

December 14, 2017  
 WEB SITE <http://macedontown.net>

The Regular Board Meeting of the Town Board of the Town of Macedon held December 14, 2017 at the Town Complex, 32 Main Street, in the Town of Macedon was called to order by Supervisor Sandy Pagano at 7:30 p.m.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	David McEwen
Councilperson	Paul Kenyon
Councilperson	David Maul
Councilperson	Bruce Babcock
Supervisor	Sandy Pagano

Absent:

Also Present:

Attorney	David Fulvio
Director of EMS	Paul Harkness
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen
Highway Superintendent	Christopher Countryman

Bruce Chapman, Chapman Insurance made a presentation to the Town Board regarding insurance for the Town.

**RESOLUTION NO. 306 (2017) APPROVAL OF MINUTES**

RESOLVED the Board approves the minutes from the November 9, 2017 (regular meeting)

MOTION BY KENYON, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**Reports:**

November Town Clerk Report  
 November Police Report

**RESOLUTION NO. 307 (2017) APPROVAL OF REPORTS**

RESOLVED the Board approves the reports as submitted

MOTION BY KENYON, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

Marty Aman, Wayne Country Water Sewer Authority spoke to the Board regarding a joint Waste Treatment plant.

**RESOLUTION NO. 308 (2017) CEDAR CREEK TPD ZONING CONFIRMATION**

WHEREAS, the Macedon Town Board on June 11, 1987 rezoned a property known as Macedon Hills, which is significantly bounded by NYS Route 31, Canandaigua Road, and Victor Road, and is further described in Schedule A attached, from R12 to TPD (Totally Planned Development),

AND WHEREAS, the 1987 Macedon Hills TPD master plan included the following proposed development:

- 49 Single Family Homes
- 180 Apartment Units
- 212 Townhome Units
- 200,000 square feet of commercial and office space

AND WHEREAS, in the timeframes between June 11, 1987 to present, the project was re-branded to "Cedar Creek" and the following development occurred within the areas rezoned to TPD:

- 21 single family homes (Camborn Drive)
- 1025 Brixton Drive (office building) 8,786 s.f.
- 1025 Brixton Drive (second office building – approved but not yet built) 8,500 s.f.
- 1045 Brixton Drive (day care and pavilion) 4,416 s.f. + 768 s.f.
- 1040 NYS Route 31 (funeral home with portico) 3,440 s.f.
- 1146 NYS Route 31 (Verizon and vape shop) 4,485 s.f.
- 1166 NYS Route 31 (Patty Shack) 2,917 s.f.
- 1200 NYS Route 31 (ESL ATM) 910 s.f.
- 1503 Canandaigua Road (Cedar Creek Plaza and Chase ATM) 69,078 s.f. + 551 s.f.

- 1475 Canandaigua Road (Post Office) 4,243 s.f.
- Total Commerical / Office: 108,094 s.f.

AND WHEREAS, Developer PB3 Development has recently approached the Town of Macedon regarding developing tax parcel ID 62111-00-212586, which is a portion of the original TPD rezoning from 1987, and has asked the Town of Macedon for confirmation of the allowed development uses and densities as approved from the original TPD,

AND WHEREAS, the Macedon Town Planning Board has reviewed the Developer's Master Plan, and found it to be in significant conformance with the original TPD plan from 1987, and not exceeding the originally approved densities,

RESOLVED, the Macedon Town Board finds as follows:

1. The net allowable development remaining in the TPD is as follows:
  - 28 single family homes
  - 180 apartment units
  - 212 townhome units
  - 91,906 s.f. commercial and office
2. The Developer PB3's updated master plan dated 12/12/17 as presented does not exceed the net allowable development densities approved under the 1987 TPD, and significantly conforms to the original 1987 TPD design and layout.
3. The Developer PB3 may proceed with submittal of site plans for development of the project pursuant to the provisions and conditions of the TPD zoning code, subject to the following:
  - a. The SEQRA findings from 1987 must be reevaluated and updated to current conditions to ensure that all impacts and mitigation measures are appropriate based on current times and conditions

All development must meet current town design

MOTION BY MAUL, SECONDED BY KENYON

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE,

PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 309 (2017) HUMANE SOCIETY OF WAYNE COUNTY CONTRACT**

RESOLVED the Town Board authorizes the Supervisor to sign the Wayne County Humane Society contract.

MOTION BY KENYON, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE,

PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 310 (2017) ORGANIZATIONAL MEETING SET**

RESOLVED the Town Board set the Organizational Meeting for January 4, 2018 at 5:30pm at the Macedon Town Hall.

MOTION BY KENYON, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE,

PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 311 (2017) RESIGNATION – RITCHIE**

BE IT RESOLVED the Town Board accepts the resignation from Brian Ritchie, part-time Police Officer effective November 10, 2017.

MOTION BY KENYON, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE,

PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 312 (2017) RESIGNATION – MITCHELL**

BE IT RESOLVED the Town Board accepts the resignation from John Mitchell, part-time Police Officer effective November 29, 2017.

MOTION BY KENYON, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE,

PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 313 (2017) PERSONNEL – TRESOHLAVY**

RESOLVED the Town Board appoints Cole Tresohlavy as part-time EMT at the rate of \$12.00/hr effective January 1, 2018.

MOTION BY KENYON, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE,

PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 314 (2017) PERSONNEL – JOHNSON**

RESOLVED the Town Board appoints Alana Johnson as part-time ALS at the rate of \$18.00/hr effective January 1, 2018.

MOTION BY BABCOCK, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTIO NO. 315 (2017) MS4 ENGINEERING SERVICES**

BE IT RESOLVED that the Supervisor is authorized to sign the Professional Services contract related to the 2018 MS4 Stormwater Program with BME Associates not to exceed the amount of \$15,000 to be expensed from A8010.401 in FY2018.

MOTION BY MCEWEN, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTIO NO. 316 (2017) REQUEST FOR PROPOSALS – 81 MAIN STREET**

Resolved the Town Board authorizes the Town Engineer to solicit “Request for Proposals” to conduct Architectural Design Services related to the Local Government Efficiency Grant award project to renovate 81 Main Street for ADA Handicap Access.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 317 (2017) SPECIAL DISTRICT TAXABLE ASSESSED VALUES**

WHEREAS taxable assessed values [TAV] for budgeting purposes have modified slightly between September 2017 and December 2017 (due to exemptions and SCAR decisions approved during that time), and

WHEREAS the budget adopted on November 7, 2017 did use the original TAV values, and

WHEREAS the County of Wayne requires updated values in order to print correct tax bills for 2018,

BE IT RESOLVED the following modifications be made to Taxable Assessed Values and Tax Rates for the 2018 Fiscal Year:

District	Adopted Tax Rate	Corrected TAV	Corrected Tax Rate
DD301 Macedon Drainage	0.35793	550,660,759	0.35801
FD302 Macedon Center Fire Prot	0.79292	285,461,614	0.79298
FD309 Macedon/Farmington Fire Prot	1.00612	270,277,069	1.00627
LD302 Gananda Lighting	0.15513	90,226,891	0.15516
SW301 Gananda Sidewalk	0.00574	87,076,591	0.00574
BR201 Hamlet Leaf & Brush	0.09929	74,927,037	0.09623
DD302 Hamlet Drainage	0.35763	74,927,037	0.34659
FD303 Hamlet Fire Protection	0.82628	74,927,037	0.80078
Hamlet Lighting	0.00000	74,927,037	0.00000 (no change)
Hamlet Sewer	0.00000	74,927,037	0.00000 (no change)
Hamlet Water	0.00000	74,927,037	0.00000 (no change)

AND BE IT FURTHER RESOLVED that all other tax rates as shown in the 2018 Adopted Budget remain as originally published.

MOTION BY KENYON, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 318 (2017) QUAKER ROAD LANDFILL MONITORING 2018 – CLOUGH**

BE IT RESOLVED that the Supervisor is authorized to sign the proposal for Professional Engineering Services with Clough Harbour Associated related to post-closure landfill monitoring at the Quaker Road Landfill, dated December 1, 2017 not to exceed fee of \$7,500 to be expensed from A1440.401 in FY2018 as budgeted.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 319 (2017) J.O’CONNELL & ASSOCIATES CONTRACT**

RESOLVED the Town Board authorizes the Supervisor to sign the two (2) year contract November 1, 2017 – October 31, 2019 with J.O’Connell & Associates, Inc. in the amount of \$36,000 to be expensed from A1010-401.

MOTION BY KENYON, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTIO NO. 320 (2017) ONTARIO-WAYNE STORMWATER COALITION INTERMUNICIPAL AGREEMENT**

RESOLVED the Town Board authorizes the Supervisor to sign the Ontario-Wayne Counties Stormwater Intermunicipal Agreement.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTIO NO. 321 (2017) HIGHWAY EQUIPMENT PURCHASE – 2018 JOHNSTON VT-651 VACUUM STREET SWEEPER**

RESOLVED the Town Board authorizes the Highway Superintendent, Christopher Countryman, to lease a 2018 Johnston VT-651 Vacuum Street Sweeper for a total price of \$250,880 with a six (6) year municipal lease with annual payments of \$45,317.56 to be expensed from DA9710.603.

MOTION BY KENYON, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTIO NO. 322 (2017) SPECIAL USE PERMIT RENEWALS – 2018**

RESOLVED upon the recommendation of the Town Engineer that the following Special Use Permits are renewed for the calendar year 2018 and will expire December 31, 2018 and that all prior conditions will be met as required in 2017:

A. E. Y. Enterprises – 1607 Commons Parkway  
 A & P Auto Parts – 2384 Creek Road  
 AT&T – 2285 Walworth Road  
 Alpco – 846 Macedon Center Road (Route 31F)  
 CRH/Stillwater Nursery – 1095 Quaker Road  
 Cafalone, Brian – 1214 Victor Road  
 County Line Raceway – 311 Route 31  
 Crown Atlantic – 1820 Macedon Center Road  
 Graf, Mark – 2075 Macedon Center Road  
 JT's Drive-In Car Shop – 688 Frey Road  
 Lakeview Health Services – 1950 Route 31  
 Macedon Landscaping – 1711 Wayneport Road  
 Morrison Excavating – 740 Quaker Road  
 Morrison, Roger – 2062 Magog Road  
 Pal-Mac Service Center (prev. Shiff's) – 1910 Route 31  
 Prime Development – 1241 Route 31  
 Pulcini, Walter – 2461 Quaker Road  
 Ricci & Sons Auto Repair & Towing – 665 Route 31F  
 Rochester Aero Modeling Society – 2529 Macedon Center Road  
 SBA – 1382 Wilson Road  
 True North Tractor – 2168-2179 Canandaigua Road  
 Twilight on the Erie – 1100 Marina Parkway  
 VanHout, Gerald – 1508 Alderman Road  
 Wayne County Chapter of NYSARC, Inc. – 927 Victor Road

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 323 (2017) MINING PERMIT RENEWALS – 2018**

RESOLVED the Board approve the following Mining Permits subject to any and all requirements deemed necessary by the Town Engineer and shall expire December 31 2018:

AEY – Daansen Road  
 Eastern Sand & Gravel – Macedon Center & Daansen Roads  
 Eastern Sand & Gravel – Walworth Road  
 McPherson, Donald – Route 350  
 Pulcini, Walter – Quaker Road  
 Smith, Gregory – Walworth Road

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 324 (2017) BUDGET ADJUSTMENTS 2018**

WHEREAS, during the preparation of the 2018 Town Budget, two incorrect 2017 salary values were used, which resulted in incorrect 2018 values,

AND WHEREAS the Town Board wishes to bring about the corrections with no resulting change to the 2018 tax rates,

THEREFORE BE IT RESOLVED that the following 2018 budgetary adjustments be adopted:

(a) Ambulance [Farbizio] use Contingency:

ACCOUNT	INCREASE	DECREASE
A4540.100	\$ 1,952	
A1990.400		\$1,952
<b>Net Effect \$0</b>		

(b) Highway & Drainage [Bellefontaine] accommodate by reducing OT plan:

ACCOUNT	ADOPTED	Original OT component	OT Change	Non-OT Change	Net Effect
DA 5110.100	\$ 275,730	\$ 15,439	(\$ 999)	\$ 999	\$ 0
DA 5142.100	\$ 189,341	\$ 80,886	(\$ 416)	\$ 416	\$ 0
DA 5148.100	\$ 171,955	\$ 41,810	(\$ 500)	\$ 500	\$ 0
SD 8540.100	\$ 78,777	\$ 11,365	(\$ 208)	\$ 208	\$ 0
SDH 8540.100	\$ 15,831	\$ 2,273	(\$ 41)	\$ 41	\$ 0

MOTION BY KENYON, SECONDED BY MCEWEN  
 ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 325 (2017) LOCAL LAW NO. 4 TO OPT OUT OF NEW YORK STATE REAL PROPERTY TAX LAW §487 TAX EXEMPTION FOR CERTAIN SOLAR OR WIND ENERGY SYSTEMS OR FARM WASTE ENERGY SYSTEMS**

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

**Section 1.**

Real Property Tax Law §487 provides a real property tax exemption for certain solar or wind energy systems or farm waste energy systems, defined therein as follows:

“Solar or wind energy system” means an arrangement or combination of solar or wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar or wind energy and its conversion, storage, protection and distribution.

“Solar or wind energy equipment” means collectors, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation or wind is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by law.

“Farm waste energy system” means an arrangement or combination of farm waste electric generating equipment or other materials, hardware or equipment necessary to the process by which agricultural waste biogas is produced, collected, stored, cleaned, and converted into forms of energy such as thermal, electrical, mechanical or chemical and by which the biogas and converted energy are distributed on-site. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling or insulation system of a building.

“Farm waste electric generating equipment” means equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming waste and food processing wastes with a rated capacity of not more than one thousand kilowatts that is (i) manufactured, installed and operated in accordance with applicable

government and industry standards, (ii) connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, (iii) operated in compliance with the provisions of section sixty-six-j of the public service law, (iv) fueled at a minimum of ninety percent on an annual basis by biogas produced from the anaerobic digestion of agricultural waste such as livestock manure materials, crop residues and food processing wastes, and (v) fueled by biogas generated by anaerobic digestion with at least fifty percent by weight of its feedstock being livestock manure materials on an annual basis.

**Section 2.**

No exemption under New York State Real Property Tax Law §487 shall be applicable within the Town of Macedon with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to the effective date of such local law.

**Section 3.**

A copy of this local law shall be filed with the New York State Commissioner of Taxation and Finance and with the President of the New York State Energy Research and Development Authority, as required under New York State Real Property Tax Law §487(8)(a).

**Section 4.**

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

MOTION BY MCEWEN, SECONDED BY KENYON

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**Roundtable**

\*Highway Superintendent Christopher Countryman stated that the highway department has made 17 trips for snow & ice.

ABSTRACT NO. December (A) 2017  
20177058-20177270

Regular Bills  
\$702,656.66

**RESOLUTION NO. 326 (2017) PAYMENT OF CLAIMS**

RESOLVED the bills be paid as audited.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**RESOLUTION NO. 327 (2017) EXECUTIVE SESSION**

RESOLVED the Board enter Executive Session at 9:28 to discuss contracts.

MOTION BY KENYON, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**RESOLUTION NO. 328 (2017) OPEN SESSION**

RESOLVED the Board return to Open Session at 10:10 p.m.

MOTION BY MCEWEN, SECONDED BY KENYON

ROLL CALL VOTE: KENYON AYE, MAUL AYE, MCEWEN AYE, PAGANO AYE,  
HAMMOND AYE MOTION CARRIED

**RESOLUTION NO. 328 (2017) WASTE MANAGEMENT CLOSURE/RESTORATION AGREEMENT**

RESOLVED the Town Board authorizes the Supervisor to sign the Waste Management Closure/Restoration Agreement.

MOTION BY KENYON, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON AYE, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

MOTION BY BABCOCK, SECONDED BY MCEWEN THE MEETING BE ADJOURNED AT 10:12PM.

*Karrie M. Bowers*

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Karrie M. Bowers  
Macedon Town Clerk