

November 10, 2022
WEB SITE <http://macedontown.net>

The Town Board's Regular Meeting is being held remotely by Executive Order 202.15 issued on June 2, 2020, by the Governor. The Town of Macedon held the Board meeting on November 10, 2022, 2022, at the Town Complex, 32 Main Street, Macedon NY was called to order by Supervisor, Kim V. Leonard at 6:45 pm

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:

Director of EMS	Paul Harkness
Chief of Police	Fabian Rivera
Highway Superintendent	Christopher Countryman
Town Clerk	Karrie Bowers

RESOLUTION NO. 288 (2022) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 6:47 pm 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 6:59 pm

RESOLUTION NO. 289 (2022) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from October 27, 2022 (regular meeting)
MOTION BY ROETS, SECONDED BY MAUL
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN ABSTAIN, ROETS AYE, LEONARD AYE
MOTION CARRIED

Reports:

- Police Report

RESOLUTION NO. 290 (2022) APPROVAL OF REPORTS

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

7:10 PM LOCAL LAW NO. 1 (2022) A LOCAL LAW TO OVERRIDE THE TAX CAP LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

RESOLUTION NO. 291 (2022) READING OF THE LEGAL NOTICE WAIVED

RESOLVED that reading of the legal notice published in the November 6, 2022 issue of the Times be waived.
MOTION BY ROETS, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE
MOTION CARRIED

The public hearing is now open for public comment

Councilman Maul put up the budget which showed that we are over the tax cap which is due to sewer.

Having heard no public comment, the public hearing was closed

RESOLUTION NO. 292 (2022) THE PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 7:13 p.m.
MOTION BY ROETS, SECONDED BY
ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE
MOTION CARRIED

RESOLUTION NO. 293 (2022) LOCAL LAW NO. 1 (2022) A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

RESOLVED the Town Board adopts Local Law No. 1 (2022) as follows:

A local law to override the tax levy limit established in General Municipal Law 3-c Section

1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Macedon, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Macedon, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Macedon, County of Wayne is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

MOTION BY ROETS, SECONDED BY MCEWEN

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

MOTION CARRIED

RESOLUTION NO. 294 (2022) SPECIAL ASSESSMENT ROLLS - PUBLIC HEARINGS

WHEREAS, the Town Board, on behalf of Macedon Consolidated Sewer District No. 1, and the Hamlet of Macedon Sewer District, entered into an intermunicipal agreement with the Wayne County Water and Sewer Authority ("WCWSA"), the Town of Marion, and the Village of Palmyra, dated December 1, 2018 ("IMA") and amended on April 1, 2020 to include the Town of Walworth and Gananda Sewer District No. 1, setting forth the parties' respective rights and obligations pertaining to the future construction of a regional wastewater treatment plant, sewer mains, pump stations, and additional improvements connected thereto ("Regional Plant"); and

WHEREAS, the IMA requires that the WCWSA design, finance, procure, construct and operate the Regional Plant and the participating municipalities each pay their respective *pro rata* share of such costs, as defined therein; and

WHEREAS, for 2023, it is presently anticipated that the collection of revenue in the amount of \$255,125 will be necessary for the Hamlet of Macedon Sewer District to finance the district's contractual obligation to the WCWSA for its share of the expenses associated with the Regional Plant project; and

WHEREAS, for 2023, it is presently anticipated that the collection of revenue in the amount of \$215,150 will be necessary for the Macedon Consolidated Sewer District No. 1 to finance the district's contractual obligation to the WCWSA for its share of the expenses associated with the Regional Plant project; and

WHEREAS, for 2023, it is presently anticipated that the collection of revenue in the amount of \$338,325 will be necessary for Gananda Sewer District No. 1 to finance the district's contractual obligation to the WCWSA for its share of the expenses associated with the Regional Plant project; and

WHEREAS, the Town desires to collect said revenue by a special assessment levied in the Hamlet of Macedon Sewer District, in lieu of a quarterly charge; and

WHEREAS, said special assessment will be imposed on a benefits basis, to be determined based upon the number of equivalent dwelling units ("EDUs") assigned to each tax parcel, as defined and determined in accordance with Macedon Town Code §235-190 (Local Law No. 7 of 2019); and

WHEREAS, the Town has determined that there are presently 662 EDUs in Macedon Consolidated Sewer District No. 1; and

WHEREAS, the Town has determined that there are presently 785 EDUs in the Hamlet of Macedon Sewer District; and

WHEREAS, the Town has determined that there are presently 1041 EDUs in Gananda Consolidated Sewer District No. 1; and

WHEREAS, in accordance with Town Law §202-a, the proposed special assessment rolls for Macedon Consolidated Sewer District No. 1, the Hamlet of Macedon Sewer District, and Gananda Consolidated Sewer District No. 1, setting forth the anticipated special assessment to be levied upon each lot or parcel of land located therein, was created and placed on file with the Town Clerk and is available for public inspection; now therefore

BE IT RESOLVED, the Town Board shall hold a Public Hearing on December 8, 2022 at 7:10 p.m. for the purpose of hearing public comment regarding the special assessment roll for Macedon Consolidated Sewer District No. 1; and

BE IT FURTHER RESOLVED, the Town Board shall hold a Public Hearing on December 8, 2022 at 7:20 p.m. for the purpose of hearing public comment regarding the special assessment roll for the Hamlet of Macedon Sewer District; and

BE IT FURTHER RESOLVED, the Town Board shall hold a Public Hearing on December 8, 2022 at 7:30 p.m. for the purpose of hearing public comment regarding the special assessment roll for Gananda Consolidated Sewer District No. 1; and

BE IT FURTHER RESOLVED, the Town Clerk shall advertise said public hearing in accordance with Town Law §§ 202-a and 239.

BY ORDER OF THE TOWN BOARD
TOWN OF MACEDON

Karrie Bowers, Town Clerk
Dated: November 10, 2022

MOTION BY MAUL, SECONDED BY ROETS

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

RESOLUTION NO. 295 (2022) FARMINGTON FIRE DEPARTMENT - PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, Macedon on December 8, 2022 at 7:35 pm for the purpose of considering the contracting with the Farmington Volunteer Fire Association, Inc. for Fire protection to be furnished to a fire protection district established in said Town of Macedon and known as Macedon Fire Protection District.

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish in the legal paper the notice of said hearing.

MOTION BY BABCOCK, SECONDED BY ROETS

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

RESOLUTION NO. 296 (2022) MACEDON CENTER FIRE DEPARTMENT – PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, Macedon on December 8, 2022 at 7:40 pm for the purpose of considering the contracting with the Macedon Center Volunteer Firemen’s Association, Inc., for Fire protection to be furnished to a fire protection district established in said Town of Macedon and known as Macedon Center Fire Protection District, and

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper.

MOTION BY ROETS, SECONDED BY MAUL

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

RESOLUTION NO. 297 (2022) MACEDON CENTER VOLUNTEER FIREMAN’S ASSOCIATION, INC. – PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, in the Town of Macedon, on December 8, 2022, at 7:45 PM, for the purpose of considering the contracting with Macedon Center Volunteer Fireman’s Association, Inc., for the furnishing of fire protection to a fire protection district established in said Town of Macedon and known as the Hamlet of Macedon Fire Protection District.

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper.

MOTION BY BABCOCK, SECONDED BY MCEWEN

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

RESOLUTION NO. 298 (2022) MACEDON CENTER VOLUNTEER FIREMAN'S ASSOCIATION, INC. – PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, Macedon on December 8, 2022 at 7:50 pm for the purpose of considering the contracting with the Macedon Center Volunteer Fireman's Association, Inc. for Fire protection to be furnishing in said Town of Macedon and known as the South Macedon Fire & Rescue, Inc. known as the Macedon fire protection district.

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper.

MOTION BY BABCOCK, SECONDED BY MCEWEN

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

RESOLUTION NO. 299 (2022) SOUTH MACEDON FIRE & RESCUE, INC. – PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, on December 8, 2022 at 7:55 PM, for the purpose of considering the contracting with South Macedon Fire and Rescue, Inc., for the furnishing of fire protection to a fire protection district established in said Town of Macedon and known as the Macedon Center Fire Protection District.

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 300 (2022) SOUTH MACEDON FIRE & RESCUE, INC. – PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, on December 8, 2022 at 8:00 PM, for the purpose of considering the contracting with the South Macedon Fire and Rescue, Inc. for fire protection to be furnished to a fire protection district established in said Town of Macedon and known as Macedon Fire Protection District.

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper.

MOTION BY ROETS, SECONDED BY BABCOCK

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

RESOLUTION NO. 301 (2022) SOUTH MACEDON FIRE & RESCUE, INC. – PUBLIC HEARING SET

RESOLVED a public hearing will be held by the Town Board of the Town of Macedon, Wayne County, New York at 32 Main Street, in the Town of Macedon, on December 8, 2022, at 8:05 PM, for the purpose of considering the contracting with South Macedon Fire & Rescue, Inc., for the furnishing of fire protection to a fire protection district established in said Town of Macedon and known as the Hamlet of Macedon Fire Protection District.

BE IT RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper.

MOTION BY BABCOCK, SECONDED BY ROETS

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

RESOLUTION NO. 302 (2022) RECREATION APPOINTMENT

BE IT RESOLVED that the Board provisionally appoints Dale Budziszewski to the Recreation Department as a full-time employee, at an annual salary of \$55,000, and deserving all such benefits as are afforded to all full-time town employees. Effective date 11/28/2022, compensation is to be charged to A7020.100. A permanent appointment requires a sufficient score on the next scheduled Civil Service test for this position.

MOTION BY MAUL, SECONDED BY BABCOCK

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

RESOLUTION NO. 303 (2022) WAYNE COUNTY FIRE ADVISORY BOARD REPRESENTATIVE – SHUFELT

RESOLVED the Macedon Town Board recommends that Jeremiah Shufelt be re-appointed as the Town of Macedon representative on the Wayne County Fire Advisory Board for a two-year term, 1/1/2023-12/31/2024, and the Town Clerk is authorized to notify the Wayne County Fire Coordinator of this recommendation.

MOTION BY ROETS, SECONDED BY MCEWEN

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

RESOLUTION NO. 304 (2022) WAYNE COUNTY SNOW & ICE AGREEMENT

BE IT RESOLVED, the Town Supervisor is hereby authorized to execute the Agreement for Snow and Ice Control on County Roads, providing for the Town to perform snow and ice removal services on county roads located within the Town, for the period of January 1, 2023 to December 31, 2023, subject to the terms and conditions set forth therein

MOTION BY ROETS, SECONDED BY MCEWEN

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

MOTION CARRIED

RESOLUTION NO. 305 (2022) AMEND RESOLUTION NO. 284 (2022) MACEDON POLICE ASSOCIATION CONTRACT

WHEREAS the Town Board acknowledges receiving a letter from the Macedon Police Association in regard to Article 3- #2 in the current contract. Parties may negotiate mid-term changes and responses to unforeseen circumstances arising during this agreement regarding wage and pay scale proposal.

THEREFORE, BE IT RESOLVED the Town Board is amending the Macedon Police Association's contract to read a 15% raise to the Police Department effective November 5, 2022, through December 2023 with a 2.5% increase following in 2024, 2025 & 2026.

MOTION BY ROETS, SECONDED BY MAUL

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

RESOLUTION NO. 306 (2022) EMERGENCY SEWER REPAIR – MACEDON TOWN COURT

RESOLVED the Supervisor declared an 'Emergency Sewer Repair at the Macedon Town Court Building' and all expenses be coded to Account # A 1620.202/882 Reserve for Buildings, and

BE IT FURTHER RESOLVED the Macedon Town Board authorizes the Supervisor to sign the Underground Pipe Co. estimate of \$ 11,044.00 to complete said emergency repairs to the Court Building.

MOTION BY MCEWEN, SECONDED BY MAUL

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

MOTION CARRIED

RESOLUTION NO. 307 (2022) SON'S OF THE AMERICAN LEGION PHILIP STEIGER POST SQUADRON #494 GAMES OF CHANCE – BELL JAR

RESOLVED the Board approves the Games of Chance License for the Sons of the American Legion Philip Steiger Post Squadron #494 to conduct Bell Jar for the period of January 1, 2023 – December 31, 2023

MOTION BY ROETS, SECONDED BY MCEWEN

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

MOTION CARRIED

RESOLUTION NO. 308 (2022) LOYAL NINE DEVELOPMENT CORPORATION CHANGE ORDER #2

RESOLVED the Town Board authorizes the Supervisor to approve job #22-204-2 Change Order #2 from Loyal Nine Development Corporation for ADA Bathroom Improvements in the amount of \$44,750.

MOTION BY MAUL, SECONDED BY ROETS

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

MOTION CARRIED

RESOLUTION NO. 309 (2022) PERSONNEL – POLICE

RESOLVED the Town Board authorizes Fabian Rivera, Police Chief, to approve the hiring of the following Police Officers:

- * Hector Sotomayor- Part-Time
- * William Murray – Part-Time
- * Matthew Balch – Part-Time
- * Albert Weech – Part-Time
- * Richard LaMark – Full-Time
- * Ross Younglove, III – Full-Time

effective November 10, 2022, at the rate per police contract.

MOTION BY BABCOCK, SECONDED BY MAUL

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

MOTION CARRIED

- CDBG – Food and Beverage Business Applicant Sessions to be held @ 9:00 am & 2:00 pm on November 14, 2022, at the Town of Macedon Aldrich Room.
- Supervisor Leonard and the Town Board were asked to please waive the Water Capital Charges for Building No.1 and Building No. 2 to be waived at 2 West Street, Macedon. The amount of \$1,020.80 is what is being asked to be waived.

RESOLUTIONS NO. 310 (2022) CAPITAL CHARGES

RESOLVED the Town Board approves the request from Valdimar Mirochnik in the amount of \$1,020.80 to be removed from the re-levy listing for the Water Capital facility charges for 2023.

MOTION BY MAUL, SECONDED BY BABCOCK

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

MOTION CARRIED

8:15 PUBLIC HEARING – PRELIMINARY BUDGET

RESOLUTION NO. 311 (2022) READING OF THE LEGAL NOTICE WAIVED

RESOLVED that reading of the legal notice published in the November 6, 2022 issue of the Times be waived.

MOTION BY ROETS, SECONDED BY MCEWEN

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

MOTION CARRIED

PUBLIC HEARING IS NOW OPEN

Councilman Maul did a presentation on the Budget.

RESOLUTION NO. 312 (2022) PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 8:43 p.m.

MOTION BY ROETS, SECONDED BY MCEWEN

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

MOTION CARRIED

RESOLUTION NO. 313 (2022) BUDGET ADOPTED

RESOLVED that the Town of Macedon Budget for the year 2023 be adopted.

MOTION BY MAUL, SECONDED BY BABCOCK

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

MOTION CARRIED

Round Table:

Ambulance:

Paul Harkness brought in the dog that was gifted to him by a resident that had passed

Highway:

The MS4 Audit was completed

The E-Waste event was successful and they collected 2800 lbs

The final steps for the pocket park are being completed

ABSTRACT NO. 20 (2022)

2022 #1615-1701 \$143,714.41

2022 TA # 87-99 \$ 7,624.77

Total \$151,339.18

RESOLUTION NO. 314 (2022) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited

MOTION BY ROETS, SECONDED BY MCEWEN

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

MOTION CARRIED

MOTION BY ROETS, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 8:44 PM.

Karrie Bowers, Macedon Town Clerk, RMC