

May 14, 2020
WEB SITE <http://macedontown.net>

The Regular Meeting of the Town Board is being held remotely in accordance with Executive Order 202.15 issued on April 9, 2020 by the Governor. The Town of Macedon held the Board meeting on May 14, 2020 at the Town Complex, 32 Main Street, in the Town of Macedon and via Zoom was called to order by Supervisor Kim Leonard at 7:30 p.m.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	David Maul
Councilperson	David McEwen
Councilperson	Bruce Babcock
Supervisor	Kim Leonard

Absent

Councilperson	Richard Roets
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Also Present:

Police Chief	John Colella
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

All Board members joined the Board meeting via Zoom

RESOLUTION NO. 115 (2020) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the April 23, 2020 (regular meeting).

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

Reports:

- Town Clerk April Report
- Police Report
- EMS Report

RESOLUTION NO. 116 (2020) APPROVAL OF REPORTS

RESOLVED the Board approves the reports as submitted

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

RESOLUTION NO. 117 (2020) LICENSE AGREEMENT

RESOLVED, the Town Board authorizes the Supervisor to sign the License Agreement prepared by Converse & Morell dated 5/14/20 related to an easement encroachment at 1593 Alderman Road.

MOTION BY MAUL SECONDED BY BABCOCK

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

RESOLUTION NO. 118 (2020) GRANT ADMINISTRATION SERVICES CONTRACT - LABELLA

RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Labela dated March 10, 2020 for Grant Administration Services as needed, with a contract amount not to exceed \$5,000.00 to be expensed from A1440.410

MOTION BY MAUL SECONDED BY MCEWEN

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

RESOLUTION NO. 119 (2020) NEW YORK STATE FENCE, INC. CONTRACT

RESOLVED, the Town Board authorizes the Supervisor to sign the contract with New York State Fence, Inc. dated 5/12/20 in the amount of \$11,445.00 for the installation of fencing at the Town Hall Complex to be expensed from A1620.404.

MOTION BY MCEWEN, SECONDED BY MCEWEN

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

**RESOLUTION NO. 120 (2020) CREST AVENUE TURN AROUND EASEMENT AMENDMENT – SEQRA
NEGATIVE DECLARATION**

WHEREAS, the Town of Macedon, has an existing easement for a temporary turnaround on 1839 Crest Avenue in the Town of Macedon;

AND WHEREAS, this easement was temporary until such time as the road was extended or deemed completed;

AND WHEREAS, no future extension of Crest Avenue will be feasible due to the adjacent farmland entering into a farmland conservation easement with the Town, State and Federal Government;

AND WHEREAS, the Developer of the building lot at 1839 Crest Avenue and the Town of Macedon have mutually agreed on a location for a permanent turnaround, which requires the existing easement to be amended and restated:

BE IT RESOLVED, that the Macedon Town Board, 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 does not involve any other agencies.
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 classification of Unlisted.
5. As an Unlisted Action, Part 1 and Part 2 of 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. An uncoordinated Review for Unlisted actions involving a multiple agencies 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 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 MCEWEN, SECONDED BY MCEWEN

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

7:45 P.M. PUBLIC HEARING – LOCAL LAW NO. 3 – 2020 PUBLIC HEARING SET – UPDATING ZONING REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

RESOLUTION NO. 121 (2020) THE READING OF THE LEGAL NOTICE

RESOLVED the reading of the legal notice published in the April 23, 2020 issue of the Times be waived.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

All persons desiring to be heard, having heard none, the public hearing was closed

RESOLUTION NO. 122 (2020) PUBLIC HEARING CLOSED

RESOLVED the Public Hearing be closed at 7:48 pm

MOTION BY BABCOCK, SECONDED BY MAUL

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

The Board has tabled the adopting of Local Law #3 (2020) until after the County Planning Board has met.

A LOCAL LAW UPDATING ZONING REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

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

Section 1.

Macedon Code § 135-182.3-G, which now reads:

- G. No Principal Use System shall be installed on a property adjacent to a property containing a dwelling unit unless the Principal Use System is more than 500 feet from the neighboring dwelling unit and set-back at least 100 feet from the property line.

Is amended to read:

- G. No Principal Use System shall be installed on a property adjacent to a property containing a dwelling unit unless the Principal Use System is more than 1000 feet from the neighboring dwelling unit and set-back at least 200 feet from the property line.

Section 2.

Macedon Code § 135-182.3 is amended to add the following subsections:

- I. Lot Coverage. The maximum lot coverage for a Principal Use System shall be 30 percent of the total lot area. The lot coverage of the Principal Use System shall be as measured at the exterior perimeter fence for the array.
- J. Landscape Buffering. Extensive landscape buffering including, but not limited to; earthen berms, fencing, and tree and shrub plantings, shall be provided which substantially shields the Principal Use System from any significant view sheds including adjacent residents, scenic vistas, and main roadways, to the satisfaction of the Town Planning Board. Significant view sheds shall be determined by the Town Planning Board after reviewing the initial sketch plans for the project. The Planning Board shall require visual simulations of the developed project during their review to determine compliance with this requirement.
- K. Access to site. Access shall be provided to the fenced compound area by a driveway with a minimum 24 foot width, designed to an HS-25 load rating capable of holding fire department apparatus. The surface of the driveway shall be maintained free of potholes, standing water and obstructions.
- L. Third Party Inspections. Third party compliance inspections shall be required as follows, with all costs payable by the Applicant and/or Project Owner. Fees shall be the actual cost incurred or as specified by the Town's Fee Schedule. All Third party inspections required below, shall be certified to the Town of Macedon, indicating the project complies with all applicable Town, State and Federal codes, rules and regulations. Where deficiencies are identified by the Third Party Inspector, they shall be detailed in the report.
 - 1) Site Plans and Building Permit Plans. Third Party Review of submittal documents for site plan and building permit review shall be required at the time of initial reviews.
 - 2) Construction: Third Party Inspections of the installation of the system during construction shall be required by an Inspector satisfactory to the Town Engineer.
 - 3) Annual: Annual Operation and Maintenance inspection of the array by a Third Party acceptable to the Town Engineer shall be required.

Effective Date:

This Local Law shall take effect immediately upon filing with New York State Secretary of State.

Councilman Roets enters the meeting at 7:50

RESOLUTION NO. 123 (2020) AMENDED & REINSTATED TURNAROUND EASEMENT

RESOLVED, the Town Supervisor is hereby authorized to execute the Amended and Restated Turnaround Easement by and between Douglas DuVall and Gail DuVall, as grantors, and the Town of Macedon, as grantee, with respect to the turnaround easement that was originally created by Quit Claim Deed from Raymond and Sharon Jenkins to the Town of Macedon dated June 20, 1996 and recorded on August 2, 1996 as Instrument # R8164867 (Liber 923 of Deeds, page 1) in the Wayne County Clerk's Office; and

BE IT FURTHER RESOLVED, the Town Supervisor is hereby authorized to execute and file all additional forms required to effectuate the transaction, including those required by the New York State Department of Taxation.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

**RESOLUTION NO. 124 (2020) GRAVINO PARK BATHROOM AND SITE ADA IMPROVEMENTS –
SEQRA NEGATIVE DECLARATION**

WHEREAS, the Town of Macedon, took ownership and responsibility of Gravino Park upon dissolution of the Village of Macedon;

AND WHEREAS, it has been determined that the bathroom facilities and surrounding access pathways at the park are not in compliance with current ADA requirements for Handicap Accessibility;

AND WHEREAS, the Town of Macedon had received SAM Grant funding in the amount of \$60,000.00 to fund necessary improvements, with the assistance of State Senator Pam Helming;

AND WHEREAS, the Town proposes to make improvements to Gravino Park, including upgrading bathroom fixtures, access doorways, access pathways, drinking fountains, benches, and other features to come into compliance with current ADA standards:

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

15. The proposed action is subject to the State Environmental Quality Review Act.
16. The proposed action does not involve a Federal agency.
17. The proposed action involves other agencies, including grant funding from New York State.
18. 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 classification of Unlisted.
19. As an Unlisted Action, Part 1 and Part 2 of the Short Form EAF has been prepared by the Town Engineer to determine the significance of the proposed action.
20. The proposed action is not located in a coastal area.
21. The proposed action is not located in an agricultural district.
22. An uncoordinated Review for Unlisted actions involving a multiple agencies has been performed.
23. The Macedon Town Board is the lead agent.
24. 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 Clerk to immediately file the determination in accordance with section 6 NYCRR 617.12.
25. 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.
26. 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.
27. 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;
- (d) Included in any long range plan of which the action under consideration is a part;
 - (e) Likely to be undertaken as a result thereof, or
 - (f) Dependent thereon.
28. 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:
- (h) Its setting (e.g., urban or rural);
 - (i) Its probability of occurrence;
 - (j) Its duration;
 - (k) Its irreversibility;
 - (l) Its geographic scope;
 - (m) Its magnitude; and
 - (n) The number of people affected.
- MOTION BY MAUL, SECONDED BY ROETS
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

ABSTRACT NO. 12 (2020)

2020 #693-803 \$227,535.47
2020 #TA 38-42 \$ 6,778.55

Total \$234,314.02

RESOLUTION NO. 125 (2020) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited
MOTION BY MAUL, SECONDED BY BABCOCK
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

Roundtable:

- *Shred Event has been changed to July 14, 2020 from 3:30-5:30pm at the Town Hall Complex
- *Packard Farm – discussion has been postponed until May 28th Board meeting
- *Plan of Action – Covid 19 & Town Board’s status to open to public (Governor’s Executive Order)
The Town Hall will be requiring the staff to report back to work on May 18 2020 but will not be open to the public. Supervisor Leonard stated that a plan of action needs to be put into place to allow us to open to the public. Court will be alternating with one clerk in the office at a time and court will resume as soon as the building is opened.
- *Railroad Avenue near the bridge has been closed due to Culvert issues.
- *Chief Colella would like to thank the local businesses that has been open
- *Wayne County Fair has cancelled the Fair for the 2020 year
- *Cycle the Erie Canal 2020 7/12-7/19 – cancelled
- *South Macedon Fire & Rescue announced a new website for the Fire department at www.southmacedonfd.org
- *Councilman Maul announced that the Macedon Messenger is available on the Town’s website
- *Historian Linda Braun stated that some renovations are taking place at the Grange. The Historian is now forming a committee to plan celebrations for the Town of Macedon’s Bicentennial.

RESOLUTION NO. 126 (2020) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 9:03 p.m. to discuss personnel/contracts.
MOTION BY BABCOCK, SECONDED BY ROETS
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

Declared out of Executive at 9:43 pm

MOTION BY MCEWEN, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 9:44 PM.

Karrie M. Bowers

Karrie M. Bowers, Macedon Town Clerk, RMC