

October 10, 2024  
WEB SITE <http://macedontown.net>

The Town of Macedon held the Board meeting on October 10, 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. 7:05 pm

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

|               |                 |
|---------------|-----------------|
| Councilperson | Bruce Babcock   |
| Councilperson | William Hammond |
| Councilperson | David Maul      |
| Councilperson | David McEwen    |
| Supervisor    | Kim V. Leonard  |

Absent

|  |  |
|--|--|
|  |  |
|--|--|

Also, Present:

|                |                |
|----------------|----------------|
| Police Chief   | Adam Husk      |
| Police Officer | William Murray |
| Town Clerk     | Karrie Bowers  |
| Town Engineer  | Scott Allen    |

**RESOLUTION NO. 203 (2024) EXECUTIVE SESSION**

RESOLVED The Board enters Executive Session at 6:30 p.m. to discuss contracts  
MOTION BY BABCOCK, SECONDED BY HAMMOND  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

Declare out of executive at 7:00 pm

**RESOLUTION NO. 204 (2024) APPROVAL OF MINUTES**

RESOLVED the Board approves the September 26, 2024 (regular) meeting minutes  
MOTION BY BABCOCK, SECONDED BY HAMMOND  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

**REPORTS**

Historian 3<sup>rd</sup> Qtr Report  
Police – September  
Town Clerk – July, August & September

**RESOLUTION NO. 205 (2024) APPROVAL OF REPORTS**

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

**RESOLUTION NO. 206 (2024) LETTER OF CREDIT REDUCTION #13 OAKRIDGE GLEN**

RESOLVED that the Town Board approves the Letter of Credit Reduction #13 for Oakridge Glen, dated 9/30/2024 in the amount of \$39,720.00, and authorizes the Town Engineer to sign the release paperwork.  
MOTION BY HAMMOND, SECONDED BY MCEWEN  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

**RESOLUTION NO. 207 (2024) ZONING BOARD OF APPEALS APPOINTMENT- BRUNIX**

BE IT RESOLVED, the Town Board appoints David Brunix to the position of Zoning Board of Appeals Member for a term to expire 12/31/2027  
MOTION BY HAMMOND, SECONDED BY BABCOCK  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

|                        |                     |
|------------------------|---------------------|
| ABSTRACT NO. 18 (2024) |                     |
| 2024 #1436-1540        | \$317,889.51        |
| 2024 TA#               | <u>\$ 14,097.21</u> |
| <b>TOTAL</b>           | <b>\$331,986.72</b> |

|                        |                     |
|------------------------|---------------------|
| ABSTRACT NO. 19 (2024) |                     |
| 2024 #1542-1654        | \$454,481.77        |
| 2024 TA#76-78          | <u>\$ 9,085.31</u>  |
| <b>TOTAL</b>           | <b>\$463,567.08</b> |

**RESOLUTION NO. 208 (2024) PAYMENT OF CLAIMS**

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

**7:10 PM PUBLIC HEARING – WEST STREET APARTMENTS EXPANSION OF NON-CONFORMING USE**

**RESOLUTION NO. 209 (2024) WAIVE OF READING OF THE LEGAL NOTICE**

RESOLVED the Board waives the reading of the legal notice published in the September 28, 2024 issue of the Times.

MOTION BY BABCOCK, SECONDED BY MCEWEN

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 of the hamlet stated that they would like to see those units replaced.

**RESOLUTION NO. 210 (2024) THE PUBLIC HEARING IS CLOSED**

RESOLVED that the Public Hearing be closed at 7:15 p.m.

MOTION BY HAMMOND, SECONDED BY BABCOCK

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

**RESOLUTION NO. 211 (2024) RESTORE NY GRANT APPLICATION 103 MAIN STREET SET PUBLIC HEARING**

WHEREAS, the Town of Macedon intends to apply for grant funding up to a maximum amount of \$1,000,000.00 (one million dollars) pursuant to the Restore NY program,

and WHEREAS, the Town has identified 103 Main Street (former Northstar Auto Electric) as the preferred location to apply for this grant funding for the following reasons:

1. The property is currently 100 percent vacant and underutilized
2. The property is within the direct center of the NY Forward target area and is a recommended large project by the Local Planning Committee (LPC) for NY Forward Funding
3. The property is proposed to be redeveloped into a street-front retail business, with multiple loft apartments on the second floor, which meets the goals of the NY Forward and Restore NY program
4. Any funds awarded by the Restore NY Grant would supplement any potential grant award through the NY Forward grant process
5. The Property Owner desires to apply for this grant funding and agrees to the grant application submittal, and

WHEREAS, the Town Board wishes to solicit public comment and input on the grant application and

BE IT 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 November 14, 2024, at 7:10 pm for the purpose of hearing public comment on the Restore NY Grant Application for 103 Main Street and

BE IT FURTHER RESOLVED the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper and otherwise as required by the specified NYS grant application procedures.

MOTION BY MAUL, SECONDED BY BABCOCK

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

**RESOLUTION NO. 212 (2024) ADOPTION OF SPECIAL ASSESSMENT ROLL FOR THE HAMLET OF MACEDON WATER DISTRICT**

WHEREAS, the Town currently collects a quarterly \$60 charge (\$240 annually) per equivalent dwelling unit (“EDU”) assigned to each tax parcel, as defined and determined in accordance with Macedon Town Code §281-43 (Local Law No. 9 of 2019), from users located within the Hamlet of Macedon Water District (the “District”), to finance the District’s indebtedness and anticipated capital expenses; and

WHEREAS, in lieu of a quarterly charge, the Town Board desires to finance the District’s indebtedness and capital expenses through a special assessment and

WHEREAS, said special assessment will be imposed on a benefits basis, to be determined based upon the number of EDUs assigned to each tax parcel, as defined and determined in accordance with Macedon Town Code §281-43 (Local Law No. 9 of 2019); and

WHEREAS, the Town Board presently anticipates that the collection of revenue in the amount of \$188,160 will be necessary for the Hamlet of Macedon Water District to finance the District’s 2025 indebtedness and capital expenses; and

WHEREAS, the Town has determined that there are presently 784 EDUs in the Hamlet of Macedon Water District; and

WHEREAS, \$240 per EDU will be required to meet the Town’s presently anticipated capital obligations for the District in 2025; and

WHEREAS, in accordance with Town Law §202, the proposed special assessment roll for the Hamlet of Macedon Water District, 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 October 24, 2024 at 7:10 p.m. for the purpose of hearing public comment regarding the special assessment roll for the Hamlet of Macedon Water District; and

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

BY ORDER OF THE TOWN BOARD  
TOWN OF MACEDON  
Karrie Bowers, Town Clerk  
Dated: October 10, 2024  
MOTION BY MAUL, SECONDED BY HAMMOND  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

❖ Macedon CSG, LLC presented a PowerPoint presentation to the board.

**7:40 PUBLIC HEARING AGOR COLLISION SPECIAL USE PERMIT MOTOR VEHICLE REPAIR SHOP**

**RESOLUTION NO. 213 (2024) WAIVE OF READING OF THE LEGAL NOTICE**  
RESOLVED the Board waives the reading of the legal notice published in the September 28, 2024 issue of the Times.  
MOTION BY MAUL, SECONDED BY BABCOCK  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

The public hearing is now open for public comment,

**RESOLUTION NO. 214 (2024) THE PUBLIC HEARING IS CLOSED**  
RESOLVED that the Public Hearing be closed at 7:52 p.m.  
MOTION BY HAMMOND, SECONDED BY BABCOCK  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

**RESOLUTION NO. 215 (2024) AGOR COLLISION SPECIAL USE PERMIT MOTOR VEHICLE REPAIR SHOP 672 FREY ROAD**  
BE IT RESOLVED the Town Board approves the Special Use Permit for Agor Collision to Operate a Motor Vehicle Repair Shop at 672 Frey Road, with the following conditions:

1. The use of the facility will be an Auto Body Repair Shop pursuant to the Zoning Board of Appeals Variance approved 9/25/24 for the facility being within 1000 feet of another Motor Vehicle Repair Shop.
2. The facility operations will be conducted pursuant to the Applicants Letter of Intent, Application Materials, and all relevant Town Codes and Regulations.

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

**RESOLUTION NO. 216 (2024) APPLICATION OF MACEDON CSG LLC**  
WHEREAS, Macedon CSG LLC, hereinafter “applicant” has advised through it attorneys an intent to lease and construct a solar farm on a 28-acre portion of the Property which is also used for more intense uses such as a sand and gravel mine, and

WHEREAS, said application was made by the attorneys for the applicant under letter of intent dated August 12, 2024 which requested a Special Use Permit from the Town Board of the Town of Macedon and Site Plan approval from the Planning Board of the Town of Macedon for this project which is as an approximately 5.00 MWAC or less ground-mounted, fixed-tilt solar photovoltaic system (FT) that generates electricity for offsite use, sale, and consumption (“Solar Array”). The Solar Array includes one pervious gravel access road, inverter pads, a fence surrounding the entirety of the equipment area, underground wiring, and overhead utility interconnection to equipment. Access is taken off the east-west diagonal bend in Walworth Road, nearly a mile north of State Highway 31, and

WHEREAS, according to the narrative, the Solar Array will disturb approximately 20.3 acres and encompass approximately 13.5 acres within the fence line. Under Ordinance § 300-187, the Solar Array is permitted on the Property through issuance of a Special Use Permit from the Town Board and Site Plan approval from the Planning Board, and

WHEREAS, the letter of intent was accompanied by the following documents:

1. Site Plan/Planning Board Application Form
2. Special Use Permit Application Form
3. Wayne County Planning Board Referral Form
4. Preliminary Site Plan Set • G-001 Title Sheet
  - C-100 Property Plan
  - C-101 Overall Site Plan
  - C-102 Existing Conditions Plan
  - C-103 Site Grading Plan
  - C-103A Road Grading Plan
  - C-104 Site Erosion and Sediment Control Plan
  - C-104A Road Erosion and Sediment Control Plan
  - C-105 Landscape Plan
  - C-106 Landscape Plan Details
  - C-501 Erosion and Sediment Control Details
  - C-502 Erosion and Sediment Control Details
  - C-503 Fence Details
  - C-504 Signage Details

C-505 Soil Restoration Specifications

5. Solar Module Data Sheet
6. Inverter Specification Sheet
7. Solar Racking Specification Sheet
8. Proposed Operations and Maintenance Plan
9. Preliminary Decommissioning Plan and Cost Estimate
10. Visual Simulations with Photo-location Map
11. Special Use Permit Criteria Analysis
12. Full Environmental Assessment Form
13. Proposed List of Involved and Interested Agencies
14. Wetland and Waterway Delineation Report
15. Stormwater Pollution Prevention Plan (SWPPP)
16. Agricultural Data Statement
17. Abridged CESIR with NYSEG
18. Recorded Memorandum of Lease
19. United States Army Corps of Engineers Determination of No Jurisdiction
20. New York State Department of Agriculture & Markets No Adverse Effect Letter
21. New York State Parks, Recreation and Historic Preservation Initial Determination Letter, and

WHEREAS, the plans have been initially reviewed by the Town Engineer and Counsel to the Town who have both made recommendations to the Town Board, and

WHEREAS, the applicant appeared in person with counsel at a meeting of the Macedon Town Board held on October 10, 2024 at which meeting the applicant presented its project and answered questions from the Town Board,

NOW BE IT RESOLVED AS FOLLOW:

THE APPLICATION

Based upon the review and recommendations of the Town Engineer and Counsel to the Town, the Town Board finds the application administratively complete. (Administrative completeness does not constitute completeness for SEQRA purposes).

SEQRA

Based upon the review and recommendations of the Town Engineer and Counsel to the Town, the Town Board finds the proposed project is subject to review under the New York State Environmental Quality Review Act. (SEQRA).

Review of the SEQRA Part I demonstrates the presence of other involved and interested agencies. The Town Board hereby declares its intent to serve as lead agency and directs Town Engineer and Counsel to the Town to commence proceedings to establish the Town as Lead Agency.

Based upon the review and recommendations of the Town Engineer and Counsel to the Town, the Town Board finds the proposed project warrants a SEQRA preliminary determination as TYPE I.

REVIEW PROCEDURE

The Town Board hereby refers that part of the project that requests the issuance of a Special Use Permit to the Town of Macedon Planning Board and the Wayne County Planning Board for their review and comments.

Should there be no opposition to the Town Board's declared intent to establish the Town Board as lead agency, the Town Engineer and Counsel to the Town are directed to review the project for compatibility with SEQRA and the Town Comprehensive Plan and the rules, regulations, ordinances adopted to effectuate the same and make written recommendations to the Town Board including the scheduling of a public hearing to be held tentatively on November 14, 2024 at 7:20pm the the Town Board authorizes the Town Clerk to publish the notice of said hearing in the legal paper known as the Times of Wayne County.

The Town Board hereby establishes an escrow in the amount of \$15,000 to be paid by the applicant and held in escrow by the Town of Macedon as security for reimbursement to the Town of Macedon for the costs and disbursement associated with its required review of the project.

The Town Board further authorizes and directs the Town Engineer and Counsel to the Town to develop a Host Community Agreement as is common in like applications and report its recommendations to the Town Board.

The Town Board further authorizes and directs the Town Engineer and Counsel to the Town to determine how the project will be treated for real property tax purposes and, in conjunction with the Town Assessor, report to the Town Board on the tax aspects of the project

The resolution was declared duly adopted and passed.

MOTION BY MAUL, SECONDED BY HAMMOND

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

**RESOLUTION NO. 217 (2024) UPWP APPLICATION**

WHEREAS, the application proposes funding to support a canal connectivity plan and continue the momentum of connecting the Macedon Hamlet with the Erie Canal and Empire State Trail for transportation alternative purposes.

WHEREAS, the Town of Macedon desires to apply for up to \$65,000 in financial assistance through the online intent submission form.

WHEREAS, the Town of Macedon proposes to provide a required local match in the amount of \$10,000.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Macedon approves and endorses the submission of the application for the GTC UPWP, prepared and to be submitted by the Town of Macedon.  
MOTION BY HAMMOND, SECONDED BY BABCOCK  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

**RESOLUTION NO. 218 (2024) NYSPSEL**

RESOLVED the Town Board authorizes the Supervisor to sign the proposal for a Stalker 2X Radar Unit and installation into Patrol car MPD3 not to exceed \$2,201.10 to be expensed from CD3120.200 LE TECH Grant for Police.  
MOTION BY HAMMOND, SECONDED BY BABCOCK  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

- ❖ The police have answered 470 calls.

**RESOLUTION NO. 219 (2024) OAKRIDGE GLEN ROAD AND UTILITY DEDICATION**

BE IT RESOLVED, at the recommendation of the Town Engineer, Town Highway Superintendent and Wayne County Water and Sewer Authority, the Town of Macedon takes dedication of the public portions of the Phase 1 Oakridge Glen development project, including 1000 feet of road, and water and sewer infrastructure, contingent on the following:

1. Execution of required utility and access easements by Town Attorney's approval
2. Posting of 2-year maintenance bond pursuant to Town Code 190-103.

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

**Roundtable:**

PUBLIC:

- ❖ A resident asked if the police department could put the year to date on their reports

TOWN BOARD:

- ❖ Councilman Babcock stated that the HVAC for the Bullis room is expected to arrive in November.
- ❖ Councilman Babcock will reach out to CSX regarding the Canandaigua Rd regarding the complaints of that crossing and how it has become more of a danger to cars crossing.
- ❖ Councilman Maul spoke to the Board regarding a spending freeze for all departments and that he will send out a memo that all departments will need to clear it with the board if there is a purchase that can not wait until next year.

TOWN CLERK:

- The E-Waste Event for October will be on October 21 and 22, 2024, from 6:30 a.m. to 4:00 p.m. at the Town Highway barns. A description of what will be accepted is on the Town Website. The address for the highway barns is 2067 O'Neil Rd.

SUPERVISOR:

- There will be another budget workshop on October 14<sup>th</sup> at 3:00pm

**RESOLUTION NO. 220 (2024) EXECUTIVE SESSION**

RESOLVED The Board enters Executive Session at 8:57 p.m. to discuss contracts  
MOTION BY HAMMOND, SECONDED BY MCEWEN  
ROLL CALL VOTE: BABCOCK AYE, HAMMOND AYE, MAUL AYE, MCEWEN AYE, LEONARD AYE, MOTION CARRIED

MOTION BY MCEWEN, SECONDED BY BABCOCK, THE MEETING BE ADJOURNED AT 10:02 PM.

Karrie Bowers

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Town Clerk, RMO