

September 12, 2019
WEB SITE <http://macedontown.net>

The Regular Meeting of the Town Board of the Town of Macedon held September 12, 2019 at the Town Complex, 32 Main Street, in the Town of Macedon was called to order by Supervisor Sandy Pagano at 7:30 p.m.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	David McEwen
Councilperson	Dave Maul
Councilperson	Bruce Babcock
Supervisor	Sandy Pagano

Absent:

Councilperson	Paul Kenyon
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Also Present:

Attorney	Anthony Villani
Chief of Police	John Colella
Director of EMS	Paul Harkness
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 189 (2019) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the August 8, 2019 (regular meeting) and the August 27, 2019 (special meeting)

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

Reports

August Police Report

July & August EMS Reports

RESOLUTION NO. 190 (2019) APPROVAL OF REPORTS

RESOLVED the reports be approved as submitted.

MOTION BY BABCOCK, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 191 (2019) REQUEST FOR PROPOSAL

RESOLVED the Town Board of the Town of Macedon is hereby requesting proposals for a duly qualified grant administrator for 2020 to identify, draft, submit applications and administer grants, on behalf of the Town and to advise the Town Board relative thereto.

Interested parties shall send all documentation of their proposal to:

Karrie Bowers, Town Clerk,
Town of Macedon,
32 Main Street,
Macedon, NY 14502.
(315)986-5932

Interested parties shall also contact the Town Clerk to schedule a date and time to present their proposal to the Town Board.

The deadline to submit a proposal in accordance with this request shall be October 7, 2019 at 4:30 p.m.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 192 (2019) HIGHWAY SURPLUS BID AWARDED – 2004 FORD 350

RESOLVED the Town Board awards the surplus bid for the 2004 Ford 350 VIN#1FTSF31S94EC00263 to Douglas Everdyke for the highest bid of \$500.

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 193 (2019) ASSESSING REVIEW BOARD APPOINTMENT – RAMOS

RESOLVED the Town Board reappoints Harry Ramos to the position of Assessing Review Board member effective 10/1/19 – 9/30/24
MOTION BY MAUL, SECONDED BY BABCOCK
ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 194 (2019) TOWN ASSESSOR – LEESON

RESOLVED the Town Board hereby appoints Dennine Leeson as Macedon Town Assessor for a six year term commencing October 1, 2019 and ending on September 30, 2025.
MOTION BY MCEWEN, SECONDED BY MAUL
ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 195 (2019) RESIGNATION – SYKES

RESOLVED the Town Board accepts the resignation of Andrew Sykes, part-time EMT effective September 2, 2019.
MOTION BY MAUL, SECONDED BY MCEWEN
ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 196 (2019) PERSONNEL – PARK

RESOLVED the Town Board appoints Jonathan Park as part-time EMT at the rate of \$12.36/hr effective September 1, 2019.
MOTION BY MAUL, SECONDED BY BABCOCK
ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 197 (2019) SURPLUS – AMBULANCE VEHICLES

BE IT RESOLVED that a 2005 Chevrolet Tahoe vehicle, with VIN # 1GNEK13Z35R146631 and a 2006 Jeep Liberty vehicle, with VIN#1J4GL48K56W217336, be declared surplus.
MOTION BY MAUL, SECONDED BY MCEWEN
ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 198 (2019) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2019-2020 – DB PROPERTIES, LLC.

WHEREAS, DB Properties, LLC. Has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2019-2020 in Wayne County Supreme Court under index number CV084485, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school, village and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17, dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$1,582,800 is sought to be reduced to \$557,000 (equalized to \$534,720) and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$197,500 is sought to be reduced to \$100,000 (equalized to \$98,000) and

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

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

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Palmyra-Macedon School District participation in this litigation commenced under the index number set forth above for the year 2019-2020, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Palmyra-Macedon School District for equal participation in the legal and

appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY MCEWEN, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 199 (2019) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2019-2020 – JINDAL FILMS AMERICAS, LLC.

WHEREAS, Jindal Films Americas, LLC. has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2019-2020 in Wayne County Supreme Court under index number CVO84408, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17 dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$2,400,000 is sought to be reduced to \$1,000,000 (equalized to \$960,000) and

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

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

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Palmyra-Macedon School District participation in this litigation commenced under the index number set forth above for the year 2019-2020, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Palmyra-Macedon School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,
MOTION CARRIED

RESOLUTION NO. 200 (2019) RESOLUTION SEEKING COUNTY AND SCHOOL PARTICIPATION IN ARTICLE 7 LITIGATION EXPENSES FOR THE YEAR 2019-2020 – SPEEDWAY, LLC.

WHEREAS, SPEEDWAY, LLC. Has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2019-2020 in Wayne County Supreme Court under index number CV084486, and

WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the school, village and country tax base, the County of Wayne has adopted a policy of municipal participation in the costs and expense of such litigation by resolution 524-17, dated October 17, 2017 and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$1,020,400 is sought to be reduced to \$106,292 (equalized to \$102,040) and

WHEREAS, the Town of Macedon attorney has advised the Town Board that this litigation meets the requirements of municipal participation in that the real property in question has an assessed value in excess of \$1,000,000 and the petitioner is desirous of either a change of assessment of ten (10) percent or a change of at least \$100,000 less than the assessed value, to wit: assessment of \$12,500 is sought to be reduced to \$1,302 (equalized to \$1,250) and

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

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

BE IT FURTHER RESOLVED that the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies and the Town Attorney is authorized to communicate pursuant to common defense confidentiality agreements with the County of Wayne and Palmyra-Macedon School District; and

BE IT FURTHER RESOLVED that the Town of Macedon hereby requests approval for County of Wayne, and Palmyra-Macedon School District participation in this litigation commenced under the index number set forth above for the year 2019-2020, and

BE IT FURTHER RESOLVED, that the Town of Macedon will pay its equal share of the legal and appraisal costs of this litigation, and

BE IT FURTHER RESOLVED, that the Town Supervisor be and the same is hereby authorized to request participation by the County of Wayne and Palmyra-Macedon School District for equal participation in the legal and appraisal costs of this litigation by sending a copy to the Wayne County Real Property Tax Services Director and to the Superintendent of the Palmyra-Macedon School District.

MOTION BY MCEWEN, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 201 (2019) PROPOSED LOCAL LAW NO. 7 (2019) PUBLIC HEARING SET – OVERRIDE OF TAX LEVY LIMIT

RESOLVED the Town Board schedule a public hearing on September 26, 2019 at 7:45 p.m. to hear public comment on proposed Local Law No. 7 (2019) entitled a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c.

BE IT FURTHER RESOLVED the Town Board authorizes the Town Clerk to publish and advertise this public hearing as prescribed by the law.

MOTION BY BABCOCK, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL ABSENT, KENYON AYE, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

MOTION BY BABCOCK, SECONDED BY PAGANO

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 202 (2019) NATURAL GAS CONTRACT – BOCES – DIRECT ENERGY BUSINESS

RESOLVED the Town Board authorizes the Supervisor to sign the Direct Energy Business Natural Gas Contract.

MOTION BY BABCOCK, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 203 (2019) DEC CONSENT ORDER

WHEREAS, the Town owns the Wastewater Treatment Plant located at 135 Main Street, Macedon, New York ("Facility");

WHEREAS, the discharge of effluent from the Facility into the Ganargua Creek is regulated in accordance with the terms and conditions of State Pollutant Discharge Elimination Permit No. NY-0023612 ("SPDES Permit"), issued by the New York State Department of Environmental Conservation ("DEC") to the Town;

WHEREAS, the SPDES Permit does not authorize the discharge of inks or dyes;

WHEREAS, DEC alleges that on or about May 9, 2019, blue ink or dye was discharged from the Facility into the Ganargua Creek;

WHEREAS, by letter dated August 23, 2019, DEC advised of its intention to commence a civil enforcement action against the Town under DEC Case No. R8-20190523-61, with respect to the aforesaid alleged violation the SPDES Permit;

WHEREAS, included with said letter was a proposed Order on Consent to resolve the aforesaid civil enforcement proceeding, requiring that the Town immediately pay DEC \$1,500 of a \$10,000 civil penalty, with the remaining \$8,500 suspended and not payable provided the Town fully complies with remaining terms and conditions of the order, which require that the Town purchase "an automatic sampler that can collect at least 24 individual discreet hours samples" and use the same to determine whether commercial sewer users are in compliance with the Town's sewer use law; now therefore

BE IT RESOLVED, the Town Supervisor is authorized to execute the proposed Order of Consent and deliver the same to DEC together with a check in the amount of \$1,500, in accordance with the terms and conditions set forth therein.

BY ORDER OF THE TOWN BOARD
TOWN OF MACEDON

Karrie Bowers, Town Clerk
Dated: 9-12-2019

MOTION BY MAUL, SECONDED BY PAGANO

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 204 (2019) BUDGET WORKSHOP

RESOLVED the Town Board schedule the 2020 Budget Workshop on October 3, 2019 at 5 p.m.

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 205 (2019) DELWARE RIVER SOLAR

WHEREAS, Delaware River Solar, LLC (“DRS”) and its affiliates NY Macedon I, LLC, and NY Macedon II, LLC (Project Companies) have made an application for the installation and operation of two Solar Energy Systems located on land along Frey Road and West Walworth Road; and

WHEREAS, each Solar Energy System will be in the capacity of: Project 1) 1.7 Mega Watts alternating current, respectively NY Macedon I, LLC, and Project 2) 1.4 Mega Watts alternating current, respectively NY Macedon II LLC, and;

WHEREAS, DRS and the Project Companies have received a “no motion carried” action with comments from the Wayne County Planning Board on March 27, 2019, and;

WHEREAS, DRS and the Project Companies have received a negative declaration, and Site Plan approval for the System on May 9, 2019; and

WHEREAS, Special Use Permits are required for the Systems; and

WHEREAS, DRS and the Project Companies have submitted satisfactory Decommissioning Plans and Agreements, as required; and

WHEREAS, DRS amended the originally approved Site Plan, dated February 28, 2019 with a Subdivision Plat to site each respective Project on a separate parcel of land, dated July 9, 2019; and

WHEREAS, the Town previously approved a Special Use Permit for the above reference systems, prior to such amendment; and

WHEREAS, DRS and the Project Companies have received a “no countywide or intermunicipal impact” action with comments from the Wayne County Planning Board on July 31, 2019, and;

WHEREAS, DRS has received Subdivision approval from the Planning Board for the System on May 9, 2019; and

NOW THEREFORE, BE IT RESOLVED, that such Decommissioning Plans and Agreements are in good order and are hereby accepted; and, be it further

RESOLVED, that the Town Board hereby issues a Special Use Permit to DRS and the Project Companies to permit the the two Systems on land along Frey Road and West Walworth Road; and, be it further

RESOLVED, that such approval is conditioned upon the posting of a bond consistent with the Decommissioning Plan and Agreement, which bond shall be posted as required by a conditional building permit for the System; and, be it further

RESOLVED, that any building permit issued for the Systems must be conditioned upon the posting of a bond consistent with the Decommissioning Plan and Agreement, such that said bond must be posted prior to the beginning of any construction; and be it further

RESOLVED, that such approval is conditioned upon entering in a Host Community Agreement, satisfactory to both DRS and the Town, prior to the issuance of a building permit for the Systems.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

RESOLUTION NO. 206 (2019) SEWER SPECIAL ASSESSMENT ROLL

BE IT RESOLVED the Town Board hereby directs that the special assessment rolls for Macedon Consolidated Sewer District No. 1 and Hamlet of Macedon Sewer District shall be filed with the Town Clerk and made available for public inspection.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

ABSTRACT NO. 20
2019 #1478-1534 \$133,539.04

ABSTRACT NO. 21
2019 #1535-1536 \$ 1,016.17

ABSTRACT NO. 22
2019 # 1537-1703 \$297,064.47
2019 TA#84-93 \$ 4,114.80
\$435,734.48

RESOLUTION NO. 206 (2019) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited

MOTION BY BABCOCK, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

MOTION BY MCEWEN, SECONDED BY BABCOCK THE MEETING BE ADJOURNED AT 9:52 PM.

Karrie M. Bowers, Macedon Town Clerk, RMC