

August 13, 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 2, 2020 by the Governor. The Town of Macedon held the Board meeting on August 13, 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:

Attorney	Anthony Villani
NYS Assemblyman	Brian Manktelow
Police Chief	John Colella
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

All Board members joined the Board meeting via Zoom

RESOLUTION NO. 159 (2020) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the July 9, 2020 (regular meeting), July 15, 2020 (Special Board meeting) and July 27, 2020 (Special Board meeting)

MOTION BY MAUL, SECONDED BY MCEWEN

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

Report:

July Police Report

RESOLUTION NO. 160 (2020) APPROVAL OF REPORT

RESOLVED the Board approves the report as submitted

MOTION BY BABCOCK, SECONDED BY ROETS

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

RESOLUTION NO. 161 (2020) ASSESSMENT CLERK

BE IT RESOLVED, the Town Board hereby establishes the position of "Assessment Clerk," subject to review, classification, and certification by the Wayne County Civil Service, as required under New York Civil Service Law § 22; and

BE IT FURTHER RESOLVED, the position of Assessment Clerk shall have the following duties, necessary to assist the Town Assessor:

- Enters new assessments and changes in assessments on computer and on various other records;
- Checks modifications on assessment maps;
- Assists with the apportionment of property;
- Assists in the field check of the measurement and improvement of property;
- Assists in computing land and improvement valuations;
- Prepares and summarizes assessment data;
- Checks accuracy of total and special district assessments;
- Answers requests for information concerning assessments, inventory and land locations;
- Assists with the compilation of information for board of review and reports for the County and the State;

- Records board of review decisions;
- Accepts and evaluates various applications for exemptions;
- Any additional tasks deemed necessary by the Town Assessor to assist in completing the duties of her office; and

BE IT FURTHER RESOLVED, the Town Supervisor shall cause a "New Position Duties Statement" to be completed and filed with Wayne County Civil Service, requesting the classification of the position of Assessment Clerk and setting forth the above mentioned duties, as required under Wayne County Civil Service Rules and Regulations, Rule XXIII(4).

BY ORDER OF THE TOWN BOARD
TOWN OF MACEDON
Karrie Bowers, Town Clerk
Dated: 8-13-2020

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

RESOLUTION NO. 161 (2020) RESIGNATION – BRADY

RESOLVED the Town Board accepts the resignation from Robert Brady, part-time Police Officer for the Macedon Police Department effective September 1, 2020.

MOTION BY MAUL, SECONDED BY ROETS

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

RESOLUTION NO. 162 (2020) 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 2020-21 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 Krystina Lizak 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 be it further

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

RESOLVED that Patrick Schmitt School Tax Collector for the portion of Wayne Central School District within the Town.

MOTION BY ROETS, SECONDED BY BABCOCK

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

RESOLUTION NO. 163 (2020) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2020-2021 – 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 2020-2021 in Wayne County Supreme Court under index number CV085874, 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 \$2,400,000 is sought to be reduced to \$1,000,000 (equalized to \$880,000) 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 2020-2021, 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 MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 164 (2020) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2020-2021 – SPEEDWAY, LLC.

WHEREAS, SPEEDWAY, LLC. Has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2020-2021 in Wayne County Supreme Court under index number CV085910, 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 \$1,020,400 is sought to be reduced to \$115,954 (equalized to \$102,040) 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 \$12,500 is sought to be reduced to \$1,420 (equalized to \$1,250) 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 2020-2021, 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 MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 165 (2020) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2020-2021 – WALMART STORES INC. #3842

WHEREAS, Walmart Stores Inc. #3842 Has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2020-2021 in Wayne County Supreme Court under index number CV085916, 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 \$13,600,000 is sought to be reduced to \$10,200,000 (equalized to \$8,976,000) 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 2020-2021, 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 MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 166 (2020) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2020-2021 – MEADOWVIEW REALTY LLC.

WHEREAS, Meadowview Realty LLC. Has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2020-2021 in Wayne County Supreme Court under index number CV085981, 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 \$1,064,000 is sought to be reduced to \$350,000 (equalized to \$308,000) 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 2020-2021, 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 MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 167 (2020) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2020-2021 – CROWN ATLANTIC CO. LLC & P&B DEVELOPMENT

WHEREAS, Crown Atlantic Co. LLC & P&B Development has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2020-2021 in Wayne County Supreme Court under index number CV085869, 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 \$1,268,000 is sought to be reduced to \$300,000 (equalized to \$264,000) 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 2020-2021, 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 MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 168 (2020) BOCES COOPERATIVE BID FOR ELECTRICITY SERVICES

WHEREAS, by correspondence dated May 1, 2020, the Town of Macedon was notified by the Board of Cooperative Education Services of Ontario, Seneca, Wayne and Yates Counties (hereinafter "BOCES") that BOCES' cooperative bid for electricity services is due to expire on December 31, 2020; and

WHEREAS, said correspondence from BOCES sets forth the requirements for the Town to participate in BOCES' upcoming cooperative bid for electricity services; and

WHEREAS, the Town of Macedon, desires to participate in a Cooperative Bidding Program conducted by BOCES on an annual basis, for the purchase and supply of electricity; as authorized by General Municipal Law §119-o; and

BE IT RESOLVED, the Town Board hereby appoints BOCES as representative to assume the responsibility for drafting specifications, advertising, accepting, opening and tabulating bids, and reporting the result to the Town Board and making recommendations thereon;

BE IT FURTHER RESOLVED, the Town Board authorizes BOCES to represent the Town of Macedon in matters regarding the contract for the purchase of electricity services as set forth in the correspondence from BOCES to the Town of Macedon, dated May 1, 2020; and

BE IT FURTHER RESOLVED, the Town Board, on behalf of the Town of Macedon, hereby agrees to submit payment of \$625 to BOCES for its equitable share of the costs incurred as a result of the cooperative bidding through BOCES, as set forth in the invoice provided with the BOCES correspondence dated May 1, 2020; and

BE IT FURTHER RESOLVED, the Town Supervisor, on behalf of the Town of Macedon, is hereby authorized to execute and supply to BOCES the letter, participant information form, and any other documentation or information required by BOCES for the Town to participate in the upcoming cooperative electricity bid.

BE IT FURTHER RESOLVED, BOCES is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive and responsible meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law relating to public bids and contracts.

MOTION BY MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 169 (2020) LYONS NATIONAL BANK

RESOLVED the following employees/ elected officials have signing privileges at Lyons National Bank:

Town of Macedon Accounts as of 8-13-2020	
Account Description	Current Signers
Police Dept Local Seizure Act	Kim V. Leonard, John Colella, David Maul
Judge Thomas Crowley	Kim V. Leonard, Thomas Crowley
Judge Ron Reinstein	Kim V. Leonard, Ronald Reinstein
Trust Checking	Kim V. Leonard, David Maul
Town Clerk	Kim V. Leonard, Kristen Ferguson, Karrie Bowers
Tax Collector	Kim V. Leonard, Lorie Maul
General MMA	Kim V. Leonard, David Maul
Capital Disbursement	Kim V. Leonard, David Maul
Federal Drug Seizure	Kim V. Leonard, David Maul, John Colella
General Disbursement	Kim V. Leonard, David Maul

BE IT FURTHER RESOLVED the following employees/ elected officials have signing privileges at Chase Bank:

Town of Macedon Accounts as of 8-13-2020	
Account Description	Current Signers
Federal Drug Seizure	Kim V. Leonard, David Maul, John Colella

MOTION BY MAUL, SECONDED BY ROETS

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

RESOLUTION NO. 170 (2020) STANDARD WORK DAY AND REPORTING RESOLUTION

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Macedon hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body, and

BE IT FURTHER RESOLVED that Resolution No. 28 (2020) was established on January 2, 2020.

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Board Member	McEwen, David J.	6.5	01/01/2017-12/31/2021	N	4.00
Board Member	Babcock, Bruce	6.5	01/01/2017-12/31/2021	N	4.00
Highway Superintendent	Countryman, Christopher	8	01/01/2020-12/31/2023	N	34.96
Receiver of Taxes & Assessments	Maul, Lorie D.	6.5	12/01/2020-12/31/2023	Y	N/A
Town Clerk	Bowers, Karrie M.	6.5	01/01/2020-12/31/2023	N	23.7
Appointed Officials					

Assessing Review Board	Reid, John	6.5	10/01/2018-9/30/23	Y	N/A
Assessing Review Board Clerk		6.5	07/15/2013-12/31/2018	Y	N/A
Court Clerk	LaBrake, Barbara	6.5	01/01/20-12/31/2023	Y	N/A
Deputy Town Clerk	Ferguson, Kristine	6.5	01/09/2020-12/31/2023	Y	N/A
Dog Control Officer	Plyter, Mark E.	6.5	01/01/2020-12/31/2020	Y	N/A
Highway Clerk	Friedl, Elisa	6.5	01/01/2020-12/31/2023	Y	N/A
Bookkeeper	Miller, Wendy	6.5	01/01/2020-12/31/2020	Y	N/A
Planning Board Member	Bartels, Merton E.	6.5	01/01/2018-12/31/2024	N	2.00

On this 13th day of August, 2020

Karrie M. Bowers

Karrie M. Bowers
(Signature of clerk)

Date enacted: August 13, 2020

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

RESOLUTION NO. 171 (2020) AMERICAN FLAGS

WHEREAS, the Town complied with Governor Cuomo’s April 9, 2020 directive that flags shall be lowered while New York was on “PAUSE” amid on the ongoing COVID-19 pandemic; and

WHEREAS, no subsequent order has been promulgated by Governor Cuomo, directing that flags remain lowered; and

WHEREAS, the Town’s flags remain at half-staff; and

WHEREAS, 4 U.S.C. § 7 sets forth the criteria by which the American flag may be flown at half-staff, with a maximum period of time of 30 days in the event of the death of the President; now, therefore,

BE IT RESOLVED, the Town Board hereby directs that the American flags flown on Town property shall be returned to full-staff, unless the Town otherwise deems it appropriate to place them at half-staff as permitted under 4 U.S.C. § 7.

BY ORDER OF THE TOWN BOARD
TOWN OF MACEDON
Karrie Bowers, Town Clerk
Dated: 8-13-2020

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

RESOLUTION NO. 172 (2020) PACKARD CATTLE FARM, LLC – AGRICULTURAL EASEMENT

WHEREAS, the Town of Macedon Comprehensive plan provides that the Town shall protect over 6200 acres of farmland with conservation easements; and

WHEREAS, the Town currently has approximately 2700 acres of farmland protected by conservation easements; and

WHEREAS, Packard Cattle LLC requested that the Town of Macedon apply for a New York State Agriculture and Markets Farmland Protection grant to finance the purchase of an agricultural conservation easement on their farmland; and

WHEREAS, Packard Cattle LLC, is willing to convey the proposed agricultural easement in a “bargain sale transaction” at 87.5% of fair market value, to be financed by the potential grant funds; and

WHEREAS, the Genesee Land Trust Board of Directors has expressed its willingness to apply, in partnership with the Town, for program grant funds available to finance this project; and

WHEREAS, no potential conflicts of interest have been identified between the Town Board, individual Town Board members and Packard Cattle LLC or its individual owners, now therefore be it

RESOLVED that the Town of Macedon, together with the Genesee Land Trust, shall apply to the NYS Department of Agriculture and Markets for funding through Farmland Protection Implementation Grant Round 17-b to finance the proposed Packard Cattle LLC agricultural easement, and be it further

RESOLVED, that the Town Supervisor is authorized and directed to execute on behalf of the Town of Macedon any documents necessary to apply for such grant, subject to attorney review.

BY ORDER OF THE TOWN BOARD
TOWN OF MACEDON
Karrie Bowers, Town Clerk

Dated: August 13, 2020

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 173 (2020) LEGAL NOTICE - TOWN OF MACEDON - NOTICE OF PUBLIC HEARING

A LOCAL LAW ESTABLISHING THE CRITERIA FOR APPORTIONING THE COSTS TO BE PAID BY GANANDA SEWER DISTRICT NO. 1 TO THE WAYNE COUNTY WATER AND SEWER AUTHORITY FOR THE CONSTRUCTION OF THE REGIONAL WASTEWATER TREATMENT PLANT

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Macedon on the 10th day of September, 2020 at 7:40 p.m. at the Macedon Town Hall, 32 West Main Street, Macedon, New York to hear and consider comments from the public in regard to:

Local Law No. 4 - 2020 Establishes the method of apportioning the costs to be paid by Gananda Sewer District No. 1 to the Wayne County Water and Sewer Authority for the construction of the Regional Wastewater Treatment Plant

Copies of the entire proposed Local Law No. 4 - 2020 are available for review at the Town Clerk's Office during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF MACEDON
Karrie Bowers, Town Clerk
Dated: August 13, 2020

MOTION BY BABCOCK, SECONDED BY ROETS

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

RESOLUTION NO. 174 (2020) LETTER OF ENGAGEMENT- BONADIO GROUP

WHEREAS the Town has solicited The Bonadio Group, (CPAs, Consultants) to review and advise the Town regarding processes and internal controls, in likely anticipation of an audit function to come later,

BE IT RESOLVED that the Supervisor be directed to sign the Letter of Engagement (dated August 11, 2020) governing this review.

MOTION BY ROETS, SECONDED BY MAUL

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

RESOLUTION NO. 175 (2020) MEMORANDUM OF UNDERSTANDING – GENESSEE LAND TRUST, INC.

BE IT RESOLVED, the Town Supervisor is hereby authorized to execute the Memorandum of Understanding with the Genessee Land Trust, Inc., for the joint application of New York State Department of Agriculture, United States Department of Agriculture, and/or Natural Resources Conservation Service grants and continued administration and monitoring of the agricultural conservation easements associated therewith.

MOTION BY MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 176 (2020) CLEANING SERVICES

BE IT RESOLVED that after quoting five cleaning service providers that Coverall North America, Inc. be selected as the best value for cleaning and Covid disinfection services for the Town Hall, Library, new Court Building, and Town Highway facilities at a cost of \$353.80 per trip.

BE IT FURTHER RESOLVED that the Town Supervisor be authorized to sign Cleaning and Disinfection services contract for the aforementioned facilities with pending Attorney approval.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 177 (2020) BELL ATLANTIC MOBILE SYSTEMS LLC d/b/a VERIZON WIRELESS LEASE SEQRA NEGATIVE DECLARATION

WHEREAS, the Town of Macedon, on June 11, 2020 passed a resolution authorizing the lease of certain town real property to Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless;

AND WHEREAS, this resolution was subject to permissive referendum;

AND WHEREAS, the Town Clerk has certified that the period of time has elapsed for the submission and filing of a petition for permissive referendum, and a valid petition has not been submitted and filed;

AND WHEREAS, the Town of Macedon intends to execute the lease with the above Party:

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 ROETS, SECONDED BY MCEWEN

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

RESOLUTION NO. 178 (2020) BELL ATLANTIC MOBILE SYSTEMS LLC d/b/a VERIZON WIRELESS CELL TOWER

At a duly scheduled meeting of the Town Board of the Town of Macedon, Wayne County, New York, duly held at the Macedon Town Hall, located at 32 West Main Street, Macedon, New York, on 13th day of August, 2020, at 7:30 P.M., the Town Board of the Town of Macedon duly adopted the following resolution pursuant to Section 64 of the New York State Town Law which was subsequent to the expiration of the time required by law for a permissive referendum:

WHEREAS, the Town of Macedon owns real property which was the site of a former water tower, which has been removed so that the land is currently unused, and

WHEREAS, the Town of Macedon had received an offer to lease said property by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless for the construction of a cell tower, and

WHEREAS, the Town of Macedon wished to improve cell tower reception within the Town and receive rents for this currently unused land,

WHEREAS, the Town authorized the lease of that parcel of land shown in the map attached to this resolution to Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless by resolution of the Town Board duly adopted at a regularly scheduled meeting of the Town Board on June 11, 2020; and

WHEREAS this resolution was subject to permissive referendum and

WHEREAS, the Town Clerk was authorized to and did in fact publish the required legal notice pertaining to resolution subject to permissive referendum as is shown on the proof of publication annexed hereto, and

WHEREAS, the Town Clerk has certified to the Town Board that the period for the filing of a Petition calling for a permissive referendum has expired and no resolution calling for a permissive referendum having been filed, and

WHEREAS, the Town Board has considered the environmental impact of this lease and has issued it negative declaration,

BE IT RESOLVED that the Town Board ratifies the resolution approving the lease with Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless in the form previously approved and authorizes the Supervisor to sign said lease on behalf of the Town of Macedon, and it is further

RESOLVED, that nothing in this resolution shall be deemed to express any views or positions of the Town Board regarding the site plan review of this project which is subject to site a plan approval by the Town of Macedon Planning Board, and be it further

RESOLVED, that the Town of Macedon Code Enforcement Officer communicate to the Town of Macedon Planning Board that the SEQRA review by the Town Board was limited to the leasing of the property and did not include any site plan review.

Dated: August 13, 2020

Karrie Bowers

Town Clerk

Town of Macedon, New York

MOTION BY BABCOCK, SECONDED BY ROETS

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

RESOLUTION NO. 179 (2020) NEW YORK STATE JUSTICE COURT ASSISTANCE PROGRAM (JCAP)

RESOLVED the Macedon Town Board authorizes the Macedon Town Court Justices to apply for a New York State Justice Court Assistance Program (JCAP) grant in the 2020-2021 grant cycle up to \$30,000, or the exact amount being requested.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 180 (2020) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited

MOTION BY ROETS, SECONDED BY BABCOCK

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

ABSTRACT NO. 17 (2020)

2020 #1083-1147	\$ 99,408.72
2020 TA#58-75	\$ 7,438.02

ABSTRACT NO. 18 (2020)

2020 #1148-1252	\$228,479.65
2020 TA76-78	\$ 700.00

Total	<u>\$336,026.39</u>
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RESOLUTION NO. 181 (2020) DELAWARE SOLAR

RESOLVED the Town of Macedon will accept the lump sum payment of \$115,850 in full satisfaction of Delaware's obligation for to provide a host agreement. The monies will be wired to the Town of Macedon at closing by the Wayne County IDA Attorney conditioned on Delaware providing proof that the undeveloped portions of both parcels will remain taxable. The information as to who the bill will go to will be provided to the Assessor prior to closing.

MOTION BY MAUL, SECONDED BY BABCOCK

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

Roundtable:

- Supervisor Leonard would like to thank NYS Assemblyman Brian Manktelow for joining the Macedon Town Board meeting.
- Police Chief John Colella will post traffic interruptions on the Town's Website for Sunday's Back the Blue ride starting and ending at Bullis Park.
- Councilman David Maul stated that he has been working with Integrated Systems for a firewall, networking and power supply for the New Court Building in the amount of \$1621 and the labor will be determined at a different date. Spectrum will also be running two phone lines and internet to the building.
- Councilman Bruce Babcock spoke with Judge Reinstein and Judge Crowley regarding a Court mailbox.

- Councilperson McEwen will contact Ewing regarding signs for the Court building.
- Highway Superintendent Christopher Countryman stated that the fire hydrant by the cemetery has been relocated to the South as well as a 2" pipe up the hill in the Cemetery. Oil and stone done on the Village Streets.
- Scott Allen stated that Lattimore Physical Therapy will be going in the plaza next to Walmart.
- Chief Colella will get with Karrie to get the traffic delays posted on the website.
- August 22nd from 4 – till gone at the Macedon Center Fire Department.
- Supervisor Leonard stated that Paul Harkness would like to appoint 3 people to the ambulance position. Supervisor has requested names and salary amount for the September 10th meeting.
- Councilman Maul asked if any of the CHIPS money being spent and Highway Superintendent stated that he has spent some of the CHIPS. Councilman Maul stated that the Board directed not to spend any of the CHIPS money. Highway Superintendent will follow up with the State regarding the CHIPS.

MOTION BY MCEWEN, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 9:23 PM.

Karrie Bowers

Karrie Bowers, Town Clerk RMC