

August 11, 2022
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 11, 2022, at the Town Complex, 32 Main Street, Macedon NY was called to order by Supervisor, Kim V. Leonard at 7:00 pm

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

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

Absent

Councilperson	Richard Roets
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Also Present:

Chief of Police	Fabian Rivera
Deputy Town Clerk	Paul Monachino
Director of EMS	Paul Harkness
Highway Superintendent	Chris Countryman
Historian	Linda Braun
Town Engineer	Scott Allen

RESOLUTION NO. 191 (2022) EXECUTIVE SESSION

RESOLVED the Town Board enters into Executive Session at 6:32 pm for personnel/litigation.
MOTION BY BABCOCK, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

Declared out of executive at 7:08 pm

RESOLUTION NO. 192 (2022) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from July 14, 2022 (regular meeting) and July 26, 2022 (special meeting)
MOTION BY MCEWEN, SECONDED BY MAUL
ROLL CALL VOTE: BABCOCK ABSTAIN, MAUL AYE, MCEWEN AYE, ROETS ABSENT, LEONARD AYE, MOTION CARRIED

Reports:

July EMS Report
July Police Report
Police Property and Evidence Inventory

7:10 MACEDON PARKWAY CALIBER COLLISION – SPECIAL USE PERMIT PUBLIC HEARING

Special Use Permit Application by Kimley-Horn to build and operate a collision repair shop at 1615 Macedon Parkway has been recommended by the town and county planning boards for review.

RESOLUTION NO. 193 (2022) READING OF THE LEGAL NOTICE WAIVED

RESOLVED that the reading of the legal notice published in the July 17, 2022, issue of the Times be waived
MOTION BY BABCOCK, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS ABSENT, LEONARD AYE,
MOTION CARRIED

Public Hearing is now open

A resident wanted to share their support for the building of Caliber Collision. They believe it is excellent to have another company in the community and believe the location is perfect as it is away from houses. Supervisor Leonard thanked the resident for their comment.

Councilperson Babcock asked Town Engineer Allen if he heard correctly that Caliber Collision had already gone to the Planning Board. Town Engineer Allen replied by stating yes, they had their public hearing on Monday where they had their site plans approved. They (Caliber Collision) had also been to the county where they received a recommendation of approval. Town Engineer Allen also added that the main issue, traffic control, had been resolved by an agreement between the various developers to cover the cost of a traffic signal. He was unsure of the timeline for when the traffic signal would be put in as that is done by DOT Department of Transportation.

RESOLUTION NO. 194 (2022) PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 7:19 p.m.

MOTION BY MAUL, SECONDED BY BABCOCK

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

7:20 1585 MACEDON PARKWAY ROYAL CAR WASH – SPECIAL USE PERMIT PUBLIC HEARING

Special Use Permit Application by Royal Car Wash Development, LLC to build and operate a car wash facility at 1585 MACEDON PARKWAY.

RESOLUTION NO. 195 READING OF THE LEGAL NOTICE WAIVED

RESOLVED that the reading of the legal notice published in the July 17, 2022, issue of the Times be waived

MOTION BY MCEWEN, SECONDED BY MAUL

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

Public Hearing is now open

A resident asked for a clarification of what the sign variance is. Town Engineer Allen stated that the variance allows two signs per building which he stated is unrealistic and almost every application violates that variance.

A resident expressed their concern for the existing carwash businesses in the area as there are several others on the same road and wanted the Board to take how the opening of Royal Car Wash will affect those existing businesses into consideration when voting.

A resident asked the question of whether the Royal Car Wash sign will be separate from the existing Lowes monument sign. Town Engineer Allen stated that Royal Car Wash will use two of the blank panels on the existing Lowes sign and Caliber Collision will use the other two blank panels. No separate sign will be built beside the signs attached to the side of the building itself.

RESOLUTION NO. 196 PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 7:31 p.m.

MOTION BY BABCOCK, SECONDED BY MCEWEN

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

7:30 1125 MARINA PARKWAY– SPECIAL USE PERMIT PUBLIC HEARING

Special Use Permit Application by EML Real Estate Development, LLC to build and operate a 122-unit multi-family housing development at 1125 Macedon Parkway

RESOLUTION NO. 197 READING OF THE LEGAL NOTICE WAIVED

RESOLVED that the reading of the legal notice published in the July 17, 2022, issue of the Times be waived

MOTION BY MAUL, SECONDED BY BABCOCK

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

Public Hearing is now open

Councilperson Babcock asked Town Engineer Allen if EML Real Estate Development, LLC has gone in front of the Planning Board. Town Engineer Allen answered by stating they have gone in front of the Planning Board for a concept plan review, so they are not far along in the process as Caliber Collision and Royal Car Wash, but yes, they have been in front of the Planning Board.

Councilperson Babcock expressed his concern as to how it would affect the park. He stated there seemed to be many entrances to the housing complex. The developers responded by stating they have changed the plans from what the picture presented shows. There will now only be two entrances as opposed to four as the picture shows.

Councilperson Babcock asked if there will be any trees, shrubs, etc. added. The developers stated they do have a landscape plan which includes trees and other shrubberies. Town Engineer added that the trees will have to be ornamental size since there are powerlines.

A resident asked if the rooms will be handicap accessible. The developers answered by stating the bottom floor of the 10-unit building will be handicap assessable, as well as the entire 26-unit building as there is an elevator located within.

A resident asked about the price range of the various units. The developers answered by stating the prices range from a \$1,500.00 one-bedroom unit with no garage to a three-bedroom with a two-car garage for around \$2,800.00.

RESOLUTION NO. 198 PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 7:47 p.m.

MOTION BY MCEWEN, SECONDED BY MAUL

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

RESOLUTION NO. 199 (2022) CALIBER COLLISION SPECIAL USE PERMIT AUTHORIZATION

WHEREAS Caliber Collision has applied for site plan and special use permit approvals to construct a 14,000 s.f. collision repair shop at 1615 Macedon Parkway in the Town of Macedon;

AND WHEREAS, the Macedon Planning Board and Wayne County Planning Board have reviewed the application for a special use permit and have recommended approval of the permit to the Town Board;

AND WHEREAS; the Macedon Planning Board has reviewed the environmental impacts of the project and issued a negative declaration pursuant to SEQRA;

AND WHEREAS, a public hearing was conducted by the Town Board on 8/11/2022 to solicit any public comment relative to the issuance of a special use permit on the project;

THEREFORE, BE IT RESOLVED, the Macedon Town Board approves the application by Caliber Collision to operate a Collision Repair Shop in the General Commercial Zoning District at 1615 Macedon Parkway.

MOTION BY MAUL, SECONDED BY MCEWEN

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

*Marty Aman, Director of the WCWSA gave the Town Board an update on the WWTP Capital Sewer Project for the Towns of Macedon, Marion, Palmyra, and Walworth, and the Village of Palmyra.

*Mike Cocquyt of LaBella Associates, the Town Grant Administrator gave a brief description of the grants and their status.

RESOLUTION NO. 200 (2022) NYSDEC ZEV INFRASTRUCTURE GRANT PROGRAM

RESOLVED Macedon Town Board authorizes the supervisor to apply for the NYDEC ZEV Infrastructure grant

WHEREAS, The Town of Macedon has already completed an EV charging project at the Town Hall with funding made available from the RGE Make Ready Incentive program.

WHEREAS, The Supervisor of the Town of Macedon has been informed of an additional grant opportunity through the Department of Conservation, which could be utilized to reimburse expenses already incurred by the Town, not covered by the Make Ready Program, and future costs in relation to electricity, warranty, and service charges

NOW THEREFORE LET IT BE RESOLVED, that the Supervisor of the Town of Macedon, Wayne County, New York, is hereby authorized as the official representative of the Town of Macedon to execute and submit an Application for DEC Environmental Protection Fund, Climate Smart Communities to the administrative agency for the Fiscal Year 2022 program, as part of the Municipal Zero-emission Vehicle Infrastructure Grant Program, to supplement the already awarded Make-Ready incentive program, to result in the potential reimbursement of all EV charging infrastructure costs already expended on this project. All understandings and assurances are contained therein and are hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

MOTION BY BABCOCK, SECONDED BY MCEWEN

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

RESOLUTION NO. 201 (2022) LABELLA PROPOSAL FOR SERVICE ADDITIONAL

RESOLVED, the Town Board authorizes the Supervisor to sign the Proposal of Service by LaBella for annual assistance with grant administration at an amount not to exceed \$10,000, \$35,000, the total for 2022) (\$25,000+\$10,000).

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 202 (2022) SEQRA NEGATIVE DECLARATION CDBG GRANT

WHEREAS the Macedon Town Board has considered the impacts on the environment relative to the administration and implementation of the CDBG Grant awarded by the Office of Community Renewal; and WHEREAS, the grant involves financial assistance to Food and Beverage Businesses impacted by the COVID pandemic in the form of providing working capital, inventory and equipment; and WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR Part 617.5(c), now, therefore;

BE IT RESOLVED, the Macedon Town Board finds as follows:

1. The Proposed Action does not exceed thresholds established under 6 NYCRR Part 617, of the State Environmental Quality Review Act, (SEQRA).
2. The Board hereby determines the Proposed Action is a Type II action in accordance with the SEQRA regulations.
3. No further review of the Proposed Action is required under SEQRA.
4. This resolution shall be effective immediately.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 203 (2022) AUTHORIZE REQUEST FOR PROPOSALS CDBG GRANT ADMINISTRATION

RESOLVED the Town Board authorizes the Town Engineer to solicit Request for Proposals (RFP's) for grant administration and delivery services related to the Office of Community Renewal (OCR) Community Block Development Grant (CBDG) awarded to the Town of Macedon, with proposals due on or before September 6, 2022.
MOTION BY BABCOCK, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS ABSENT, LEONARD AYE, MOTION CARRIED

LOCAL LAW No.1 (2022) A LOCAL LAW TO REGULATE SPECIAL EVENTS WITHIN THE TOWN

RESOLUTION NO. 204 PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing originally held on 5/26/22 be closed at 8:50 p.m.
MOTION BY BABCOCK, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 205 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 2022-23 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 Staci Harrison is appointed School Tax Collector for the portion of Gananda School District within the Town, and

be it further RESOLVED that Debra DeMinck is appointed School Tax Collector for the portion of Wayne Central School District within the Town.

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

RESOLUTION NO. 206 RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2022/2023 – Evergreen Hills Associates, LP

WHEREAS, Evergreen Hills Associates, LP has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2022/2023 in Wayne County Supreme Court under index number CV088744; 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 the assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,850,700 is sought to be reduced to \$1,500,000; and

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

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

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

RESOLUTION NO. 207 RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2022/2023 – Evergreen Hills II Associates, LP

WHEREAS, Evergreen Hills II Associates, LP has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2022/2023 in Wayne County Supreme Court under index number CV088745; 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 \$2,715,300 is sought to be reduced to \$1,500,000; and

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

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

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 208 RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2022/2023 – Evergreen Hills 3 Associates, LP

WHEREAS, Evergreen Hills 3 Associates, LP has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2022/2023 in Wayne County Supreme Court under index number CV088747; 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 \$2,364,900 is sought to be reduced to \$1,000,000; and

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

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

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 209 RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2022/2023 – Speedway LLC

WHEREAS, Speedway LLC has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2022/2023 in Wayne County Supreme Court under index number CV088695; 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 \$1,020,400 is sought to be reduced to \$102,040; 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 BABCOCK, SECONDED BY MAUL

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

RESOLUTION NO. 210 RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2022/2023 – Meadowview Realty LLC

WHEREAS, Meadowview Realty LLC has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2022/2023 in Wayne County Supreme Court under index number CV088757; 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 is a new filing for the same property that was the subject of proceedings commenced July 31, 2020 under index Number CV085981 and July 30, 2021 under index number CV087565, both of which have been previously approved for cost sharing.

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 ABSENT, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 211 (2022) FEE SCHEDULE REVISION

RESOLVED the Town Board modifies the Fee Schedule to add the following:

80.) Storm Water Pollution Prevention Plan Fees

- Review of SWPPP Plans during site plan review:
- Residential 1-5 acres disturbance w/25% or less impervious: \$500.00
 - Commercial 1-5 acres disturbance: \$1,000.00
 - Commercial over 5 acres disturbance: \$2,500.00

- Onsite Inspections of active construction sites:
- Third party pass-through cost, charged at actual cost to the town

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

RESOLUTION NO. 212 (2022) JCAP GRANT

RESOLVED, the Macedon Town Board authorizes the Macedon Town Court to apply for a New York State Justice Court Assistance Program (JCAP) grant in the 2022-2023 grant cycle up to \$30,000, or the exact amount being requested.

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

RESOLUTION NO. 213 (2022) GENERAL RESOLUTION FOR THE PURPOSE OF PARTICIPATING IN A COOPERATIVE BID COORDINATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF ONTARIO, SENECA, WAYNE, AND YATES COUNTIES FOR: COOPERATIVE ELECTRICITY SUPPLY BID WFL 2023-12

WHEREAS, The Town of Macedon of New York State desires to participate in a Cooperative Bidding Program conducted by the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties from year to year or, until this Resolution is rescinded, for the purchase for the supply of electricity. And...

WHEREAS, the Town of Macedon of New York State is desirous of participating with the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties in the joint bid of commodities and/or services mentioned below as authorized by General Municipal Law, Section 119-o... And ...

WHEREAS, the Town of Macedon of New York State has appointed the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties as representatives to assume the responsibility for the drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, reporting the results to the _____ of New York State and making recommendations thereon...

THEREFORE...

BE IT RESOLVED that the Town of Macedon of New York State and the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties hereby accepts the appointment of the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties to represent it in all matters related above ... And ...

BE IT FURTHER RESOLVED, that the Town of Macedon of New York State authorizes the above-mentioned Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties to represent it in all matters regarding the entering into a contract for the purchase of the below-mentioned commodities and/or services ... And ...

BE IT FURTHER RESOLVED, that the Town of Macedon of New York State agrees to assume its equitable share of the costs incurred as a result of the cooperative bidding, and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor on behalf of the Town of Macedon of New York State hereby is authorized to participate in cooperative bidding conducted by the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties for the supply of electricity and if requested to furnish the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties with an estimated minimum number of units that will be purchased by the Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties. The Board of Cooperative Educational Services of Ontario, Seneca, Wayne, and Yates Counties is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive and responsible for meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts.

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

RESOLUTION NO. 214 (2022) APPOINTMENT OF FULL-TIME COURT CLERK

RESOLVED, the Town Board appoints Marcia A Allen to the position of Full-Time Court Clerk for a probationary period of 6 months at the rate of pay \$34,400, to be reviewed after 6 months retroactive to 8/8/2022. To be expensed from A 1110.100

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

RESOLUTION NO. 215 (2022) RESIGNATION OF FULL-TIME HIGHWAY EMPLOYEE HEO

RESOLVED, the Town Board accepts the resignation of Jacob Gage, effective 8/22/22. Fulltime Highway employee HEO.

MOTION BY MAUL, SECONDED BY MCEWEN

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

RESOLUTION NO. 216 (2022) ACTIVE MEMBERSHIP ROSTER - SOUTH MACEDON FIRE AND RESCUE, INC.

RESOLVED the Town Board accepts the active membership roster of South Macedon Fire and Rescue, Inc., as submitted to the Town Clerk dated 8/8/2022.

MOTION BY MCEWEN, SECONDED BY BABCOCK

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

RESOLUTION NO. 217 (2022) ACTIVE MEMBERSHIP ROSTER - MACEDON CENTER VOLUNTEER FIREMAN'S ASSOCIATION, INC.

RESOLVED the Town Board accepts the active membership roster of Macedon Center Volunteer Fireman's Association, Inc., as submitted to the Town Clerk dated 8/3/2022.

MOTION BY BABCOCK, SECONDED BY MAUL

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

RESOLUTION NO. 218 (2022) MASTER PLAN STEERING COMMITTEE

RESOLVED the Town Board appoints the following persons to the Master Plan Steering Committee: Sue Airy, Scott Allen, James Byron, Renee Hermann, William Murray, Deb Proctor, and Greg Whitney for a term of 2 years, effective 8/11/22.

MOTION BY MAUL, SECONDED BY BABCOCK

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

DISCUSSION:

- TOWN HALL PARKING LOT
 - Highway Superintendent Countryman stated it would cost the town about \$6,700.00 over budget to pave the Town Hall parking lot. He (Countryman) asked the Board what they would like to do because he would like to get the project started soon if they would like to proceed. The Board agreed on providing additional funding for the project.

RESOLUTION NO. 219 (2022) TOWN HALL PARKING LOT ADDITIONAL FUNDING

RESOLVED, the Macedon Town Board authorizes the additional funding not exceeding \$10,000.00 for the Town Hall parking lot.

MOTION BY MCEWEN, SECONDED BY MAUL

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

DISCUSSION:

- TOWN COURT PARKING LOT
 - The Town Board and Highway Superintendent Countryman spoke briefly on the condition of the parking lot of the new court building. Countryman stated he get an estimate for the cost of patching, sealing, and striping the parking lot.
- WAYNEPORT RD PROPERTY NEAR FAIRPORT YACHT CLUB
 - Supervisor Leonard stated the Board will wait to speak on this topic until Attorney Fulvio is present.
- PURPLE PAINTED LADY LETTER OF SUPPORT
 - Supervisor Leonard stated the town received a letter of support from The Purple Painted lady but will put this topic on hold until the Board, as well as Chief Rivera, are able to look over and reflect on the letter.

PETITION TO RE-OPEN THE O'NEIL RD CANAL BRIDGE TO VEHICLE TRAFFIC

Presented to the Macedon Town Board- Letter to Assemblyman Brian Manktelow- O'Neil Road pedestrian bridge.

- Supervisor Leonard stated the town received a petition to re-open the O'Neil Road Canal Bridge to vehicle traffic but has not heard back from Assemblyman Brain Manktelow.

BICENTENNIAL- MACEDON HERITAGE FESTIVAL ON THE ERIE

Labor Day, Saturday 9/3/2022

- Town Historian Linda Braun gave a brief description and update on the Macedon Heritage Festival on the Erie

ROUNDTABLE

- Councilperson Maul wanted to let the departments know that budget worksheets will be dispersed to department heads in the next few weeks.
- Director of EMS Harkness gave an update on the yearly total of EMS calls. So far this year, there have been 918 EMS calls which are up from last year's total at this time.

RESOLUTION NO. 220 (2022) PAYMENT OF CLAIMS

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

ABSTRACT NO. 14 (2022)

2022 # 1038-1184	\$275,837.22
2022 # 53-61	\$ 2,100.00
Total	<u>\$274,310.80</u>

RESOLUTION NO. 220 (2022) EXECUTIVE SESSION

RESOLVED the Town Board enters into Executive Session at 9:24 pm for personnel/litigation.
MOTION BY BABCOCK, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS ABSENT, LEONARD AYE, MOTION CARRIED

MOTION BY MAUL, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 10:05 PM.

Paul Monachino, Deputy Town Clerk