

September 26, 2019
WEB SITE <http://macedontown.net>

The Regular Meeting of the Town Board of the Town of Macedon held September 26, 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	Paul Kenyon
Councilperson	Dave Maul
Councilperson	Bruce Babcock
Supervisor	Sandy Pagano

Absent:

Also Present:

Attorney	Anthony Villani
Chief of Police	John Colella
Highway Superintendent	Christopher Countryman
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 208 (2019) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the September 12, 2019 (regular meeting) and the September 24, 2019 (special meeting)

MOTION BY MAUL, SECONDED BY KENYON

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

Report

August Town Clerk Report

RESOLUTION NO. 209 (2019) APPROVAL OF REPORTS

RESOLVED the report be approved as submitted.

MOTION BY MCEWEN, SECONDED BY KENYON

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

RESOLUTION NO. 210 (2019) NEW YORK STATE JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

RESOLVED the Macedon Town Board authorizes the Macedon Town Court to apply for a New York State Justice Court Assistance Program (JCAP) grant in the 2019-2020 grant cycle up to \$30,000 or the exact amount being requested.

MOTION BY KENYON, SECONDED BY MCEWEN

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

RESOLUTION NO. 211 (2019) WILLIAMSON LAW BOOK ANNUAL SOFTWARE CONTRACT - PAYROLL

RESOLVED the Town Board Authorizes the Supervisor to sign the Williamson Law Book Support Contract for payroll from 10/1/19-9/30/20 to be expensed from A1320.4 for \$1933.

MOTION BY MAUL, SECONDED BY KENYON

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

RESOLUTION NO. 212 (2019) WILLIAMSON LAW BOOK ANNUAL SOFTWARE CONTRACT - RECORDS MANAGEMENT

RESOLVED the Town Board authorizes the Supervisor to sign the Williamson Law Book Support Contract for the Records Management software from 10/1/19-9/30/20 to be expensed from A1460.4 for \$225.

MOTION BY MAUL, SECONDED BY KENYON

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

RESOLUTION NO. 213 (2019) SURPLUS EQUIPMENT – JEEP LIBERTY

BE IT RESOLVED that the Town Board authorizes Director of EMS, Paul Harkness, to declare surplus a 2006 Jeep Liberty vehicle, with VIN#1J4GL48K56W217336, as Is. Sealed bids will be accepted at the Town Clerks office until 9:00am on October 10, 2019 to be awarded to the highest bidder. The Town of Macedon has the right to reject any and all bids. The Town Board authorizes the Town Clerk to advertise in the legal paper the Times.

MOTION BY KENYON, SECONDED BY MAUL

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

7:45 PM - PUBLIC HEARING – PROPOSED LOCAL LAW NO. 7 (2019)

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

RESOLUTION NO. 214 (2019) WAIVE READING OF THE LEGAL NOTICE WAIVED

RESOLVED the Town Board waives reading of the legal notice published in the September 12, 2019 issue of the Times.

MOTION BY MCEWEN, SECONDED BY KENYON

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

This local law was passed in previous years. The Board does not expect to exceed the tax cap this year. This law avoids penalties and/or fines due to the variables associated with this regulation.

All persons desiring to be heard, having heard none, the hearing was closed.

RESOLUTION NO. 215 (2019) PUBLIC HEARING CLOSED

RESOLVED the Public Hearing be closed at 7:48 pm.

MOTION BY BABCOCK, SECONDED BY KENYON

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

RESOLUTION NO. 216 (2019) LOCAL LAW NO. 7 (2019) A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

RESOLVED the Town Board adopts Local Law No. 7 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 2020 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 2020 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 MAUL, SECONDED BY KENYON

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

RESOLUTION NO. 217 (2019) ABUNDANT SOLAR / LABELLA ASSOCIATES – BARNES ROAD – SEQRA NEGATIVE DECLARATION

WHEREAS, LaBella Associates, and Abundant Solar are proposing to construct a 3.0 MW principal use ground mounted solar array on property on Barnes Road in the Town of Macedon, tax ID# 63113-000-441280,

AND WHEREAS, the proposed use is permitted in the AR-40 zoning district as a Special Use approved by the Town Board.

AND WHEREAS, the arrays are to be placed “on grade” with only minor ground disturbances to construct access drives and install mechanical equipment.

AND WHEREAS, the Applicant proposes to construct a new driveway off Barnes Road to access the property.

AND WHEREAS, the Town Planning Board has reviewed and issued Sketch Plan approval on March 4, 2019,

AND WHEREAS, the Wayne County Planning Board reviewed the application on March 27, 2019, and failed to make a recommendation for approval, modification, or disapproval, and has returned the application to the Town for review and approval without need for an extraordinary vote.

AND WHEREAS, the Applicant’s Engineer via a cover letter dated September 23, 2019 provided an updated site plan and visual simulations with additional landscaping and buffering provisions,

BE IT RESOLVED, that the Town Board of the Town of Macedon, does hereby find and resolve as follows:

1. The proposed action is subject to the State Environmental Quality Review Act.
2. The proposed action does not involve a Federal agency.
3. The proposed action does not involve a State agency.
4. Using the information available and comparing it with the thresholds set forth in section 6 NYCRR 617.4, the action is found to have a preliminary classification of Unlisted.
5. As an Unlisted action, a Short EAF has been prepared by the Applicant and Town Engineer to determine the significance of the proposed action.
6. The proposed action is not located in a coastal area.
7. The proposed action is located in an agricultural district.
8. A non-coordinated Review for Unlisted actions involving a single agency has been performed.
9. The Macedon Town Board is the lead agent.
10. The Macedon Town Board hereby determines that the proposed action is in general conformance with the adopted town-wide Master Plan, and will not result in any significant adverse environmental impacts, a Negative Declaration is declared, and the Town Board hereby directs the Town Clerk to immediately file the determination in accordance with section 6 NYCRR 617.12.
11. In reaching this finding, the Town Board has:
 - (a) Considered the action as defined in sections 6 NYCRR 617.2 (b) and 617.3 (g),
 - (b) Reviewed the EAF, the criteria contained in subdivision 6 NYCRR 617.7 (c) and any other supporting information to identify the relevant areas of environmental concern,
 - (c) Thoroughly analyzed the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and,
 - (d) Set forth its determination of significance in this resolution, in addition to the corresponding long environmental assessment form.
12. In determining significance, the Town Board has determined whether the proposed Unlisted Action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action compared against the criteria in 6 NYCRR 617. The criteria considered indicators of significant adverse impacts on the environment were:
 - (a) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

- (b) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant wildlife habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to the natural resources;
 - (c) The impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14 (g);
 - (d) The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
 - (e) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - (f) A major change in the use of either the quantity or type of energy;
 - (g) The creation of a hazard to human health;
 - (h) A substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses;
 - (i) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
 - (j) The creation of material demand for other actions that would result in one or the above consequences;
 - (k) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
 - (l) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria of this subdivision.
13. For the purposes of determining whether an action may cause one of the consequences listed above, the Town Board considered reasonably related long-term, short-term, direct, indirect, and cumulative impacts, including other simultaneous or subsequent actions, which were;
- (a) Included in any long range plan of which the action under consideration is a part;
 - (b) Likely to be undertaken as a result thereof, or
 - (c) Dependent thereon.
14. In addition, the Town Board considered the significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:
- (a) Its setting (e.g., urban or rural);
 - (b) Its probability of occurrence;
 - (c) Its duration;
 - (d) Its irreversibility;
 - (e) Its geographic scope;
 - (f) Its magnitude; and
 - (g) The number of people affected.

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

ABSTRACT NO. 23	
2019 #1704-1820	\$178,304.25
<u>2019 TA#94-108</u>	<u>\$ 11,455.69</u>
	\$189,759.94

RESOLUTION NO. 218 (2019) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 8:31 p.m. to discuss contracts

MOTION BY KENYON, SECONDED BY MAUL

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

Declared out of executive at 9:22 pm

RESOLUTION NO. 219 (2019) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited

MOTION BY BABCOCK, SECONDED BY MAUL

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

MOTION BY BABCOCK, SECONDED BY MCEWEN THE MEETING BE ADJOURNED AT 9:25 PM.

Karrie M. Bowers

Karrie M. Bowers, Macedon Town Clerk, RMC