

July 26, 2018
 WEB SITE <http://macedontown.net>

The Regular Meeting of the Town Board of the Town of Macedon held July 26, 2018 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	Bruce Babcock
Supervisor	Sandy Pagano

Absent:

Councilperson	David Maul
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Also Present:

Attorney	David Fulvio
Highway Superintendent	Christopher Countryman
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 164 (2018) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the July 12, 2018 (regular meeting)

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 165 (2018) SCHOOL TAX COLLECTORS

RESOLVED that as provided in Section 37 of the Town Law of New York State the Town Board of the Town of Macedon does hereby appoint the following individuals to collect for the 2018-2019 school year.

RESOLVED that Irene Unterborn is appointed Tax Collector for the portion of the Palmyra-Macedon Central School District within the Town and be it further

RESOLVED that Margaret Revelle is appointed School Tax Collector for the portion of the Penfield School District within the Town and be it further

RESOLVED that Nicole Ritz is appointed School Tax Collector for the portion of Victor Central School District within the Town and e it further

RESOLVED that Kathryn Means is appointed School Tax Collector for the portion of Gananda School District within the Town and be it further

RESOLVED that Cathy Herzog as School Tax Collector for the portion of Wayne Central School District within the Town.

MOTION BY KENYON, SECONDED BY BABCOCK

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

RESOLUTION NO. 166 (2018) GRAVINO PARK

WHEREAS: the Town of Macedon and its citizens recognize the value to the community of improving waterfront resources for public use, including Gravino Park, Canal Park and the Erie Canal, and;

WHEREAS; a goal of the Town of Macedon is to enhance Gravino Park and Canal Park, develop a Canalway trail connection, and better connect open space and recreational amenities, and;

WHEREAS; specific improvements to Gravino Park and Canal Park, including enhanced recreational facilities, improved safety features, a dog park, and other amenities, have been identified by the community and the Town as priority areas to be addressed;

NOW, THEREFORE, be it RESOLVED that the Town of Macedon fully approves and endorses the Gravino Park and Canal Park enhancements and affirms public and community support for it;

Further, it is RESOLVED that Sandy Pagano, Town Supervisor of the Town of Macedon, is hereby authorized and directed to file an application for funds from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) through the NYS Department of State, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Macedon. The Town of Macedon will be responsible for all grant administration, oversight and reporting required through this application. The Town of Macedon affirms that it will not exceed \$310,000 in the form of in-kind services, supplies and materials, and cash match to qualify for the funding and to ensure project success.

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 167 (2018) GRAVINO PARK UPGRADE PROJECT – CFA GRANT NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION - SEQRA NEGATIVE DECLARATION

WHEREAS, the Town of Macedon, is applying for a grant from the NYS Office of Parks, Recreation, & Historic Preservation which would enable the improvement of Gravino Park consistent with the adopted LWRP Plan and Master Plan previously adopted by the Village of Macedon and approved by New York State,

AND WHEREAS, the proposed action will link the NYS Erie Canal Path, Gravino Park and Ganargua Creek via interconnecting trails and walkways, in addition to other improvements and upgrades within Gravino Park which address ADA and Health Department Compliance, safety and functionality issues,

BE IT RESOLVED, that the Town Board of the Town of Macedon, does hereby find and resolve as follows:

1. The proposed action is subject to the State Environmental Quality Review Act.
2. The proposed action does not involve a Federal agency.
3. The proposed action involves the Town of Macedon, NYSDOT, and the NYS Department of Parks, Recreation & Historic Preservation.
4. Using the information available and comparing it with the thresholds set forth in section 6 NYCRR 617.4, the action is found to have a preliminary classification of Unlisted.
5. As an Unlisted action, the Short Form EAF has been prepared by the Town Engineer to determine the significance of the proposed action.
6. The proposed action is not located in a coastal area.
7. The proposed action is not located in an agricultural district.
8. A non-coordinated Review for Unlisted actions involving a single agency has been performed.
9. The Macedon Town Board is the lead agent.
10. The Macedon Town Board hereby determines that the proposed action is in general conformance with the adopted town-wide Master Plan, and will not result in any significant adverse environmental impacts, a Negative Declaration is declared, and the Town Board hereby directs the Town Clerk to immediately file the determination in accordance with section 6 NYCRR 617.12.
11. In reaching this finding, the Town Board has:
 - (a) Considered the action as defined in sections 6 NYCRR 617.2 (b) and 617.3 (g),
 - (b) Reviewed the EAF, the criteria contained in subdivision 6 NYCRR 617.7 (c) and any other supporting information to identify the relevant areas of environmental concern,
 - (c) Thoroughly analyzed the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and,
 - (d) Set forth its determination of significance in this resolution, in addition to the corresponding long environmental assessment form.
12. In determining significance, the Town Board has determined whether the proposed Unlisted Action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action compared against the criteria in 6 NYCRR 617. The criteria considered indicators of significant adverse impacts on the environment were:
 - (a) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
 - (b) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant wildlife habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to the natural resources;
 - (c) The impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14 (g);
 - (d) The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
 - (e) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - (f) A major change in the use of either the quantity or type of energy;
 - (g) The creation of a hazard to human health;
 - (h) A substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses;
 - (i) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

- (j) The creation of material demand for other actions that would result in one or the above consequences;
 - (k) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
 - (l) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria of this subdivision.
13. For the purposes of determining whether an action may cause one of the consequences listed above, the Town Board considered reasonably related long-term, short-term, direct, indirect, and cumulative impacts, including other simultaneous or subsequent actions, which were;
- (a) Included in any long range plan of which the action under consideration is a part;
 - (b) Likely to be undertaken as a result thereof, or
 - (c) Dependent thereon.
14. In addition, the Town Board considered the significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:
- (a) Its setting (e.g., urban or rural);
 - (b) Its probability of occurrence;
 - (c) Its duration;
 - (d) Its irreversibility;
 - (e) Its geographic scope;
 - (f) Its magnitude; and
 - (g) The number of people affected.

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 168 (2018) MS4 WQIP GRANT APPLICATION SEQRA TYPE II ACTION

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Macedon Town Board has reviewed the Municipal Separate Storm Sewer System (MS4) project proposed for the Town of Macedon, and

WHEREAS, the completion of these improvements are subject to the New York State Environmental Quality Review Act, SEQRA; and

WHEREAS, the proposed project has been determined to be a Type II action under SEQR [Section 617.5 (c)(17)] in that the project involves the mapping of existing infrastructure to include catch basins, manholes, storm sewer pipes, drainage swales, etc.; and

WHEREAS, in accordance with the State Environmental Quality Review Act (SEQRA), Type II actions have been determined to not have a significant impact on the environment or are otherwise precluded from environmental review under Conservation Law, Article 8.

NOW, THERESORE, BE IT RESOLVED that the Macedon Town Board hereby determines that the proposed project is a Type II action and therefore is not anticipated to result in any significant adverse environmental impact, and in accordance with SEQR, no SEQR determination of significance, EIS or findings statement is required.

MOTION BY KENYON, SECONDED BY BABCOCK

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

RESOLUTION NO. 169 (2018) MS4 WQIP GRANT APPLICATION DECLARATION OF MATCHING FUNDS

WHEREAS, the Town of Macedon is applying for a NYSDEC MS4 WQIP (Water Quality Improvement Project) grant, and

WHEREAS, the grant conditions require a 25 percent local match of funds; and

WHEREAS, the project involves the mapping of existing infrastructure to include catch basins, manholes, storm sewer pipes, drainage swales, etc.; and

WHEREAS, the Town budgets money annually to fund the MS4 program administration, and

WHEREAS, the total project cost of the grant is \$60,000 with \$45,000 funded by the grant, and \$15,000 local matching funds,

NOW, THEREFORE, BE IT RESOLVED, that the Macedon Town Board authorizes the Town Supervisor to sign the commitment letter to provide the necessary matching funds for the MS4 WQIP grant application addressed to the NYSDEC Commissioner dated July 26, 2018.

MOTION BY KENYON, SECONDED BY MCEWEN

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

7:45 NEWCOMB WAYCOMB, INC. SPECIAL USE PERMIT - PUBLIC HEARING

A public hearing for the application of Newcomb Waycomb, Inc. to obtain a Special Use Permit to operate a motor vehicle service station and restaurant at 337 NYS Route 31 on July 26, 2018 at 7:45 p.m. to take public comment on this application.

RESOLUTION NO. 170 (2018) READING OF LEGAL NOTICE WAIVED

RESOLVED the Town Board waive reading of the legal notice published in the July 15, 2018 issue of the Times.
MOTION BY KENYON, SECONDED BY MCEWEN
ROLL CALL VOTE: MCEWEN AYE, MAUL ABSENT, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

*Resident had asked if the grand level near Wayneport Rd would be changing as it would make it difficult for cars to see when pulling out of the gas station. A representative from Marathon Engineering stated that the grading will stay the same and not change.

All persons desiring to be heard, having been heard, the public hearing was closed

RESOLUTION NO. 171 (2018) PUBLIC HEARING CLOSED

RESOLVED the Public Hearing be closed at 7:53 pm.
MOTION BY KENYON, SECONDED BY MCEWEN
ROLL CALL VOTE: MCEWEN AYE, MAUL ABSENT, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 172 (2018) SPECIAL USE PERMIT NEWCOMB WAYCOMB INC. 337 NYS ROUTE 31

WHEREAS, Newcomb Waycomb, Inc, has proposed to demolish and reconstruct the Mobil Service Station at NYS Route 31 and Wayneport Road, to include a new convenience store and Taco Bell restaurant; and

WHEREAS, the Applicant has received all necessary approvals from the Macedon Town Planning and Zoning Boards for the development proposal; and

WHEREAS, the Macedon Town Planning Board has made a positive referral to the Town Board recommending approval of a Special Use Permit for the property; and

WHEREAS, a Negative Declaration pursuant to SEQRA has been issued by the Macedon Town Planning Board relative to the proposal; and

WHEREAS, a public hearing was held on 7/26/18 to solicit public input on the Special Use Permit application under consideration,

NOW, THEREFORE, BE IT RESOLVED, that the Macedon Town Board approves a Special Use Permit for Newcomb Waycomb, Inc. to operate Motor Vehicle Service Station and Restaurant at 337 NYS Route 31 subject to all conditions of the Town Planning and Zoning Board approvals.

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

RESOLUTION NO. 173 (2018) APPROVAL OF MUNICIPAL WEB GIS MAPPING APPLICATION - NOVARA

RESOLVED, that the Macedon Town Board authorizes the Town Supervisor to sign the contract for Municipal Web GIS Mapping Services with Novara per their proposal dated June 1, 2018 for a not to exceed amount of \$10,000 to be expensed from A8010.402 as budgeted.

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

RESOLUTION NO. 174 (2018) WAYNE FINGER LAKES ELECTRICITY BID

RESOLVED the Town Board authorizes the Supervisor to sign Cooperative Electricity Bid with Wayne Finger Lakes Electricity Supply #WFL 2019-12 Bid

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

RESOLUTION NO. 175 (2018) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2018-2019 – DB PROPERTIES, LLC.

WHEREAS, DB Properties, LLC. Has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2018-2019 in Wayne County Supreme Court under index number CVO82799, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school, village and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17, dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$1,592,000 is sought to be reduced to \$557,000 (equalized to \$545,860) and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$197,500 is sought to be reduced to \$100,000 (equalized to \$98,000) and

WHEREAS, the Town of Macedon, desires to qualify this litigation for Wayne County and Palmyra-Macedon School District participation to equally share the legal and appraisal costs of this litigation,

NOW, THEREFOR, BE IT RESOLVED that the Town of Macedon does hereby agree to share equally in the legal and appraisal costs of this litigation and does hereby request Wayne County and Palmyra-Macedon School District participation to share equally in the legal and appraisal costs of this litigation; and

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Palmyra-Macedon School District participation in this litigation commenced under the index number set forth above for the year 2018-2019, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Palmyra-Macedon School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY BABCOCK, SECONDED BY KENYON

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

RESOLUTION NO. 176 (2018) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2018-2019 – EVERGREEN HILLS ASSOC, LP

WHEREAS, Evergreen Hills Association, LP has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2018-2019 in Wayne County Supreme Court under index number CVO82847, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school, village and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17, dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,876,900 is sought to be reduced to \$2,000,000 and

WHEREAS, the Town of Macedon, desires to qualify this litigation for Wayne County and Gananda School District participation to equally share the legal and appraisal costs of this litigation,

NOW, THEREFOR, BE IT RESOLVED that the Town of Macedon does hereby agree to share equally in the legal and appraisal costs of this litigation and does hereby request Wayne County and Gananda School District participation to share equally in the legal and appraisal costs of this litigation; and

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Gananda School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Gananda School District participation in this litigation commenced under the index number set forth above for the year 2018-2019, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Gananda School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Gananda School District.

MOTION BY BABCOCK, SECONDED BY KENYON

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

RESOLUTION NO. 177 (2018) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2018-2019 – EVERGREEN HILLS II ASSOCIATION, LP

WHEREAS, Evergreen Hills II Association , LP has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2018-2019 in Wayne County Supreme Court under index number CVO82848, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school, village and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17, dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,948,900 is sought to be reduced to \$2,000,000 and

WHEREAS, the Town of Macedon, desires to qualify this litigation for Wayne County and Gananda School District participation to equally share the legal and appraisal costs of this litigation,
NOW, THEREFOR, BE IT RESOLVED that the Town of Macedon does hereby agree to share equally in the legal and appraisal costs of this litigation and does hereby request Wayne County and Gananda School District participation to share equally in the legal and appraisal costs of this litigation; and

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Gananda School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Gananda School District participation in this litigation commenced under the index number set forth above for the year 2018-2019, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Gananda School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Gananda School District.

MOTION BY MCEWEN, SECONDED BY KENYON

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

RESOLUTION NO. 178 (2018) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2018-2019 – EVERGREEN HILLS 3 ASSOCIATION, LP

WHEREAS, Evergreen Hills Association , LP has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2018-2019 in Wayne County Supreme Court under index number CVO82850, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school, village and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17, dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,874,600 is sought to be reduced to \$1,000,000 and

WHEREAS, the Town of Macedon, desires to qualify this litigation for Wayne County and Gananda School District participation to equally share the legal and appraisal costs of this litigation,

NOW, THEREFOR, BE IT RESOLVED that the Town of Macedon does hereby agree to share equally in the legal and appraisal costs of this litigation and does hereby request Wayne County and Gananda School District participation to share equally in the legal and appraisal costs of this litigation; and

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Gananda School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Gananda School District participation in this litigation commenced under the index number set forth above for the year 2018-2019, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Gananda School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Gananda School District.

MOTION BY BABCOCK, SECONDED BY KENYON

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

RESOLUTION NO. 179 (2018) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2018-2019 – JINDAL FILMS AMERICAS, LLC.

WHEREAS, Jindal Films Americas, LLC. has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2018-2019 in Wayne County Supreme Court under index number CVO82822, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school and county tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17 dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,400,000 is sought to be reduced to \$1,000,000 (equalized to \$980,000) and

WHEREAS, the Town of Macedon, desires to qualify this litigation for Wayne County and Palmyra-Macedon School District participation to equally share the legal and appraisal costs of this litigation,

NOW, THEREFOR, BE IT RESOLVED that the Town of Macedon does hereby agree to share equally in the legal and appraisal costs of this litigation and does hereby request Wayne County and Palmyra-Macedon School District participation to share equally in the legal and appraisal costs of this litigation; and

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Palmyra-Macedon School District participation in this litigation commenced under the index number set forth above for the year 2018-2019, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Palmyra-Macedon School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY BABCOCK, SECONDED BY KENYON

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

RESOLUTION NO. 180 (2018) PERSONNEL – CLERK TO THE SUPERVISOR – CLARK

RESOLVED the Board appoints Miranda Clark as Part-Time Clerk to the Supervisor at the rate of \$12.50/hr effective August 6, 2018. Upon completion of her graduate work Miranda Clark will be positioned as Full-Time and a probationary period of 26 weeks expensed from A1320.1.

MOTION BY MCEWEN, SECONDED BY MCEWEN

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

RESOLUTION NO. 181 (2018) RESIGNATION – HAINES

RESOLVED the resignation of Scott Haines as Part-Time Police Officer has been received by the Town Clerk, and that the Supervisor and Town Board wish him well in his retirement effective August 1, 2018.

MOTION BY MCEWEN, SECONDED BY BABCOCK

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

RESOLUTION NO. 182 (2018) PROPOSED LOCAL LAW NO. 2 (2018) PUBLIC HEARING SET – OVERRIDE OF TAX LEVY LIMIT

RESOLVED the Town Board schedule a public hearing on August 9, 2017 at 7:45 p.m. to hear public comment on proposed Local Law No. 2 (2018) entitled a Local Law to Override the Tax Levy Limit established in General Municipal Law 3-c.

BE IT FURTHER RESOLVED the Town Board authorizes the Town Clerk to publish and advertise this public hearing as prescribed by the law.

MOTION BY BABCOCK, SECONDED BY MCEWEN

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

RESOLUTION NO. 183 (2018) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 8:38 p.m. to discuss contracts.

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 184 (2018) OPEN SESSION

RESOLVED the Board return to Open Session at 9:59 p.m.

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 185 (2018) CANAL PERMITS

RESOLVED the Canal permits that had been assigned to the Village of Macedon be transferred to the Town of Macedon, and

THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign Canal Corporation Real Estate Permit #'s C-OC-201800052, C-OC-201800053.

MOTION BY KENYON, SECONDED BY BABCOCK

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

ABSTRACT NO. 14 (General)	REGULAR BILLS
2018 # 1246 - 1321	\$62,020.51
2018 # 61-63	<u>\$1,832.02</u>
TOTAL	\$63,852.53

RESOLUTION NO. 186 (2018) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 187 (2018) CANAL CORPORATION REAL ESTATE PERMITS

RESOLVED the Board authorizes the Supervisor to sign the Canal Corporation Real Estate Permit No. C-OC-201800052 & C-OC-201800053.

MOTION BY KENYON, SECONDED BY BABCOCK

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

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

Karrie M. Bowers

Karrie M. Bowers, Town Clerk