

A regular meeting of the Mendon Town Board was held at 7:00 PM, Tuesday, October 15, 2024, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.

**PRESENT:** John D. Moffitt, *Supervisor*  
Cynthia Carroll (absent)  
Thomas Dubois } *Town Board*  
Kimberly Roberts } *Members*  
Brent Rosiek }

**TOWN CLERK:** Michelle Booth

**OTHERS PRESENT:** Danny Bassett, Tyler Zavitz, Jacqueline Main, Andrew Caschetta, Gary Loope, Richard Milne, Katrina Allen, Anthony Militello (ZOOM) and Tom Fromberger

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

Supervisor Moffitt called for a moment of silence to honor James Carroll, husband of Town Councilwoman, Cynthia Carroll, and the daughter of our Town Attorney, both of whom passed away recently.

**AGENDA**  
**(Resolution 24-262)**

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

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

**PUBLIC COMMENT**

Gary Loope, of 21 Semmel Rd, shared his views on the process for amending meeting agendas, suggesting that the procedure could benefit from increased clarity or transparency. He also raised the issue of insurance requirements for the upcoming *Holidays in the Hamlet* event. Additionally, Mr. Loope expressed concerns about the ongoing budget consolidation efforts.

**COMMUNICATIONS:**

**TOWN CLERK, Michelle Booth,** reported that the 2024 School taxes are still being collected, and we are currently at about 93% collection. Additionally, the recycling and rabies event is scheduled for this upcoming Saturday.

**TOWN BOARD:**

**Brent Rosiek,** provided the following:

- He reported on the October 2 Planning Board meeting and the upcoming meeting on October 16. He reminded everyone that he will be out of town for the October 16 meeting and will need someone to cover in his absence.
- He gave an update on the Mendon Community Business Association (MCBA) meeting, noting that Holidays in the Hamlet is scheduled for December 14, and Mendon 64 will be hosting Lobster Dinners on October 26.
- Mr. Rosiek continues to meet regularly with the Planning Board Attorney, Code Enforcement Officer, and Town Supervisor.
- He also shared that the Mendon Fire Department will be conducting a controlled burn at Saxby's on November 9.

**Kimberly Roberts**, reported that there has not been a Zoning Board of Appeals (ZBA) meeting since the last update; however, a meeting is scheduled for November.

**Thomas Dubois**, reported on the October 2nd Environmental Conservation Board meeting and the October 3rd Historic Preservation Commission meeting. Additionally, he volunteered to cover for Mr. Rosiek at the October 16 Planning Board meeting.

**Town Supervisor, John Moffitt**, provided the following updates:

- He gave an update on the Board of Ethics.
- He has moved his office, converting the old office into a conference room.
- He addressed complaints regarding political signs, while clarifying the Town Code.
- The Spray Park has been closed for the season, and bird netting has been installed at the Highway Department.
- Mr. Moffitt attended the Summer Recreation meeting at the school.
- He will be advertising openings for various boards throughout the Town.
- All AEDs have been updated.
- He addressed the recent missing persons case, reassuring the community that there is no reason to believe there is any increased risk.
- Mr. Moffitt is working to organize a boating safety class for the community in 2025.
- He reminded everyone of the upcoming recycling and rabies event on October 19.
- Finally, he announced that the sidewalk project on Assembly Drive will be starting shortly.

## **SUPERVISOR'S MONTHLY REPORT**

### ***(Resolution 24-263)***

A motion was made by Mrs. Roberts, seconded by Mr. Rosiek,, to acknowledge receipt of the Supervisor's Monthly Report for August 2024.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

## **TOWN CLERK'S MONTHLY REPORT**

### ***(Resolution 24-264)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to acknowledge receipt of the Town Clerk's Monthly Report for September 2024, showing receipts and disbursements in the amount of \$51,799.20.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

## **MINUTES**

### ***(Resolution 24-265)***

A motion was made by Mrs. Roberts, seconded by Mr. Rosiek, to approve the minutes of the regular meeting held on September 30, 2024, as presented.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

## **BUDGET ADJUSTMENTS**

### ***(Resolution 24-266)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to approve the following budget adjustments:

From: A1990.470	Contingent	\$250.00
To: A1220.410	Supervisor Travel/Dues	\$250.00
From: A1990.470	Contingent	\$500.00
To: A1420.110	Deputy Town Attorney	\$500.00
From: A1990.470	Contingent	\$500.00
To: A1620.403	B&G Fuel	\$500.00
From: A1990.470	Contingent	\$500.00
To: A 5010.400	Contractual Highway Super	\$500.00
From: A 1990.470	Contingent	\$250.00
To: A 5010.440	Equipment Highway Super	\$250.00
From: A 1990.470	Contingent	\$500.00
To: A 5020.400	Safety Supplies	\$500.00
From: A 1990.470	Contingent	\$500.00
To: A 5132.410	Garage Maintenance	\$500.00
From: B 1990.400	Contingent	\$1,000.00
To: B 8020.111	Planning Attorney	\$1,000.00
From: DA 9060.800	Medical Insurance	\$250.00
To: DA 9056.800	Uniform Cleaning	\$250.00
From: A 1990.470	Contingent	\$500.00
To: A 1620.400	Town Hall Contractual	\$500.00

From: A 1990.470 Contingent \$100.00  
To: A 5010.460 Highway Super travel \$100.00

From: DB 5142.400 Town Snow \$40,000.00  
From: DB 5148.400 Service other Gov't \$20,000.00  
From: DB 9060.800 Medical Insurance \$10,000.00  
From: DB 5110.400 Repairs \$16,000.00  
To: DB 5110.200 Equipment \$86,000.00

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

## **VOUCHERS**

### **General Abstract B**

#### ***(Resolution 24-267)***

A motion was made by Mr. Dubois, seconded by Mrs. Roberts, to approve all claims on vouchers numbered 24-573 to 24-606, on General Abstract 24-10B, in the amount of \$27,693.33.

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

### **Highway Abstract B**

#### ***(Resolution 24-268)***

A motion was made by Mr. Dubois, seconded by Mrs. Roberts, to approve all claims on vouchers numbered 24-180 to 24-198, on General Abstract 24-10B, in the amount of \$339,460.75.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

### **Library Abstract**

Library vouchers numbered 24-154 to 24-178, on Library Abstract 24-10B, in the amount of \$13,242.61, were presented to the Town Board for payment.

## **PUBLIC HEARING - TOWN CODE AMENDMENTS - PROPOSED LOCAL LAW ON SMOKE SHOPS**

Supervisor Moffitt opened the public hearing at 7:17 PM.

The public hearing was held to consider a local law to amend the Town of Mendon zoning legislation to address zoning for smoke shops.

### **Public Comment**

There were no comments.

#### ***(Resolution 24-269)***

A motion was made by Mr. Dubois, seconded by Mr. Rosiek, to close the public hearing at 7:17 PM.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**RESOLUTION TO APPROVE LOCAL LAW NO.5 - 2024 TO AMEND THE TOWN OF MENDON ZONING LEGISLATION TO ADDRESS ZONING FOR SMOKE SHOPS**

***(Resolution 24-270)***

A motion was made by Mr. Rosiek, seconded by Mrs. Roberts, to approve the following:

WHEREAS, a public hearing was duly called for, and held on October 15, 2024, relative to a proposed local law to “Amend the Town of Mendon Zoning Legislation to Address Zoning for Smoke Shops,” and all interested parties were permitted an opportunity to speak thereon; and

WHEREAS, the Town Board of the Town of Mendon, after due deliberation, finds it in the best interest of the Town to adopt said local law for the reasons set forth therein, and finds that the Mendon Town Code should thus be amended as set forth therein; now, therefore be it

RESOLVED, that, in accordance with the State Environmental Quality Review Act, the Town Board hereby approves the attached EAF Part 2 and 3, issuing a negative declaration relative to this matter; and, be it further

RESOLVED, that the Town Board hereby adopts said Local Law to “to Amend the Town of Mendon Zoning Legislation to Address Zoning for Smoke Shops,” all as set forth in the attached Local Law, which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting, to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York, and to have the physical and electronic Code updated in accord herewith.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**LOCAL LAW NO. 5 OF 2024 TO AMEND THE TOWN OF MENDON ZONING LEGISLATION TO ADDRESS ZONING FOR SMOKE SHOPS**

BE IT ENACTED, by the Town Board of the Town of Mendon, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law. It is the intent of this Local Law to supersede any statutes or regulations which may be inconsistent with the provisions herein, all pursuant to the Town’s municipal home rule powers under Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 5 of 2024 “to Amend the Town of Mendon Zoning Legislation to Address Zoning for Smoke Shops.” Its purpose includes to define

and limit the areas in Town where Smoke Shops are permitted, and to advance the goals of New York State's tobacco use prevention and control program.

### Section III. Legislative Intent and Finding

The Mendon Town Board finds that the zoning legislation of the Town of Mendon should specifically address Smoke Shops, so that the areas of Town in which they are permitted are clearly defined and limited in order to protect the health, safety and welfare of those in the Town. Moreover, consistent with advancing the goals of New York State's tobacco use prevention and control program, the Mendon Town Board finds that:

- a. Tobacco is a leading cause of preventable death and disease in New York State;
- b. Adolescent brains are uniquely vulnerable to the effects of nicotine and the formation of nicotine dependence;
- c. Tobacco and vapor/e-cigarette retail outlet density is associated with high rates of youth and adult tobacco use, as well as higher rates of initiation of nicotine use among adolescents and young adults;
- d. Tobacco and vapor products usage is linked to an increased incident in cancers and disease and therefore is harmful to the public health; and
- e. Restricting the sale of tobacco and vapor/e-cigarette products to certain zoning districts and reducing the concentration of sale locations will reduce the availability of tobacco and nicotine to residents, including adolescents, improving public health and lessening the incidence of various cancers and diseases.

### Section IV. Substantive Legislation.

*The Town of Mendon's local zoning legislation, including as implemented by way of the Code of the Town Mendon, NY (also referred to herein as the "Code" or the "Mendon Town Code"), is hereby amended as set forth below:*

*Chapter 5, Section 5-4 ("General Definitions"), of the Code of the Town of Mendon shall be revised to add the definition of "Smoke Shop," as follows:*

#### SMOKE SHOP:

Any business, retail shop or establishment which offers for sale or consideration, as a substantial or significant portion of its business, merchandise and/or stock-in-trade, whether intended for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body, the following ("Smoke Shop Products"): a) tobacco, tobacco products, or tobacco/smoking paraphernalia, including but not limited to cigarettes, cigars, pipes, hookahs, etc. and/or b) electronic cigarettes (e.g., electronic nicotine delivery systems), vape pens, vapors, e-liquids, e-vaporizers, or other like substances, and/or c) CBD (cannabidiol) products (not including products containing THC), including but not limited to CBD gummies and/or CBD oil, for example.

Smoke Shops do not include cannabis retail dispensaries (which are not permitted in the Town of Mendon).

Factors of Significance: For purposes of this definition, “substantial or significant” may be determined using the following considerations:

- a. The amount of sales floor area used for the sale of Smoke Shop Products, including as compared to the total sales floor area used for the sale of other products; and/or
- b. The amount of Smoke Shop Products accessible to customers, generally, including as compared to other products accessible to customers; and/or
- c. Revenues derived from Smoke Shop Products, including as compared to total revenues; and/or
- d. Advertising/marketing devoted to Smoke Shop Products, including as compared to advertising/marketing otherwise, and including the name of the business; and/or
- e. The use of the establishment for Smoke Shop Products, including as compared to total use thereof.

Conclusive Determination: Notwithstanding the above considerations (which above considerations may nonetheless be utilized even where the below does not apply), the following shall be conclusive in determining a “substantial or significant portion:”

- a. Thirty-three percent (33%) or more of the sales floor area is used for the sale of Smoke Shop Products, and/or
- b. Thirty-three percent (33%) or more of the establishment’s stock-in-trade comprises Smoke Shop Products, and/or
- c. Thirty-three percent (33%) or more of the establishment’s gross income is derived from Smoke Shop Products; and/or
- d. Thirty-three percent (33%) or more of the establishment’s advertising/marketing is devoted to Smoke Shop Products, and/or the public-facing name of the business generally indicates that it is a Smoke Shop.

Grocery/Supermarket/Convenience Stores: Any grocery store, supermarket, convenience store or similar retail use that sells conventional cigars, cigarettes or tobacco as ancillary sales (i.e., Smoke Shop Products are not a “substantial or significant” portion of business) shall not be defined as a Smoke Shop.

*Section 260-17[D] of the Mendon Town Code (specially permitted uses in the Business District) shall be amended by adding a new subsection (17), which shall read as follows:*

(17) Smoke Shops.

*Section 260-18[D] of the Mendon Town Code (specially permitted uses in the Industrial District) shall be amended by adding a new subsection (8), which shall read as follows:*

(8) Smoke Shops.

*Article VII (“Special Use Permits”) of the Mendon Town Code shall be amended by adding new subsection “260-48.1,” to be entitled “Smoke Shops,” which shall read as follows:*

**Section 260-48.1 Smoke Shops.**

A special use permit shall be required for all Smoke Shops, the same of which are only permitted in the Business and Industrial Districts in Town (with a special use permit). The following additional conditions and criteria must be met relative to the issuance of a special use permit for Smoke Shops.

1. Buffer to Other Uses. Smoke Shops shall be established at least 500 feet from any a) school or school grounds, b) park or playground, c) church / house of worship, d) residence, e) public library, or f) business which is primarily focused on providing services/products to children, including, for example, childcare facilities or recreational facilities with a significant youth component. Such 500-foot setback shall be measured from the Smoke Shop to the nearest lot line of the buffered use. The measurement from the Smoke Shop shall be from the closest portion of the building or portion thereof comprising the Smoke Shop and/or the closest exterior portions of the Smoke Shop where actual sales might take place (such as outdoor sales locations or a drive through window).

2. Buffer to Other Smoke Shops. Smoke Shops shall be established at least 500 feet from any other Smoke Shop. The measurement for the 500-foot setback herein shall be from the closest portion of the building or portion thereof comprising each Smoke Shop and/or the closest exterior portions of each Smoke Shop where actual sales might take place (such as outdoor sales locations or a drive through window).

3. Compliance with Law. All Smoke Shops within the Town of Mendon shall comply with applicable law, including but not limited to New York State laws, rules, and regulations, in addition to those provisions contained in the Town of Mendon Code.

4. Pre-existing Smoke Shops. Consistent with and subject to Article VI hereof, the provisions of this local law shall not apply to Smoke Shops which legally existed prior to enactment of this local law.

**Section V. Validity and 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 adjudged 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 VI. Repeal, Amendment and Supersession of Other Laws**

All other Ordinances or Local Laws of the Town of Mendon which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period, including but not limited to the repeal



and supersession of the moratorium relative to Smoke Shops in the Town of Mendon that was implemented by way of Local Law No. 1-2024 (including any extension thereof such as its extension by way of subsequent amendment to said Local Law).

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Mendon, shall take effect immediately upon its filing with the Secretary of State of NY.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**PUBLIC HEARING - TOWN CODE CHAPTER 230 TAXATION AMENDMENTS - PROPOSED LOCAL LAW**

Supervisor Moffitt opened the public hearing at 7:20PM.

The public hearing was held to consider amendments to Town Code Chapter 230, Taxation, in relation to Article XII, Exemption for Volunteer Firefighters and Ambulance Personnel.

**Public Comment**

Village of Honeoye Falls, Mayor, Richard Milne, stated that the Village Board of Trustees plans on reviewing this at their next meeting also.

***(Resolution 24-271)***

A motion was made by Mr. Rosiek, seconded by Mrs. Roberts, to close the public hearing at 7:21PM.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**RESOLUTION TO APPROVE LOCAL LAW NO.4 - 2024 TO AMEND TOWN CODE CHAPTER 230, TAXATION, ARTICLE XII, TO EXTEND THE TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL TO THE UN-REMARRIED SPOUSES OF THEIR DECEASED MEMBERS.**

***(Resolution 24-272)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to approve the following:

WHEREAS, a public hearing was duly called for, and held on October 15, 2024, relative to a proposed local law to "Amend the Town of Mendon code Chapter 230, Taxation, Article XII, to extend the tax exemption for volunteer firefighters and ambulance personnel to the un-remarried spouses of their deceased members," and all interested parties were permitted an opportunity to speak thereon; and

WHEREAS, the Town Board of the Town of Mendon, after due deliberation, finds it in the best interest of the Town to adopt said local law for the reasons set forth therein, and finds that the Mendon Town Code should thus be amended as set forth therein; now, therefore be it

RESOLVED, that the Town Board hereby adopts said Local Law “to Amend the Town of Mendon code Chapter 230, Taxation, Article XII, to extend the tax exemption for volunteer firefighters and ambulance personnel to the un-remarried spouses of their deceased members,” all as set forth in the attached Local Law, which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting, to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York, and to have the physical and electronic Code updated in accord herewith.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

BE IT ENACTED BY THE  
TOWN BOARD OF THE  
TOWN OF MENDON, NEW YORK  
AS FOLLOWS:

LOCAL LAW NO.4 OF 2024:  
AMENDING TOWN CODE CHAPTER 230, TAXATION,  
ARTICLE XII, TO EXTEND THE TAX EXEMPTION  
FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE  
PERSONNEL TO THE UN-REMARIED SPOUSES  
OF THEIR DECEASED MEMBERS.

Section 1. Title

This Local Law shall be known as “Local Law No. 4 of 2024: Amending Town Code Chapter 230, Taxation, Article XII, to Extend the Tax Exemption for Volunteer Firefighters and Ambulance Personnel to the Un-Remarried Spouses of their Deceased Members.”

Section 2. Purpose

The Town Board of the Town of Mendon is amending Article XII of Chapter 230 of the Town Code (Exemption for Volunteer Firefighters and Ambulance Personnel) to conform with recent legislation amending the Real Property Tax Law.

Section 3. Amendment

Article XII of Chapter 230 of the Town Code (Exemption for Volunteer Firefighters and Ambulance Personnel) is amended in its entirety as follows:

**ARTICLE XII**  
**Exemption for Volunteer Firefighters and Ambulance Personnel**  
**and their Un-Remarried Spouses**

**§ 230-36. Legislative Intent.**

The Real Property Tax Law has been amended by the addition of a new § 466-a which permits a town to grant a partial tax exemption on real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse or un-remarried spouse of a deceased member. Said partial exemption is 10% of the assessed value of such property for all town, part town, and special district purposes, exclusive of special assessments.

**§ 230-37. Grant of Exemption.**

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below or such enrolled member and spouse is hereby granted from taxation with respect to town, part town, and special district purposes, exclusive of special assessments.

**§ 230-38. Eligibility.**

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, provided that:

- A. The applicant resides in the Town of Mendon and the Town of Mendon is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service in which the applicant is an enrolled member;
- B. The property is the primary residence of the applicant;
- C. The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
- D. The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the

incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

**§ 230-39. Grant of Lifetime Exemption.**

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service shall be granted the 10% exemption as authorized by this article for the remainder of his or her life, as long as his or her primary residence is located within the Town of Mendon, New York.

**§ 230-40. Un-Remarried Spouses of Volunteer Firefighters or Volunteer Ambulance Workers Killed in the Line of Duty.**

An un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service is eligible for the exemption set forth in this Article if such member is killed in the line of duty provided, however, that:

- A. Such an un-remarried spouse is certified by the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and
- B. Such deceased volunteer had been an enrolled member for at least five years; and
- C. Such deceased volunteer had been receiving the exemption prior to his or her death.

**§ 230-41. Un-Remarried Spouses of Deceased Volunteer Firefighters or Volunteer Ambulance Workers.**

An un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service is eligible for the exemption set forth in this Article provided, however, that:

- A. Such an un-remarried spouse is certified by the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- B. Such deceased volunteer had been an enrolled member for at least twenty years; and
- C. Such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

**§ 230-42. Application.**

Application for such exemption shall be filed with the Town Assessor on or before the taxable status date on a form as prescribed by the Commissioner of Taxation and Finance.

**§ 230-43. No Diminution of Benefits.**

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article 4 of the Real Property Tax Law on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

**§ 230-44. Certification.**

Each incorporated volunteer fire company, incorporated volunteer fire department and incorporated voluntary ambulance service shall file a notice annually, prior to the applicable taxable status date, with the Town Assessor certifying its enrolled members with two or more years of service. Such notice shall list as of the applicable taxable status date the number of years of service served by each such enrolled member and such enrolled member's address of residence.

Section 4. Severability

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can by given effect without such part or parts.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the office of the Secretary of State as provided by law.

## **PUBLIC HEARING - MENDON FIRE PROTECTION DISTRICT #1 CONTRACT**

Supervisor Moffitt opened the public hearing at 7:22PM.

The public hearing was held to consider the proposed Mendon Fire Protection District #1 Contract.

### **Public Comment**

Honeoye Falls Village Mayor, Richard Milne, expressed his support for the contract and announced plans for a public meeting in November to discuss the matter further. He emphasized the need for per diem employees to fill in at times when volunteers are unavailable. Mayor Milne clarified that the Fire Department is not opposed to a merger or shared services. However, new and anticipated OSHA requirements are expected to make recruiting volunteers even more challenging in the future. While the increase in the contract amount is not ideal, it is necessary to ensure the safety and fire protection of the residents.

### ***(Resolution 24-273)***

A motion was made by Mrs. Roberts, seconded by Mr. Dubois, to close the public hearing at 7:28 PM.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

## **MENDON FIRE PROTECTION DISTRICT #1 CONTRACT - ADOPTION**

### ***(Resolution 24-274)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to adopt the Mendon Fire Protection District #1 Contract with the Village of Honeoye Falls in the amount of \$205,981.03.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

## **2025 TOWN OF MENDON TENTATIVE BUDGET - DISCUSSION**

Supervisor Moffitt reported that healthcare is a key area of concern for 2025. In response, he worked diligently with his finance team to increase the healthcare allocation, allowing the Town to offer more comprehensive options beyond just single plans for employees. This move aims to improve employee benefits and overall satisfaction. The proposed changes received unanimous support from all present Town Board members, reflecting a shared commitment to enhancing employee well-being.

**2025 TOWN OF MENDON BUDGET - ACCEPT AS PRELIMINARY AND ESTABLISH PUBLIC HEARING**

***(Resolution 24-275)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to accept the 2025 Tentative Town Budget as the 2025 Preliminary Town Budget with the following amendments:

A 9060.8 increased by \$25,000

General Townwide Appropriations increased by \$25,000 to A 9060.8

DB 9060.8 increased by \$75,000

Highway Outside Village Appropriations increased by \$75,000 to DB 9060.8

DB Appropriated Reserves increased by \$100,000 for Equipment

DA Fund Balance used in 2025 Budget increased from \$87,200 to \$112,200

DB Fund Balance used in 2025 Budget decreased from \$260,000 to \$235,000

Further, a public hearing on the 2025 Preliminary Town Budget will be held at 7:00PM, or as soon thereafter as said hearing can be convened, Monday, November 18, 2024, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.

The elected officials salaries are as follows:

Town Supervisor	\$84,417.00
Town Board Member (4)	\$10,740.50
Town Justice (2)	\$19,651.50
Town Highway Superintendent	\$89,248.00
Town Clerk	\$76,663.00

A copy of the 2025 Preliminary Town Budget will be available for public inspection during regular business hours in the Mendon Town Clerk's Office and online at [www.townofmendon.org](http://www.townofmendon.org).

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**2024 VETERANS DAY LUNCHEON**

***(Resolution 24-276)***

A motion was made by Mrs. Roberts, seconded by Mr. Dubois, to approve the Veterans Day Luncheon to be held on Monday, November 11, 2024, at the Town of Mendon Falls Post #664 Community Center, 167 North Main Street Honeoye Falls, immediately after the Veterans Day Ceremony in Honeoye Falls. All veterans and their families are invited to attend.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**ETHICS COMMITTEE - HIRE ATTORNEY FOR INVESTIGATION**

***(Resolution 24-277)***

A motion was made by Mr. Rosiek, seconded by Mrs. Roberts, to employ the services of Bolaños Lowe PLLC for the purpose of conducting an investigation recommended by the Board of Ethics Committee.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

## **NYS DEPARTMENT OF TRANSPORTATION -TRAFFIC CIRCLE AGREEMENT (Resolution 24-278)**

A motion was made by Mrs. Roberts, seconded by Mr. Rosiek, to authorize the Supervisor to enter into an agreement with the NYS Department of Transportation for the maintenance of the traffic circle at the intersection of NYS Routes 65 and 251.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

## **DISPATCHERS AND LEAD MECHANIC-WAGES AND SALARIES DISCUSSION**

Mr. Dubois highlighted that the mechanic pay rates were established at the organizational meeting and confirmed with the Highway Superintendent that the employees possess CDLs. He stressed that as an employee's responsibilities grow, so too should their compensation. With one employee set to assume the role of Head Mechanic, Mr. Dubois firmly advocated for an appropriate pay adjustment to reflect the increased duties and leadership expected in this position.

The Highway Superintendent acknowledged the employee's new role and recommended a 15.7% pay increase to reflect the expanded responsibilities. He emphasized that this employee is not only more qualified than his predecessor but also holds certifications in areas where the previous employee did not. The Superintendent commended the promoted employee's dedication and expertise, highlighting a significant accomplishment in saving the Town \$30,000 on a recently ordered truck, due to his qualifications and knowledge. He underscored the employee's value to the Town and how these qualifications and contributions warrant a corresponding increase in compensation.

Mr. Rosiek confirmed that the employee in question is qualified for the promotion and expressed surprise at the claim that the previous Deputy Highway Superintendent, who held the position for 14 years, was unqualified. He noted that the higher pay for the previous employee was likely due to their long tenure. Through his research, Mr. Rosiek found that the current salary for this position is at the higher end of the Monroe County pay scale, potentially exceeding the union pay range. As a result, he does not support granting a 15.7% pay increase at this time.

Supervisor Moffitt explained that he has been actively collaborating with Civil Service to ensure that all employee job titles accurately reflect their current job responsibilities. This process also involves securing and aligning the necessary titles to meet the Town's operational needs, ensuring that each role is properly classified and compliant with Civil Service requirements.

Mrs. Roberts inquired about the pay differential between the two dispatchers. In response, the Highway Superintendent clarified that the difference stems from the fact that a new employee is being hired specifically to cover night and weekend shifts, as well as occasionally driving a truck. The pay differential is attributed to the nature of overnight and weekend work, which typically warrants higher compensation.



***(Resolution 24-279)***

A motion was made by Mr. Dubois, seconded by Mr. Rosiek, to approve the salary of the newly appointed head mechanic to \$34.08/hr, reflecting a 10% increase.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**2024 MONROE COUNTY LAND USE DECISION MAKING TRAINING PROGRAM-ATTENDANCE APPROVAL**

***(Resolution 24-280)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to authorize the Planning Board Vice Chair Earl DeRue to attend the Monroe County Land Use Decision Making Training Program on October 30, 2024 at Monroe Community College, 4:30PM-9:00PM, at a cost not to exceed \$50.00 to be paid from account B8020.430.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**TOWN OF MENDON YOUTH CENTER - HIRE**

***(Resolution 24-281)***

A motion was made by Mrs. Roberts, seconded by Mr. Dubois, to hire Sofia Burke to work at the Town of Mendon Youth Center, at an hourly rate of \$16.00.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye

**DECLARATION OF SURPLUS**

***(Resolution 24-282)***

A motion was made by Mr. Dubois, seconded by Mr. Rosiek, to declare the following items as surplus, and authorize their disposition:

Computers, service tags: H364CF1 FXJ2S22 HZCSDI

Monitors, model numbers: 1704FPVt E1912Hc

Keyboards, no meaningful identification, stack of 5. 1 File cabinet HON

1 HP Laserjet Printer P1505

1 fax machine Brother Super G3

1 Adding Machine Canon MPI IDX I Word Processor Brother ML I 00

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

**HOLIDAYS IN THE HAMLET COMMUNITY EVENT - WAGON RIDE**

***(Resolution 24-283)***

A motion was made by Mr. Rosiek, seconded by Mr. Dubois, to approve the payment of \$1,500.00, pending proper insurance endorsements, to KQ Percherons, 1759 Wayneport Road, Macedon, NY for a wagon ride at the Holidays in The Hamlet Community Event on Wednesday, December 4, 2024 from 5:00PM- 8:00PM. To be paid from account B7550.450.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

**GASCON FAMILY VINEYARDS, LLC V. TOWN OF MENDON -STIPULATION AUTHORIZATION - TABLED**

***(Resolution 24-284)***

A motion was made by Mr. Rosiek, seconded by Mrs. Roberts, to table this the motion to authorize a stipulation granting a Special Use Permit and resolving the matter of Gascon Family Vineyards, LLC and David S. Gascon v. Town of Mendon Town Board; E2023011686, because the Attorney to the Town was not present to advise.  
Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.

### **PUBLIC COMMENT**

Danny Bassette , 19A West Main St, commented that when Supervisor Moffitt discussed the local missing person, no name was mentioned.

Gary Loope, of 21 Semmel Rd, commented, with his opinion, that any pay increases for town employees should be implemented gradually and tied to their progression in training and experience. He emphasized that raises should reflect the employees' growing expertise and responsibilities over time, ensuring that compensation aligns with their development within their roles.

### **ADJOURNMENT**

#### ***(Resolution 24-285)***

A motion was made by Mr. Dubois, seconded by Mr. Rosiek, to adjourn the meeting at 8:21PM.

Adopted: Mr. Dubois, Aye; Ms. Roberts, Aye; Mr. Rosiek, Aye; Mr. Moffitt, Aye.