

August 12, 2021
 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 12, 2021 at the Town Complex, 32 Main Street, 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	Bruce Babcock
Councilperson	David Maul
Councilperson	David McEwen
Councilperson	Richard Roets
Supervisor	Kim V. Leonard

Absent

Also Present:

Assessor	Dennine Leeson
Director of EMS	Paul Harkness
Highway Superintendent	Christopher Countryman
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 163 (2021) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 7:01 p.m. to discuss personnel/contracts.
 MOTION BY ROETS, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

Declared out of executive at 7:23 pm

RESOLUTION NO. 164 (2021) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the July 22, 2021, (special meeting)
 MOTION BY ROETS, SECONDED BY BABCOCK
 ROLL CALL VOTE: BABCOCK AYE, MAUL ABSTAIN, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

Reports:

July Town Clerk Report
 2nd Qtr. Historian Report
 July Police Report
 July EMS Report

RESOLUTION NO. 165 (2021) APPROVAL OF REPORTS

RESOLVED the reports be approved as submitted.
 MOTION BY MAUL, SECONDED BY ROETS
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 166 (2021) FIREWORKS DISPLAY PERMIT – ROCHESTER AERO MODELING SOCIETY

RESOLVED the Macedon Town Board approves the Outdoor Fireworks Display Permit on August 28, 2021 at 2529 Macedon Center Rd as requested by Young Explosives Corporation.
 MOTION BY ROETS, SECONDED BY MAUL
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 167 (2021) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2021/2022 – 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 2021/2022 in Wayne County Supreme Court under index number CV087512 and

WHEREAS, 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 requirement 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 in 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 800,000), 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 defenses confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; 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 of the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY ROETS, SECONDED BY MAUL

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

RESOLUTION NO. 168 (2021) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2021/2022 – 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 2021/2022 in Wayne County Supreme Court under index number CV087494; and

WHEREAS, 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 requirement 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 in 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 8,160,000); 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 defenses confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; 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 of the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 169 (2021) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2021/2022 – Meadowview Realty LLC

WHEREAS, Meadowview Realty LLC has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2021/2022 in Wayne County Supreme Court under index number CV087565; and

WHEREAS, 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 requirement 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 in assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$1,064,500 is sought to be reduced to \$150,000 (equalized to \$120,000); 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 defenses confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; 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 of the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 170 (2021) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2021/2022 – Speedway LLC

WHEREAS, Speedway LLC has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2021/2022 in Wayne County Supreme Court under index number CV087521; and

WHEREAS, 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 requirement 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 in assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$1,200,400 is sought to be reduced to \$115,954 (equalized to \$92,763); 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 defenses confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; 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 of the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY MCEWEN, SECONDED BY ROETS

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

RESOLUTION NO. 171 (2021) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2021/2022 – CVS

WHEREAS, CVS has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2021/2022 in Wayne County Supreme Court under index number CV087557; and

WHEREAS, 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 requirement 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 in assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,500,000 is sought to be reduced to \$250,000 (equalized to \$200,000); 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 defenses confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; 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 of the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY ROETS, SECONDED BY MCEWEN

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

- A resident who lives on Quaker Rd asked the Board if they could write a letter of support of reopening the O’Neil bridge which was turned into a walking bridge. The resident stated that they will be retaining an attorney to take NYS DOH and NYS Canal Corporation to court as the bridge should never have been closed.

RESOLUTION NO. 172 (2021) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited

MOTION BY BABCOCK, SECONDED BY ROETS

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

ABSTRACT NO. 17 (2021)

2021 # 10711182	\$112,491.46
2021 # 62-69	\$ 2,000.00

Total	<u>\$114,491.46</u>
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Roundtable/discussion

- Town Assessor Dee Leeson stated that a mailer went out in the mail to all residents regarding their property. Residents will need to look the paper over to make sure that all the information is correct.
- Ambulance – EMS Director Paul Harkness informed residents that Monroe County has the highest transmission rate.
- Town Clerk Karrie Bowers spoke regarding a dog census that will be going out with the assessment mailer. If residents could please complete the census and mail, drop off or put the completed form in the drop box we will mark our records.

- Supervisor Leonard stated that the Town of Macedon has received ½ of the ARPA (American Rescue Plan Act) funds totaling \$453,889.10 and a plan needs to be in place on how the funds will be used by no later than August 31, 2021. Supervisor Leonard will be focusing on the Railroad Avenue culvert to reopen Railroad Avenue. Supervisor Leonard will have an account established at Lyons National Bank so that the funds can be put into that account as those funds can only be used towards any items relating to COVID.
- Supervisor Leonard wants to congratulate Magnatag located on O'Neil Rd. on qualifying for the Empire State Development Excelsior Job Credit Take Program which will allow for Magnatag to spend \$600,000 on equipment and provide additional 16 new jobs. Magnatag company has been a part of Macedon since 1974.
- The Walworth Rd. Bridge has been changed to 24 Ton.
- Councilman David Maul stated that he will be working on getting the budget sheets to the department heads sometime in the week of August 16th.
- The Town Board will be making a decision on the recreation department as to what direction the Town will be taking.
- Councilman Maul stated that the Town needs to have someone other than himself as the IT go to person.
- Councilman Maul asked if anything has been figured out to put lights on the hill as winter is approaching. Highway Superintendent Christopher Countryman will call Ron Bastian Electric to install an electrical box.
- A resident requested from the Board when reviewing the Host Community Agreement with Waste Management that the housing price protection set in the original contract still stay in effect as well as the state of the smell/shield be stated in the contract. The resident stated that the residents don't need what happened a few years ago to happen again with the smell. The resident wanted to thank the Highway Department for saving all the lilacs on Westview Circle during the sewer repair work.
- The Walworth Rd bridge has changed the weight restrictions to 24 ton
- Wayne County has hired the Bonadio Company to help with the stimulus money received from the State and Supervisor Leonard has asked if the Board would like to hire the group as well as they already know what the requirements are for this stimulus grant.

RESOLUTION NO. 173 (2021) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 8:44 p.m. to discuss personnel/contracts.

MOTION BY MCEWEN, SECONDED BY ROETS

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

Declared out of executive at 10:40 pm

MOTION BY MCEWEN, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 10:46 PM.