

April 25, 2024
 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 April 25, 2024, at the Town Complex, 32 Main Street, Macedon, NY, and was called to order by Supervisor Kim V. Leonard at 6:30 p.m.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	William Hammond
Councilperson	David Maul
Councilperson	David McEwen
Supervisor	Kim V. Leonard

Absent

Councilperson	Bruce Babcock
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Also, Present:

Officer in Charge	Adam Husk
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 107 (2024) EXECUTIVE SESSION

RESOLVED The Board enters Executive Session at 6:32 p.m. to discuss personnel/contracts
 MOTION BY HAMMOND, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK ABSENT, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

Declared out of executive at 7:00 pm

RESOLUTION NO. 108 (2024) REAPPROVAL OF MINUTES

RESOLVED The Board approves the minutes from April 11, 2024 (regular meeting)
 MOTION BY MAUL, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK ABSENT, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

Report:

Assessor Report

RESOLUTION NO. 109 (2024) APPROVAL OF REPORT

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

RESOLUTION NO. 110 (2024) FEE SCHEDULE REVISION

RESOLVED The Board amends the Fee Schedule as follows:

13.) Sewer Connection Charge

Gananda \$800 (min)
 Macedon \$1000 (min)
 Per Unit or actual cost **to the Town**, whichever is greater.

Sewer Permit Fee (Macedon) \$10
 Inspection Fee (Gananda) \$50

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

RESOLUTION NO. 111 (2024) WAYNE-FINGER LAKES BOCES NATURAL GAS BID

RESOLVED the Town Board authorizes the Supervisor to sign Cooperative Natural Gas bid with Wayne Finger Lakes BOCES bid WFL 2025-19.
 MOTION BY HAMMOND, SECONDED BY MAUL
 ROLL CALL VOTE: BABCOCK ABSENT, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

7:10 PM PUBLIC HEARING – LOCAL LAW NO. 1 (2024) A LOCAL LAW TO REGULATE SPECIAL EVENTS WITHIN THE TOWN OF MACEDON

RESOLUTION NO. 112 (2024) WAIVE OF READING OF THE LEGAL NOTICE

RESOLVED the Board waives the reading of the legal notice published in the April 14, 2024 issue of the Times.

MOTION BY MCEWEN, SECONDED BY HAMMOND

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

The public hearing is now open for public comment,

- Councilman Maul stated to the public that this type of law leads people to come up with hypotheticals and ask if this would be something that would fall under the law. While I think that this is an important input to say that there is a hypothetical that I thought of or that my business might be doing, and we have discussed amongst ourselves, we wouldn't be responding tonight to your hypotheticals tonight; they would be taken in and used as we go forward and think about how or if there is any modification to this draft we want to inform of the modifications but don't be looking to us to answer on those modifications tonight.
- A resident asked for a full text of the local law, and the town clerk gave the resident the local laws to read.
- Supervisor Leonard told the public that the board wants to hear public comment but will not act on the public hearing tonight. The board will need the name and address of anyone who asked any questions, as we would like to email you the revised one.
- Trish Kuntz—I emailed the town with some thoughts. I was hoping that local laws in the Town would specify how long of a lead time or turnaround time it would take to get a response so that way it is understood I was proposing a 7-day that gives you over a week, and that would be extremely helpful as a business owner sometimes there are some spontaneous opportunities that would arise and if it was longer than that and it would get missed. I had gone through and have some hypotheticals in here as Sometimes we have music outside our shop, and I did not know how that would fall under this; for example, the Palmac high school students we have had multiple times come and play and we have had food trucks and ice cream trucks and their family and friends come. We have also done a vintage Volkswagen VW meet-up at the shop once a month in the warm weather. We have had many local people come to that and even some people related to the board.

Can the permits be online and completed online versus a paper permit and then brought back? It would be extremely helpful if we could submit applications online and expedite the whole process; the other thing that I was wondering and I was questioning is that I know the law requires information, at least how it was noted. I called many towns at least over a year ago to ask how they do special event permits, and I talked to someone in a town in Greece. I saw that the law requires that organizations, charities, groups, or individuals that will benefit from a special event be called out. I am not sure why that would be expected, and I felt that it was a bit intrusive trying to understand that and why that would come into play. I have listed out a few organizations. Tow Path, Boy Scouts, Venture Crew, Historic Palmyra, and Honor Flight in Rochester are just a few that we donate to from our events, and again, I do not know why we would need to share that with the Town.

The fees were posted if a person/organization was in violation, but there were no fees specified for the permit, and I felt that if you do one, you should do the other. I know that in section 5 of that application regarding alcoholic beverages, I thought maybe we could add something like a no objection letter because a no objection letter I know is an ongoing issue if you receive from that address, but if that address is granted three wine and beer permits and anything over three the NYS Liquor authority will push back and will require a no objection letter. So, for example, at the purple-painted lady at my store, if we have Raymore Wine or Twisted Rail or another kind of business like that apply for three different days or three businesses for one day, then we met the limit for the year. Then, the NYS Liquor Authority will require a no-objection letter for every event after that, and I know that Mike Green from NYS Liquor Authority connected once with David. He wrote an email saying they might accept a blanket no-objection letter for the year, but that is not standard. I was a little concerned about that, and I felt a no-objection letter should be included in this law.

- A resident stated that the only thing was if an applicant had a time frame, they had to submit their application. Could the town have a time frame to get that back to them?
- Attorney David Fulvio stated that the emails and comments received will be in written form be in the public hearing record.

The public hearing will be left open and reconvene on May 9th at 7:15 pm.

THE PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing is closed at ____ p.m.

MOTION BY _____, SECONDED BY _____

ROLL CALL VOTE: BABCOCK _____, HAMMOND _____, MAUL _____, MCEWEN _____, LEONARD _____, MOTION CARRIED

LOCAL LAW NO. 1 (2024) LOCAL LAW TO REGULATE SPECIAL EVENTS WITHIN THE TOWN OF MACEDON

Be it enacted by the Town Board of the Town of Macedon as follows:

Section 1. Purpose

Large assemblies on public and private properties may disturb nearby residents in the peaceful enjoyment of their homes and property, interfere with the general public's normal use of highways and other municipal facilities, and be harmful to the public safety and welfare. Large assemblages of people result in the need for some control over traffic and parking and

may strain or exhaust police resources. In an effort to provide for the well-being of the community, the Town Board establishes the following procedures to assure that such assemblies may be accommodated without unduly burdening the community or the resources of the Town of Macedon.

Section 2. Definitions

As used in this local law, the following terms shall have the meanings indicated:

APPLICANT Any person seeking to hold a special event which is regulated hereunder and/or is subject to any provision of law, rule and regulations, or any part thereof, which is so subject, and which is subject to the review, inspection, regulation or enforcement of or by the Town of Macedon or other lawful authority.

BACKGROUND MUSIC — Music which is an accessory use to a restaurant or a bar, tavern or nightclub.

BAR, TAVERN or NIGHTCLUB A business enterprise which is conducted wholly or partly in a building and which primarily sells or serves alcoholic beverages to the public, and which provides for the consumption of such beverages on the premises, subject to the regulatory authority of the New York State Liquor Authority, and which possesses one or more of the following characteristics: age restrictions or cover charges for admission; listening or dancing to music provided by background music, live entertainment, jukeboxes or the like; and hours of operation which extend beyond the normal, typical, customary times for eating breakfast, lunch or dinner. The accessory or incidental sale of food or snacks may entitle such a use to be considered a restaurant under other provisions of this local law, but the permanent or temporary removal or relocation of tables and chairs from a restaurant to permit any of the aforesaid characteristics shall constitute the creation of a bar, tavern or nightclub use.

CHIEF OF POLICE — The Chief of Police of the Town of Macedon, New York.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Town of Macedon, New York.

FIRE MARSHAL — The Fire Marshal of the Town of Macedon, New York.

LIVE ENTERTAINMENT - Music, theater, dance or other similar entertainment, performed by persons on premises for the benefit of an audience or patrons. "Live entertainment" shall include but not be limited to entertainment provided by karaoke, musicians, vocalists, disc jockeys, actors, dancers, puppeteers, magicians and comedians. "Live entertainment" shall not include such use when it is conducted as an integral part of a religious ceremony or background music.

PERSON — Any individual, association, firm, partnership, company, corporation or organization of any kind.

RESTAURANT — A business enterprise which is conducted wholly or partly in a building and which prepares, sells or serves food or beverages for or to the public, and which provides for the consumption of such food or beverages on the premises, and which may include related accessory uses such as takeout or delivery service, drive-up service window, outdoor seating, the sale or service of alcoholic beverages, and background music or live entertainment.

SPECIAL EVENT — Any preplanned social occasion or activity, or series of such occasions or activities, sponsored or conducted by a person other than the Town or other governmental agency, occurring on private property and open to the general public or to such classes of users as to be in effect open to the general public, or on any public highway right-of-way or property owned by or leased to the Town, conducted indoors or outdoors, with or without admission or invitation fee, sponsorship or requested donation, for the purpose of entertainment, celebration, amusement, cultural recognition, amateur or professional sports demonstration or competition, or similar activities generically considered recreational in nature, including but not limited to carnivals, circuses, outdoor live entertainment, outdoor background music, festivals, car shows, fairs, bazaars, arts and cultural events, arts and crafts displays and/or sales, road races and walk-a-thons, public celebrations, parades, celebrations, ceremonies, marches, demonstrations, exhibitions, and any other occurrence involving public gathering and/ or attendance which is not otherwise considered a matter of right under prevailing law such as to be exempt from governmental regulation, and including accessory activities conducted by vendors.

SPECIAL EVENT PERMIT — A permit or instrument granted by the Code Enforcement Officer pursuant to the provisions of this local law.

TOWN — The Town of Macedon, New York.

TOWN BOARD — The Town Board of the Town of Macedon, New York.

TOWN CODE — The Code of the Town of Macedon, New York.

VENDOR— A person at a special event who, during the life of the special event permit, operates a booth, stand, cart or vehicle or otherwise occupies space in which he conducts games of skill or chance or sells or dispenses food, beverages, goods, merchandise, wares or the like.

Section 3. Permit Required

- A. Special event permit required. No special event shall take place unless and until an application for a special event permit has been submitted to the Code Enforcement Officer and such permit has been issued thereby.
- B. Exemptions.
 - (1) Events or activities such as weddings, parties, religious celebrations and functions, and other similar events, occurring within, or upon the grounds of, a private residence, where the property owner receives no

compensation for hosting the event and guests/attendees are not charged a fee or asked to contribute a donation, whether mandatory or voluntarily, for admission.

- (2) Events or activities which are held on property owned by or leased to the Town or other governmental agency and which are sponsored, conducted, or otherwise permitted by the Town, municipal corporation or other governmental agency.
- (3) Events or activities which are held on public property, excluding highway rights-of-way, not owned by or leased to the Town.
- (4) Events or activities for which a special use permit was issued pursuant to the Town Code.
- (5) Events or activities held on property owned by an incorporated fire company.
- (6) Background music or live entertainment occurring within the confines of a restaurant, bar, tavern, or nightclub.
- (7) Events or activities held at an agricultural event venue, as defined under Town Code §300-8, operating pursuant to a duly-issued special use permit.

Section 4. Application

A. Except in the case of a spontaneous or similar event or exercise of free speech such as those in response to a contemporaneous occurrence, an application for a special event permit shall be filed with the office of the Code Enforcement Officer not less than 15 business days before the date of the proposed special event and in any case not later than the time required for the Town to review same and to determine that all arrangements are satisfactory and sufficient to protect the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event. The Code Enforcement Officer may waive such requirement and accept the filing of an application after the deadline for same if the Code Enforcement Officer determines that such late filing shall not have impaired the Town's ability to adequately review such application and all arrangements necessary to hold the special event as intended so as to safeguard the protection of the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event; however, the Code Enforcement Officer shall have the right to deny any such permit and prohibit such special event due to the late filing of an application or other material failure to comply with Town requirements as defined hereunder, including if such late filing shall have precluded or significantly impaired the Town's ability and opportunity to evaluate such application as provided under this local law.

B. Information and material to be submitted with a completed application for a special event permit. Application for a special event permit shall be on the form provided by the Code Enforcement Officer. Such application shall include the following written material, all or part of which may be waived by the Code Enforcement Officer, upon the consent of the Chief of Police and Fire Marshal, upon a determination that such material is inapplicable or unnecessary for the purposes of this local law:

- (1) The name and address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of directors and officers of the corporation; if the applicant does not reside in Wayne County, the name, address and phone number of any agent, who shall be a natural person and shall reside or have a place of business in Wayne County and who shall be authorized to and shall agree by verified statement to accept notices or summonses issued with respect to violations of any laws, ordinances, codes, rules or regulations resulting from a special event.
- (2) The name and address of the record owner of the property on which the special event will be held and the nature and interest of the applicant in the property.
- (3) A detailed description of the nature of the special event, including the dates, hours, admission and other pertinent details, including but not limited to setup and shutdown times; expected maximum number of persons intended to use such property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the event, describing in detail the nature of the activities to be carried on and the admission fee to be charged, if any, and the name of groups, organizations, charities or individuals who shall benefit from the proceeds of such special event.
- (4) A plan and drawing showing the size of the property; the streets or highways abutting said property, the size and location of any existing or proposed buildings or structures or of any signs to be erected for the special event; the location of the stage or tents, if any, proposed to be erected; the designated areas of use for spectators, exhibitors, vendors, employees, and organizers; the location of all exits; the location of all fire extinguishers and other fire safety equipment; and the location of all temporary utilities to be installed for the special event.
- (5) A plan and drawing showing the layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking area along with a description as to how incoming and outgoing traffic will be managed or controlled on private property and in the proximate public rights-of-way.
- (6) An estimate as to the number of persons or vendors who will be engaged in the preparation and sale of food or beverages and an acknowledgment that they shall abide by all applicable New York State Department of Health regulations.
- (7) A plan for the use of live music, loudspeakers, horns, or other sounds which will be used, if any, and the type and location of speakers and other audio equipment.
- (8) The name and address of the security company, if any, which will work on the premises, and a description of the duties to be performed, subject to the approval of the Chief of Police.

(9) A description of the communications plan to be utilized by the event organizer to facilitate command and control of all routine and emergency activities related to the event, subject to approval by the Chief of Police and Fire Marshal.

(10) A description of tents or other temporary structures, camping or housing facilities to be available, if any, and a plan showing the intended number and location of them, compliance with the applicable requirements of the New York State Uniform Fire Prevention and Building Codes.

(11) A detailed description of the proposed means for furnishing water for drinking and other purposes as well as all proposed means of food services and the furnishing of medical services and supplies, including the names and addresses of any and all contractors to furnish such services and all pertinent information as to the location of pharmaceutical and emergency medical services.

(12) A detailed description of the proposed methods for handling and disposing of all trash, rubbish and garbage.

(13) A detailed description of the proposed means of disposal of all sewage, including the location and description of the facilities proposed, including lavatory facilities.

(14) A detailed description of any proposed use of fireworks or pyrotechnics to be used during the event, including the anticipated time and the location on the property in which they will be used, along with an acknowledgment that no such fireworks or pyrotechnics will be used unless the applicant obtains a separate fireworks permit from the Town Board, if one has not already been issued.

C. Other requirements.

(1) The Town shall have the right to require any applicant at its own cost and expense to provide such personnel and/or equipment as the Town may reasonably deem to be appropriate and necessary to ensure the safety and security of the public and/or public property before, during and after a special event, including but not limited to security personnel, communications equipment, medical and emergency response plans, services and vehicles, generators, lighting, sanitation facilities including toilets, garbage and trash collection and disposal facilities and services, parking and traffic control, and others, all of which shall be and remain subject to the oversight, supervision and control of Town officials, officers and staff with supervisory responsibility for such event and for Town property. The Town may impose and/or mandate compliance with such standards and requirements as may be reasonably related to the purposes of this local law.

(2) The Town may require an applicant to provide a letter of credit, bond or other suitable security instrument to ensure compliance with conditions in the special event permit and to ensure adequate cleanup of the property after a special event. No permit shall be issued unless and until such security has been provided to the Code Enforcement Officer. If an applicant fails to comply with the conditions of such permit or does not clear the property of debris within five days of mailing of written notice by return-receipt-requested mail or within three days of personal service of written notice on the applicant, the Town may use such portion of the security as is required to remedy the situation.

(3) The Town shall have the right to require any applicant at its own cost and expense to provide notice to neighbors before the special event occurs, in a form and manner prescribed by the Town.

(8) Special event permit available on premises. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by a police officer or other enforcement officer of the Town upon request of such officer.

D. Fee. All applications for a special event permit shall be accompanied by a fee in an amount established by simple resolution of the Town Board, in order to defray the costs of administering this local law. In addition, the applicant shall reimburse the Town for any reasonable sums expended for necessary or appropriate engineering and other professional assistance solicited and obtained by the Town in order to act upon such application.

E. Reuse or Reissuance of a Previously Issued Permit. In the discretion of the Code Enforcement Office, with the consent of the Fire Marshal and the Chief of Police, the application process may be waived and a previously issued permit may be reused or reissued for a subsequent special event if the Code Enforcement Officer is satisfied that the event organizer has demonstrated the subsequent event is identical or substantially similar to the special event held pursuant to the previously issued permit.

Section 5. Conditions of Special Event Permit.

The following conditions shall apply to a special event permit:

- (1) Except as provided, below, a special event permit shall be valid for a period of not more than twelve consecutive months.
- (2) No vendor shall sell or serve alcoholic beverages or conduct games of skill or chance during the operation of a special event unless and before the applicant or the vendor obtains a proper and legal license to dispense alcoholic beverages and/or conduct games of skill or chance from the State of New York or any other applicable regulatory agency. The applicant or vendor receiving such licenses to dispense alcoholic beverages and/or conduct games of skill or chance shall be conclusively presumed to be cognizant of the provisions of the Alcoholic Beverage Law of New York, the state rules and regulations in regard thereto and all applicable federal, state and municipal laws, ordinances, codes, rules and regulations regarding the operation of games of skill and chance, all of which are incorporated herein by reference as if fully set forth.

- (3) The Town, the County of Wayne and any agent of the state or other municipal government shall be authorized to enter and inspect the premises proposed to be used.
 - (4) To protect the Town and its officers and employees from any and all liability, Code Enforcement Officer may require the applicant the Town and its officers and employees to be named as additional insureds on insurance policies and/or surety bonds to be furnished by the applicant, the limits and amounts of which shall be determined at the time of permit issuance.
 - (5) The applicant shall agree in writing to indemnify, save and hold the Town harmless against loss, liability or expense resulting from any and all claims, actions, causes of action or judgments recovered against the applicant or the Town in any court of competent jurisdiction in excess of the amount of insurance required by the Town or, if no insurance is required, for all claims not otherwise covered or in excess of the coverage provided to the Town under its own public liability insurance coverage.
- B. The Code Enforcement Officer, Chief of Police, and Fire Marshal shall attach such conditions as deemed necessary to protect the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.

Section 6. Denial, Revocation, Suspension or Modification of Special Event Permit.

- A. Privilege. The granting of a special event permit is a privilege and not a right and may be denied, revoked, suspended or modified in the event that the applicant fails to comply with any applicable provision of this local law or for any other reason not prohibited by law.
- B. The Code Enforcement Officer may deny a special event permit or revoke, suspend or modify a special event permit for any of the factors below:
- (1) It is determined that there are inadequate Town resources available to protect the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.
 - (2) The special event will disturb the public peace and good order of the Town or adversely affect the use and enjoyment of adjoining properties or that the conduct of such event will not be consistent with or will jeopardize the health, safety, property or general welfare of neighboring residents and/or the Town at large.
 - (3) The special event has been subject to a violation or has had any adverse impacts on the surrounding property in the Town within the last three years and a mitigation plan has not been approved.
 - (4) The special event does not provide for sufficient services or facilities (including but not limited to parking and first aid or emergency medical services) that are reasonably necessary to ensure that such event will be conducted with due regard for the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.
 - (5) The special event may create a high probability of disorderly conduct likely to endanger public safety or to result in significant property damage.
 - (6) There are materially false statements or omitted relevant information in the application.
 - (7) The applicant has failed to conduct a previously permitted special event in accordance with the law or the terms of a permit, or both.
 - (8) The applicant has not obtained the approval of any other Town or public agency within whose jurisdiction the event or portion thereof will occur.
 - (9) Exterior lighting at the special event uses or will use search lights, strobe lights, laser lights or revolving lights.
- C. Closing of special events due to public safety hazard. The issuance of a special event permit notwithstanding, the Chief of Police, the Code Enforcement Officer or the Fire Marshal may close any special event or any portion of a special event that is subsequently determined to be an imminent hazard to the health, safety, property or general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.
- D. In addition to the penalties for offenses set forth in this local law, the applicant's special event permit may be revoked, suspended or modified by the Code Enforcement Officer at any time during the life of such permit for any violation by the applicant of any provision of this local law or any violation of the Town Code or any other applicable county, state or federal law.
- E. If a special event permit is revoked, no refund of any part of the application fee shall be made.

Section 7 Appeals.

If an application for a special event permit is denied, revoked, suspended or modified, the applicant shall be entitled to a hearing before the Town Board within 30 business days of the applicant's receipt of such denial, revocation, suspension or modification and the applicant's service of notice of an appeal upon the Code Enforcement Officer. At such hearing, the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial, revocation, suspension or modification. Within 15 business days of such hearing, the Town Board shall issue a written decision which sustains or reverses the decision of the Code Enforcement Officer, or remands the matter to the Code Enforcement Officer for further consideration.

Section 8. Enforcement.

This local law shall be enforced by the Code Enforcement Officer, Chief of Police, and the Fire Marshal, or their respective designees, unless stated otherwise herein.

Section 9. Violations.

A. It shall be a violation of this local law to conduct or to allow to be conducted a special event without a special event permit issued pursuant to the provisions herein, or after such special event permit has been denied, revoked or suspended.

B. It shall be a violation of this local law to conduct or allow to be conducted a special event contrary to the terms and conditions set forth in the special event permit issued for such special event.

Section 10. Penalties for Offenses.

A. A first offense under Section 9 of this local law is a violation, which, upon conviction thereof, shall be punishable by a fine of not less than \$100 nor more than \$250 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment, in addition to any fines that may be imposed hereunder..

B. A second offense under Section 9 of this local law is a misdemeanor which, upon conviction thereof, shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment, in addition to any civil fines that may be imposed hereunder.

C. A third and any subsequent offense under Section 9 of this local law is a misdemeanor which, upon conviction thereof, shall be punishable by a fine not to exceed \$3,000 or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment, in addition to any civil fines that may be imposed hereunder.

D. For each and every day that a violation of Section 8 continues, such violation shall constitute a separate offense and the penalties prescribed herein shall be applicable to each such separate offense

E. If the sentence is to be imposed on a corporation, the Court shall have the discretion, pursuant to Penal Law § 80.10, Subdivision 2(b), to impose a fine in lieu of the amounts specified above, not exceeding double the amount of the corporation's gain from the commission of the offense.

Section 11. Prohibition on Transfers.

No special event permit issued under the provisions of this local law may be transferred or assigned from one applicant, person or location to another applicant, person or location.

Section 12. No endorsement by Town.

The granting of permission by the Town and/or the use of Town-owned property or facilities by any person shall in no way be considered an endorsement or any expression of support, of disagreement or of any position or opinion of the Town whatsoever with respect to the activities, policies, opinions, positions, precepts or other aspects of the person organizing, sponsoring, holding or participating in a special event, and no person associated in any way with such event is authorized to or shall make any public statements or representations concerning the Town concerning same.

Section 13. Conflict with other provisions.

When the requirements or restrictions imposed by this local law conflict with the requirements or restrictions imposed by other laws, ordinances, codes, rules or regulations, the greater requirement or restriction, respectively, shall prevail.

Section 14. Severability.

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

Section 15. Effective Date.

This local law shall go into effect immediately upon filing with the New York State Secretary of State.

MOTION BY _____, SECONDED BY _____

ROLL CALL VOTE: BABCOCK _____, HAMMOND _____, MAUL _____, MCEWEN _____, LEONARD _____, MOTION CARRIED

RESOLUTION NO. 113 (2024) BROWNFIELD OPPORTUNITY

The Town of Macedon, herein called the "Applicant", after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable; and WHEREAS, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (the contract); and

WHEREAS, The Town of Macedon deems it to be in the public interest and benefit to enter into a contract therewith, and

NOW, THEREFORE, BE IT RESOLVED The Town of Macedon

1. That Kim V. Leonard is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to sign and submit the application, execute the contract; request payment advances and reimbursements; redistribute contract reimbursements as appropriate; submit Project documentation; and otherwise act for all applicants in all matters related to the Project and to State assistance;
2. That the Applicant intends to complete Pre-development Activities to advance development of key project sites identified and described within the Macedon BOA Study.
3. That the Applicant requests funds in the amount of \$500,000, representing no more than 90% of the total Project cost;
4. That the Brownfield Grantee agrees that it will fund the Applicant’s 10% share of the Project; and
5. That this Authorization takes effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Town of Macedon duly held on the 25th day of April, 2024; further, such Resolution has been fully recorded in the **Town of Macedon Minute Book** in my office.

In witness thereof, I have hereunto set my hand this 25TH day of April, 2024

Signature of Recording Officer
If the Applicant has an Official Seal, Impress here.

Karrie Bowers

Title of Recording Officer

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

Councilman Babcock enters the meeting at 7:10 pm

RESOLUTION NO. 114 (2024) ARPA PROJECT BULLIS TENNIS AND BASKETBALL RENOVATION SUPER SEAL CONTRACT

WHEREAS, the Town of Macedon desires to make certain improvements and renovations to the Tennis and Basketball Courts at Bullis Park, and

WHEREAS, Sport Master Sport Surfaces has an open publicly procured contract #COG-3238B through Equalis Group, which provides best value Public Procurement Services, and

WHEREAS, the Town of Macedon is an Equalis Group Member (ID#EF-00344430) and able to procure Public Services via this contract, and

WHEREAS, the Town of Macedon has received a proposal from Super Seal Sealcoating Company, LLC to crack fill, reseal and restripe the tennis and basketball courts at Bullis Park, including the renovation of one tennis court into two pickleball courts, the installation of 2 new basketball hoops, and the repair of the enclosure fencing structure and installation of new vinyl coated chain link fencing, as outlined on their Proposal #7976 dated 4/23/2024 in the amount of \$117,688.00, and

WHEREAS, the Town selects the Proposal Option outlined in the Super Seal proposal to add 42 feet of 4-foot high vinyl-coated chain link fence for the purpose of separating the pickleball courts, and deletes one proposed new tennis net, posts, and center strap for a net additional cost of \$3,025.00, and

BE IT RESOLVED the Town Board approves the Supervisor to sign the contract with Super Seal Sealcoating Company, LLC., in the lump sum amount of \$120,713.00, with the project to be funded by ARPA money – Federal Stimulus for COVID, account number to be assigned.

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

RESOLUTION NO. 115 (2024) ASSESSOR SCHOOLING

RESOLVED the Town Board approves the Assessor Schooling for Septanie Holtz at the Cornell Conference, not to exceed \$1,000 and to be expensed from A1355.400.

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

RESOLUTION NO. 116 (2024) FIREWORKS DISPLAY PERMIT

RESOLVED the Macedon Town Board approves the Outdoor Fireworks Display by American Fireworks Display, LLC Permit on June 6, 2024, at 3195 Weidrick Rd., Walworth, NY at the Gananda High School.
MOTION BY MAUL, SECONDED BY MCEWEN
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE

ABSTRACT NO. 8 (2024)

2024 #557 - 640	\$162,305.07
TA# 25 - 30	\$ 13,494.61
Total	\$175,799.68

RESOLUTION NO. 117 (2024) PAYMENT OF CLAIMS

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

ROUNDTABLE:

POLICE: Drug takeback is available year-round at the Police Station located at the Public Safety Building during business hours.

RECREATION:

TOWN BOARD: Councilman Babcock contacted Motorhead Digital regarding the town website, which will be presented on May 9, 2024. They will be presenting via Zoom.

A question was asked regarding the Bullis books, specifically the cost of moving them and whether they are aware of the cost of maintaining them. A discussion followed regarding whether they will need climate control for the room where they will house the books.

Councilperson Babcock has been in contact with Jim Lee and Jim Horvath that is the company that owns the cell tower and attended a phone conference.

7:45 PM PUBLIC HEARING – LOCAL LAW NO. 2 (2024) A LOCAL LAW TO REGULATE THE OPERATION OF AN AGRICULTURE EVENT VENUE SPECIAL EVENTS WITHIN THE TOWN OF MACEDON

RESOLUTION NO. 118 (2024) WAIVE OF READING OF THE LEGAL NOTICE

RESOLVED the Board waives the reading of the legal notice published in the April 14, 2024 issue of the Times.
MOTION BY MCEWEN, SECONDED BY MAUL
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

The public hearing is now open for public comment,

- A resident on Victor Rd stated that reading through the regulations, the one missing thing would be activities regulated by Ag & Market Tourism, like maple weekends, pick your own. They would like to see a modification to the section, like the Winter Festival of Lights. There needs to be a distinction between agricultural events and ag tourism.
- The Purple Painted Lady has been categorized as a farmers market on Yellow Mills for the last 10 years. Regarding section 2 letter E, there is a maximum number of events per calendar year, so I am curious if that would be discussed at a later date. NYS has a code for determining the sq. footage determined by the number of attendees, and I didn't know if this would follow the mathematical equation.
- Regarding noise and sound, we are trying to define it more so that it can be managed. I believe I read that neighbors need to be notified. During the PPL Festival, we let all the neighbors know when it will occur. That is defined in Section C3 in the other law.

The public hearing will be left open and reconvene on May 9th at 7:45 pm.

THE PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing is closed at ____ p.m.
MOTION BY _____, SECONDED BY _____
ROLL CALL VOTE: BABCOCK ____, HAMMOND ____, MAUL ____, MCEWEN ____, LEONARD ____, MOTION CARRIED

LOCAL LAW NO. 2 (2024) REGULATING THE OPERATION OF AGRICULTURAL EVENT VENUES

Be it enacted by the Town Board of the Town of Macedon as follows:

Section 1.

The following definition is hereby added to Macedon Town Code §300-8:

AGRICULTURAL EVENT VENUE - A portion of land, located in an AR-30, AR-40, or NCD zoning district, regularly available for hire as a location for events, which may take place in tents, gazebos, barns, open areas, or

residential structures.

Section 2.

The following section is hereby added Article XXI of the Town of Macedon Town Code and shall read as follows:

§ 300-187.1 Agricultural Event Venues

- A. Intent. The intent of this section is to promote health and safety and ensure compatibility with the neighborhood and general area where agricultural event venues are located and to minimize their impact on properties and residents in the Town.
- B. Approvals Required. Any person or entity seeking to operate an agricultural event venue, including any such agricultural event venue that began its operations prior to the adoption of the section, must obtain a site plan approval and a special use permit from the Town Board in accordance to the regulations set forth herein. In its sole discretion, the Town Board is authorized to waive any of the requirements of this section based upon the characteristics of the application.
- C. Site Plan Review. Applicants must submit the following materials to the Planning Board for its review and approval:
- (1) A sketch of the lot or lots which will be used as the agricultural event venue on a location map (e.g., tax map) showing boundaries and dimensions of the lot or lots involved and identifying contiguous properties, roadways and any known easements or rights-of-way which burden or benefit the lot or lots. Additionally, the sketch must show the following:
 - (a) The existing features of the lot or lots, including land, watercourses, wetlands, water or sewer systems and the approximate location of all existing structures (including buildings) on or immediately adjacent to the lot or lots.
 - (b) The proposed location and arrangement of the event area and structures, including but not limited to buildings, tents, gazebos, barns and parking.
 - (c) The proposed uses on the lot or lots, including means of ingress and egress, parking and circulation of traffic.
 - (2) A sketch of any proposed buildings, structures, tents, gazebos, barns or signs, including exterior dimensions and elevations of front, side and rear views of each. Include copies of any available blueprints, plans or drawings.
 - (3) A description of the intended use and location of the existing and proposed buildings, structures, tents, gazebos, barns and signs, including information regarding the anticipated frequency and types of events and any anticipated changes in the existing topography and natural features of the lot or lots to accommodate the changes.
 - (4) Provide the name and address of the applicant and all owners of the subject lot or lots. If the owners of the lot or lots are entities other than a natural person, please provide the names and addresses of the individual or individuals who are the owners or members of the entity.
 - (5) Provide the name and address of any professional advisors assisting the applicant, including but not limited to authorized agents, attorneys and engineers. If the applicant is not the owner of the lot or lots, provide written authorization of the owner of the lot or lots.
 - (6) Submit the application fee established by resolution of the Town Board.
- D. Special Use Permit. No agricultural event venue special use permit shall be issued unless the owner or operator of the proposed agricultural event venue demonstrates to the Town Board that all proposed features are essential to the operation or support of the agricultural event venue, will create no significant adverse effect on neighboring residential properties, and will be in harmony with the rural, historic and scenic character of the neighborhood.
- E. The following regulations shall apply to agricultural event venues:
- (1) Frequency. The maximum number of events permitted per calendar year at an agricultural event venue shall be determined by the Town Board based upon a review of site conditions at the agricultural event venue, including but not limited to lot size, the number and location of buildings and structures and parking facilities.
 - (2) Life Safety Plan. The applicant shall abide by a life safety plan, which shall contain all safety information, plans, and specifications as deemed necessary by the Town Code Enforcement Officer and Fire Marshal.
 - (3) Parking/driveways. The parking area shall be adequately screened from neighboring residences. No vehicles shall be permitted to park on accessways, driveways or roads. If the Town Board determines that the regulation of traffic on roads shall be necessary, such regulation shall only be done by law

enforcement personnel. The cost of such traffic regulation shall fully be paid for by the agricultural event venue on a per event basis.

- (4) Number of attendees. The Town Board shall determine the maximum number of attendees allowed at any agricultural event venue, taking into account the size and occupancy capacity of buildings and structures located in the event area, the proximity of the event area to adjoining residences, the size and location of parking facilities, the potential for noise or other disruptions to the neighborhood, and the safety of all persons.
- (5) Open space/historic building preservation. To the greatest extent practical, existing open space and unique natural areas, such as farmland, watercourses, wetlands, ponds, marshes, and steep slopes, should be preserved. Significant or historic buildings should be preserved and incorporated into the site plan wherever possible.
- (6) Noise/sound. All sources of amplified sound occurring as a result of the event, including but not limited to music, performances, and spoken words, shall be contained entirely within the event area. The Town Board may specify any further restrictions, conditions, or mitigation measures it deems appropriate relating to the use of amplified sound in order to reduce noise from traveling beyond the event area.
- (7) Fireworks, firecrackers or other artificially generated loud noises are not permitted unless approved by the Town Board and a temporary permit is issued for the same.
- (8) Inspections. An agricultural event venue shall be subject to periodic site inspections by the Code Enforcement Officer to determine compliance with the terms of its special use permit and site plan as well as the provisions of the Town Code.
- (9) Special use permit review. Any special use permit issued to an agricultural event venue under this section shall be reviewed by the Town Code Enforcement Officer annually. In the event Town Code Enforcement Officer finds compliance violations or that operational conditions are negatively impacting public safety or the use and enjoyment of neighboring properties, the Town Board shall hold a public hearing to review the continuation of the special use permit or any modifications thereof. Within 30 days of the conclusion of the public hearing, the Town Board shall issue a written determination which may amend or revoke the special use permit based upon the findings of its review.
- (10) Noncompliance. In the event of violations of the Town Code or the conditions of the special use permit, the Code Enforcement Officer is authorized to issue a stop order prohibiting further operation of the agricultural event venue if deemed necessary to preserve the health, safety, and welfare of the public.
- (11) Inconsistency. Whenever any sections of the Town Code are inconsistent with the express provisions of this section, the express provisions of this section shall govern, unless explicitly stated otherwise.
- (12) Hours of operation. The Town Board shall specify dates and hours during which events may occur.
- (13) Insurance. The owner of agricultural event venue shall maintain at all times comprehensive general liability insurance with limits of at least \$1 million per occurrence and \$2 million in the aggregate, with the Town and its officers and employees named as additional insureds on a primary and noncontributory basis. The owner shall annually and upon demand from the Code Enforcement Officer provide certificates of insurance evidencing the Town and its officers and employees have been named as additional insureds.
- (18) The requirements of this section shall not apply to the following:
 - (9) Events or activities such as weddings, parties, religious celebrations and functions, and other similar events, occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged a fee or asked to contribute a donation, whether mandatory or voluntarily, for admission.
 - (10) Events or activities which are held on property owned by or leased to the Town or other governmental agency and which are sponsored, conducted, or otherwise permitted by the Town, municipal corporation or other governmental agency.
 - (11) Events or activities which are held on public property, excluding highway rights-of-way, not owned by or leased to the Town.
 - (12) Events or activities held on property owned by an incorporated fire company.
 - (13) Events or activities held on property not regularly available for hire. Such events or activities shall be regulated pursuant to the Macedon Special Events local law.
- (14) Violations. A violation of this section on or after April 1, 2024 is hereby declared to be an offense

subject to the penalties set forth in Macedon Town Code §300-204.

Section 4. Severability.

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

Section 5.

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

MOTION BY: _____ SECONDED BY: _____

ROLL CALL VOTE: BABCOCK _____, HAMMOND _____, MAUL _____ MCEWEN _____ LEONARD _____

RESOLUTION NO. 119 (2024) EXECUTIVE SESSION

RESOLVED The Board enters Executive Session at 8:55 p.m. to discuss personnel/contracts

MOTION BY HAMMOND, SECONDED BY MCEWEN

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

Declared out of executive at 9:59 pm

MOTION BY BABCOCK, SECONDED BY HAMMOND, THE MEETING BE ADJOURNED AT 10:00 PM.

Karrie Bowers

Town Clerk, RMO