

**Town of Middlesex  
Regular Meeting  
December 8, 2022**

Present: David Adam, Supervisor  
Leon Button, Council Member  
Austin Liddiard, Council Member  
Paul Mitchell, Council Member

Also Present: Todd Conaway, Highway Superintendent  
Dawn Kane, Code Enforcement Office  
Dan Robeson, Historian/Heritage Group  
Bruce St. Lawrence, Special Projects Manager  
Stephanie Betts, Council Member Elect

Absent: Patrick Grimaldi, Assessor

Recording Secretary: Lynnette Miller, Clerk

**Pledge**

Supervisor Adam led the Pledge of Allegiance.

**Supervisor Comments**

Supervisor Adam asked for a moment of silence in honor of the fallen veterans at Pearl Harbor. He also thanked the veterans in attendance at tonight's meeting for their service.

**Call to Order**

Supervisor Adam called the meeting to order at 7:01 p.m. at the Town Hall, 1216 State Route 245, Middlesex.

**Public Comments**

- Resident Bob Mincer asked about the cell phone tower that is proposed for Townline Road and wondered why he had not received notification. Supervisor Adam added that perhaps the process has not moved far enough along. Bob responded that he had called the FAA and they had not received information to pass on. Code Officer Dawn Kane stated that she has further information that will be given in her report later in tonight's meeting.
- With nothing further, the time for public comments was closed at 7:04 p.m.

**Supervisor Comments**

Supervisor Adam introduced Council Member Elect Stephanie Betts and explained to those attending that he asked Stephanie to sit at the Board table this evening. Her term will commence January 1, 2023.

**Approval of Minutes**

Supervisor Adam asked the Board for any additions or changes to the November 2022 Board Minutes. There were none. A motion was made by Council Member Liddiard, seconded by Council Member Mitchell to accept the minutes as written.  
All in favor; none opposed. Motion carried.

Supervisor Adam asked for comments on the minutes from the Special Meeting held October 26<sup>th</sup> on the budget. There were none. On a motion by Council Member Mitchell, seconded by Council Member Liddiard the minutes were accepted as written.

All in favor; none opposed. Motion carried.

**Assessor** – no report

**Library** – no report

**Highway/Buildings/Grounds** – Todd Conaway

- The soil nail project on South Lake Rd. will begin on Monday. A water truck was rented from American Equipment since the truck from the Town of Potter is not in use. Todd reported that the drill was moved in today. A port-a-potty has been ordered. Yates County will come to do some digging. Everything is set to go.
- Superintendent Conaway referred to last month's discussion on a new 550 truck. He looked at a new Ford model but wasn't terribly happy with some of the features. He will still get a price from the Ford dealership. The cost of the International has increased \$3,000 from last month. There are still slots available. The current cost is over \$152,000. There was further discussion.
- Work on the Town's new 10-wheeler will begin after January 1<sup>st</sup>, 2023.
- The guys are ready for winter.
- Councilman Liddiard asked about the status of drainage on South Lake Rd. Todd responded that he has been busy and not able to make plans.
- Supervisor Adam asked about the pavement at the Krautwurst property where paint was marking the road. No one will be digging across the road, only boring under.

**Presentations** – none

**Code Enforcement Officer** – Dawn Kane

- **Library** – The application for the provisional library charter needs to be signed by the Board members this evening in order for approval to establish the library as voted on through the school budget vote. This will open the opportunity for and links to the Southern Tier Library System. The funds voted on through the school budget are passed through the Town yet they are not part of the Town's Budget.
- **Vine Valley Beach** – The annual report is based on programs held for the year. There were no swim lessons given this year. The program should be up and running next year.
- **Code Office** – A single family geothermal system is being drilled down at the lake. There was a wall failure north of Whiskey Point, very close to South Lake Rd. Engineers are involved. Stabilization will be done for the winter. The property owner is responsible for any further failure.

**Planning Board** – Dawn Kane

- Case Smeek has been appointed Chair of the Planning Board. Marty DeVinney is now a member of the Planning Board as of the meeting last evening. Additional Planning Board members are needed as back-up.
- A conceptual review was held for the proposed cell tower on Townline Road. An introduction was given to the Planning Board that included what is proposed and how they plan go about it.

Dawn shared photos for the Town Board to review. She explained that this is a public utility. They have to prove a need for cell service. Balloon floats were done and they will be done again. Dawn explained the process. They are responsible for determining the flight paths and its interference. Bruce St. Lawrence asked if the applicants are coming to each Planning Board meeting. Dawn responded yes. This will be approximately a 5-month process. Supervisor Adam asked about the height and Dawn emphasized that anyone with questions attend the Planning Board meetings since she cannot speak for the engineers. Bruce St. Lawrence asked if they presented a conceptual review. Dawn responded yes. Rob Brenner, attorney for the Planning Board will need to recuse himself because he worked in prior employment as an attorney for Verizon. Dawn will get the information online. Dawn is asking people to email her with their concerns. It will go from Planning Board to ZBA if preliminary approval is given. Minutes from the Planning Board will be found on the website.

- **ZBA** – The Zoning Board has mostly seen area variances. Jason Dekowski has applied for a barn to be remodeled into a single-family home. He is asking for an application to be amended. He will need to come before the Town Board for permission to have a single-family home here in addition to running a business on the same property. Supervisor Adam asked about another situation in the Town and Dawn responded that permission was granted for that. It is expected that Jason’s representation will be at the January meeting. He has preliminary approval from the Planning Board and now he will come to the Town. Documentation will be provided prior to the January meeting. Council Member Mitchell asked when a business becomes a storage facility. Dawn gave a detailed explanation. County Legislator Tim Cutler commented that the Town has a certain number of days to make a decision.

**Water District-** no report

**Historian/Heritage Group** – Dan Robeson

- The group continues to work on routine gathering of local information, obituaries and such.
- **Bicentennial** – Jim Hilton is the Heritage Group delegate from the Town. Bob Mincer will line up the Middlesex Hose Company to participate. Mayor Dave LeClair has emailed Supervisor Adam asking for help from the Town of Middlesex in collaboration with the Village of Rushville. Mayor LeClair would like to attend the next Town Board meeting.
- The Heritage Group is in need of volunteers.

**Legislator’s Report** – Tim Cutler

- A presentation was given to the County Legislature of the events planned so far beginning in February for the County Bicentennial. Tim will get further information to Dan Robeson about events being planned.
- Applications for the natural resources and recreation grant given by the County are due in January. Yates County has money to give to community groups for recreational purposes. There is a form to be completed by the municipality or group interested. This will be found under the Planning tab on the County website.
- The Public Safety Communications project is proceeding. The South Hill tower will be extended by 30 feet. Supply chain issues are being dealt with. The County is hopeful to have it completed by April. Councilman Button asked about the status of the other towers. Dundee is up and in the process of getting electricity. The others are in different phases of completion and moving along.

- The County has applied for additional emergency medical services (EMS). Three new fully-equipped ambulances will be purchased. The goal is to improve response time.
- Federal funds have been slow regarding the Broadband project. Construction of the trunks should begin soon.

**Town Clerk – Lynnette Miller**

- The Board received a copy of the town clerk's monthly report.
- Tax bills will be picked up from the County, sorted and mailed by the end of December.
- Clerk Miller announced her tax collection hours for 2023 will be Tuesdays, 2:00 – 6:00 p.m., Wednesdays and Thursdays from 9:00 a.m. – 1:00 p.m. The change in hours is mainly due to her retirement from Marcus Whitman CSD at the end of December 2022.
- Clerk Miller presented a letter to the Board for the purpose of transferring her retirement membership in the NYSLR to the NYSTRS. A resolution will be made later in tonight's meeting.

**Supervisor's Report – David Adam**

- **Special Projects** – Bruce St. Lawrence gave a report on the South Lake Road project that is about to begin. Pavilion on the plan for next spring. They are looking for used guiderail. There are two scheduled formats. Bruce explained. The County will be coming on Monday morning. Thursday will be the shotcrete procedure. The road will be totally blocked during daylight hours.
- The Yates County Snow and Ice Agreement is here to be signed this evening.
- Sunnking takes care of the removal of electronics during Clean Up Days. They would like the Town to sign an agreement that a full trailer load will be provided according to their specifications. There is no charge for this according to NYS regulations.
- Supervisor Adam explained that in previous years the year-end has been handled in a manner that no other neighboring town does. David had a copy of a report that he is proposing that the Board use.
- The audit draft by The Bonadio Group was received by Supervisor Adam. The general comments are that they were pleased with the processes in place. There was a recommendation that two people be involved in the water collection process; one person to process payments, one person to make deposits. Supervisor Adam reported that the final invoice was about 30% less than the amount quoted.
- Water Superintendent Alan Williams has submitted a letter of resignation for the purpose of retirement in order to have a break in service. He would like to be reappointed to the same position.
- Highway Superintendent Todd Conaway has expressed that he will not be running for the position in the next election. Councilman Mitchell has researched the process of having an appointed highway superintendent. Through resolution, public hearing, and adoption of a local law, the town clerk delivers the law to the Board of Elections. This is at least a 4-month process. A referendum must be held as a special election or during a regular election. Jeff Graff has been consulted. There was a discussion regarding scenarios. Advantages are that many applicants can apply with the best candidate chosen.

**Resolutions**

**Resolution #62-22**

**Audit of Claims**

On a motion by Council Member Button, seconded by Council Member Liddiard, the following resolution was

ADOPTED      Ayes    4      Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED that the invoices contained in the December 2022 Abstract have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	Vouchers No. 256-279	\$ 38,931.26
Highway Fund	Vouchers No. 185-204	\$ 77,239.90
Water District	Vouchers No. 48-50	\$ 3,014.19
Library Fund	Vouchers No. 15-16	\$ 2,425.02

**Resolution #63-22**

**Line-Item Transfers**

On a motion by Council Member Liddiard, seconded by Council Member Mitchell, the following resolution was

ADOPTED      Ayes    4      Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED to approve the line-item transfers for the month of December 2022.

**Resolution #64-22**

**Letter of Resignation – Water Superintendent Alan Williams**

On a motion by Council Member Button, seconded by Council Member Liddiard, the following resolution was

ADOPTED      Ayes    4      Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED to accept the letter of resignation from Water Superintendent Alan Williams for the purpose of retirement effective December 22, 2022.

**Resolution #65-22**

**Reinstatement – Water Superintendent Alan Williams**

On a motion by Council Member Button, seconded by Council Member Liddiard, the following resolution was

ADOPTED      Ayes    4      Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED to reinstate Alan Williams to the position to Water Superintendent effective December 26, 2022.

Resolution #66-22

**Transfer of NYSLR Membership – Lynnette Miller**

On a motion by Council Member Button, seconded by Council Member Liddiard, the following resolution was

ADOPTED      Ayes    4            Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED to accept a letter from Town Clerk Lynnette Miller for a break in service from her position as town clerk effective December 16, 2022.

Resolution #67-22

**Reinstatement Town Clerk Lynnette Miller**

On a motion by Council Member Liddiard, seconded by Council Member Button, the following resolution was

ADOPTED      Ayes    4            Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED to reinstate Lynnette Miller to the position of Town Clerk as previously held effective December 20, 2022.

Resolution #68-22

**2022-23 Yates County Snow and Ice Agreement**

On a motion by Council Member Mitchell, seconded by Council Member Button, the following resolution was

ADOPTED      Ayes 4            Adam, Button, Liddiard, Mitchell  
                     Nays 0

RESOLVED to accept the Yates County Snow and Ice Agreement for 2022-23 and allow Supervisor Adam to sign the agreement.

Resolution #69-22

**SUNNKING Agreement**

On a motion by Council Member Button, seconded by Council Member Mitchell, the following resolution was

ADOPTED      Ayes 4            Adam, Button, Liddiard Mitchell  
                     Nays 0

RESOLVED to enter into an agreement with SUNNKING for the purpose of electronic removal and recycling and allow Supervisor Adam to sign the agreement.

**Public Comments** – none

**Executive Session**

Supervisor Adam requested that the Board enter executive session for the purpose of discussing employment issues. A motion was made by Council Member Liddiard, seconded by Council Member Button.

All in favor; none opposed. Motion carried.

**Meeting Reconvened**

At 9:46 p.m. the meeting resumed.

Resolution #70-22

**Heavy Equipment Operator Position Ad – Full time**

On a motion by Council Member Button, seconded by Council Member Liddiard, the following resolution was

ADOPTED      Ayes    4      Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED for Clerk Miller to place an ad in the Daily Messenger and with Yates County Personnel for a Heavy Equipment Operator, full time.

Resolution #71-22

**Heavy Equipment Operator Position Ad – Part Time**

On a motion by Council Member Button, seconded by Council Member Mitchell, the following resolution was

ADOPTED      Ayes    4      Adam, Button, Liddiard, Mitchell  
                     Nays    0

RESOLVED for Clerk Miller to place an ad in the Daily Messenger and with Yates County Personnel for a Heavy Equipment Operator, part-time.

**Adjourn**

With no further business, on a motion by Council Member Liddiard, seconded by Council Member Button, the regular meeting of the Town Board of the Town of Middlesex was adjourned at 10:00 p.m. All in favor; none opposed. Motion carried.

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Lynnette F. Miller, Town Clerk