

June 25, 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 June 25, 2020 by the Governor. The Town of Macedon held the Board meeting on June 11, 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
Councilperson	Richard Roets
Supervisor	Kim Leonard

Absent

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. 143 (2020) APPROVAL OF MINUTES**

RESOLVED the Board approves the minutes from the June 11, 2020 (regular meeting).  
MOTION BY ROETS, SECONDED BY BABCOCK  
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,  
MOTION CARRIED

Reports:

May Town Clerk Report

**RESOLUTION NO. 144 (2020) APPROVAL OF REPORT**

RESOLVED the Board approves the report as submitted  
MOTION BY MAUL, SECONDED BY MCEWEN  
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,  
MOTION CARRIED

**RESOLUTION NO. 145 (2020) SUMMER RECREATION CAMP 2020 APPOINTMENTS**

RESOLVED the Board appoints the following Summer Recreation Appointments for 2020 Summer Recreational Camp:

Shelby Depew – Director - \$18.70/hr  
Davon McClain – Program Director - \$13.75/hr  
Sadie Ensign – Counselor - \$11.80/hr  
Hunter Markham – Counselor - \$11.80/hr

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

**7:45 PUBLIC HEARING – LOCAL LAW NO. 4 (2020) TO CONTINUE, AMEND, AND RECODIFY THE LOCAL LAWS, ORDINANCES, AND CERTAIN RESOLUTIONS OF THE TOWN OF MACEDON AND FORMER VILLAGE OF MACEDON INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF MACEDON**

**RESOLUTION NO. 146 (2020) THE READING OF THE LEGAL NOTICE**

RESOLVED the reading of the legal notice published in the June 14, 2020 issue of the Times be waived.  
MOTION BY ROETS, SECONDED BY MCEWEN  
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,  
MOTION CARRIED

Councilman Maul would like to thank Scott Allen and Attorney David Fulvio merging the Village and Town Code.

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

**RESOLUTION NO. 147 (2020) PUBLIC HEARING CLOSED**

RESOLVED the Public Hearing be closed at 7:50 pm  
MOTION BY MAUL, SECONDED BY MCEWEN  
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,  
MOTION CARRIED

**RESOLUTION NO. 148 (2020) LOCAL LAW TO CONTINUE, AMEND, AND RECODIFY THE LOCAL LAWS, ORDINANCES, AND CERTAIN RESOLUTIONS OF THE TOWN OF MACEDON AND FORMER VILLAGE OF MACEDON INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF MACEDON"**

Be it enacted by the Town Board of the Town of Macedon as follows, to be codified as Article II in the Town Code of the Town of Macedon:

ARTICLE II  
**Adoption of Code**

**§ 1-2. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Macedon and former Village of Macedon, as codified by General Code, T305, together with an Appendix, shall be known collectively as the "Code of the Town of Macedon," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Macedon" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-3. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the 1996 Code and local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Macedon, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-4 below.

**§ 1-4. Repealer.**

Repeal of inconsistent enactments. Except as provided in § 1-5, Enactments saved from repeal; matters not affected, below, all portions of the 1996 Code, local laws and ordinances, or parts of such 1996 Code, local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-14; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Macedon which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

**1-5. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-4 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Macedon prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Macedon or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Macedon.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Macedon.

- E. Any local law or ordinance of the Town of Macedon providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Macedon or any portion thereof.
- F. Any local law or ordinance of the Town of Macedon appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Macedon or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town, including, but not limited to, Local Law No. 7-1994, pertaining to fees for mining operations, and sewer rent legislation.
- N. Any local law or ordinance adopted subsequent to September 24, 2019.
- O. Local Law No. 1-1984, pertaining to environmental quality review.

**§ 1-6. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 1-7. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Macedon and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Macedon by impressing thereon the Seal of the Town of Macedon, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-8. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Macedon" or any new local law or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be published as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

**§ 1-9. Code to be kept up-to-date.**

It shall be the duty of the Town Clerk to keep up-to-date the Code of the Town of Macedon. All changes in said Code and all local laws and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are published as supplements to said Code.

**§ 1-10. Sale of Code; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-11. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Town of Macedon in any manner whatsoever which will cause the legislation of the Town of Macedon to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine as set forth in Chapter 1, Article I, of the Code.

**§ 1-12. Changes in previously adopted legislation; new provisions.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Macedon, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

**§ 1-13. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article II of Chapter 1 of the Code of the Town of Macedon, such local law to be entitled "General Provisions, Article II, Adoption of Code," and the sections of this local law shall be numbered §§ 1-2 to 1-14, inclusive.

**§ 1-14. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.  
MOTION BY MAUL, SECONDED BY ROETS  
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,  
MOTION CARRIED

**RESOLUTION NO. 149 (2020) WEST WAYNE PLAZA FORMER CHASE BANK BUILDING**

**WHEREAS**, the Town Board is desirous of relocating its court room and the administrative offices relative thereto to the former bank building in West Wayne Plaza, owned by I. Gordon Realty and identified as 1900 Route 31, Macedon, New York, Tax Map Identification Number 63111-00-214894.1;

**WHEREAS**, I. Gordon Realty has agreed to lease said premises in accordance with the terms and conditions set forth in a Lease Agreement, circulated by and between the parties on June 24, 2020, including rent in the amount of \$416.66 per month, from July 1, 2020 through December 31, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby authorizes the Town Supervisor to execute the aforesaid Lease Agreement, subject to final attorney review; and

**BE IT FURTHER RESOLVED**, the rent payable to I. Gordon Realty in accordance with the lease shall be appropriated from surplus funds.

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

ABSTRACT NO. 15 (2020)

2020 #954-1017 \$138,565.26  
2020 TA#47-48 \$ 5,038.02

Total \$143,603.28

**RESOLUTION NO. 150 (2020) PAYMENT OF CLAIMS**

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

**RESOLUTION NO. 151 (2020) LIBRARY MAILBOX**

RESOLVED the Town Board authorizes for the purchase of a mail drop box to be installed at the Library and will not to exceed the amount of \$300 and to be expensed from A1620.400  
MOTION BY MAUL, SECONDED BY ROETS  
ROLL CALL VOTE: MAUL AYE, MCEWEN AYE, BABCOCK AYE, ROETS AYE, LEONARD AYE,  
MOTION CARRIED

Roundtable:

\*Verizon Tower Update – Scott Allen – before the Village dissolution the Village started a water project in the hamlet area. The project included the water tank up by the cemetery off of Erie street at which time the tank was in bad repair and the health department had indicated to the Town Board that it was time to clean and paint the tank inside and out and that is a large expense. The Town Board tasked the Engineers on the project to see if the tank was needed and or necessary for the project for the water system. The tank was not necessary for the hamlet area or the town and it was removed. Verizon had reached out to the Town of Macedon to inquire if they could install antennas on the water tower at which time the Town had decided to demolish the water tank. After the water tank was demolished Wayne County 911 Emergency Management reached out to the Town as they needed to put a tower in our area as their police, fire and ems was inadequate bandwidth and they would like to put a county owned tower in Macedon and at the same time we still had the interest from Verizon. The Town Board expressed that they were not interested in two towers being built and the Town Board wanted to see people work together and build one structure. Verizon expressed to the Town that they were still interested in building a tower and Wayne County 911 could be a tenant on the tower which would achieve the same goal.

\*Cemetery Master Plan Update – we took over the Village cemetery at which time the Highway Superintendent went to Scott Allen and stated that there is not enough room and would need more room for burials. Highway Superintendent Christopher Countryman stated that he has concern with the drainage at the cemetery which needs to be addressed as well. There has also been concerns with a few of the trees that are a very old and are dying and need to be taken down and replaced. Scott Allen was receiving calls from Murphy Funeral Home regarding the cemetery and the direction of burials. The percentage of cremation versus burials have changed as more people are wishing to be cremated. The historic section of the cemetery needs to be addressed to be able to protect and preserve that area as well. Town Board budgeted money for immediate improvements at the cemetery ie: driveway and drainage.

\*Rochester Colonial Window update – Town Clerk/Receptionist Windows – will be completed in 6 weeks

\*Appoint Special Event Local Law Committee – Scott Allen, David Fulvio & Richard Roets

\*Park Recommendations from Recreation Department has been given to the Town Board for the opening of the parks

\*Macedon Center Fire Department Chicken BBQ – June 27<sup>th</sup> – 4pm till gone

\*Wayne County Foodlink will be Tuesday, June 23, 2020 from 3:00-5:00pm) at the North Rose-Wolcott High School and Tuesday, June 30, 2020 (3:00-5:00pm) at the Marion High School. Flyer will be posted on the Town Website.

\*Councilman Babcock stated that he met with the Library board and they stated that they do not have a mailbox on the outside of the library. Mail has been delivered either in the book drop box or someone came out and met the postal person. As the library leases the building from the Town it should be the Town responsible install a mail drop box. The library will be open for curbside pickup beginning on June 29<sup>th</sup>. The library has all information posted on their website.

\*Railroad Avenue near the bridge has been closed due to Culvert issues until further notice.

\*Wayne County Fair has cancelled the Fair for the 2020 year

\*Cycle on the Erie Canal 2020 7/12-7/19 – cancelled

\*Purple Painted Lady Festival September 19<sup>th</sup> & 20<sup>th</sup> has been cancelled.

\*Lumberjack Festival – Cancelled

\*Canal Town Days – Cancelled

\*Pirates Weekend – Cancelled

\*Rochester Colonial window update – Town Clerk & Receptionist windows

\*Supervisor Leonard stated that she is asking if residents have questions/issues to please contact the Departments that they can help the residents in a timely manner. Supervisor Leonard will post the department heads names and phone number/emails as well as what they are responsible for on the Town Website for the residents.

**RESOLUTION NO. 151 (2020) EXECUTIVE SESSION**

RESOLVED the Board enters Executive Session at 9:45 p.m. to discuss personnel

MOTION BY ROETS, SECONDED BY BABCOCK

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

MOTION CARRIED

Declared out of Executive at 10:15 pm

MOTION BY MAUL, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 10:26 PM.

*Karrie M. Bowers*

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Karrie M. Bowers, Macedon Town Clerk, RMC