, and some nice things were said.

**ADJOURNMENT
(Resolution 21-272)**

A motion was made by Mr. Hagreen, seconded by Mr. Dubois, to adjourn the meeting at 8:09PM.

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

Town Clerk