

**Town of Middlesex  
Regular Meeting  
November 11, 2021**

Present: Wayne Dunton, Supervisor  
Denise Adam, Councilwoman  
Leon Button, Councilman  
Peter Gerbic, Councilman

Absent: James Grant, Councilman

Also Present: Dawn Kane, Code Enforcement Officer  
Todd Conaway, Highway Superintendent  
Patrick Grimaldi, Assessor

Recording Secretary Lynnette Miller, Clerk

**Pledge/Call to Order**

Supervisor Dunton led the pledge to the flag, then called the meeting to order at 7:00 p.m. at the Town Hall. 1216 Route 245, Middlesex.

**Public Hearing**

Supervisor Dunton opened the floor to two public hearings, first regarding the Local Law Establishing the On-Site Wastewater Treatment System, the second regarding adopting a Local Law Amending the Town of Middlesex Zoning by adding a new definition of "Pole Barn – Non-Agricultural Use." Supervisor Dunton explained that the public may be heard at this time or any time throughout tonight's meeting until the closing of the public hearing. Resident Tom Hansen asked for clarification of who is included in the On-Site Waster Water Law. Supervisor Dunton explained the order of inspections and clarified that this will be a uniform law. Resident Ted Carman asked for clarification of the 5-year inspections. Code Officer Kane made copies and passed out information.

**Approval of Minutes**

Supervisor Dunton requested a motion to approve the minutes from the September 9, 2021 regular meeting. A motion was made by Councilman Gerbic, seconded by Councilman Button to accept the minutes as written.

\*All in favor; none opposed. Motion carried.

Supervisor Dunton requested a motion to approve the minutes from the October 14, 2021 regular meeting. A motion was made by Councilman Button, seconded by Councilwoman Adam to accept the minutes as written.

\*All in favor; none opposed. Motion carried.

Supervisor Dunton requested a motion to approve the minutes from the Preliminary Budget Meeting held October 28, 2021. A motion was made by Councilman Gerbic, seconded by Councilman Button to accept the minutes as written.

\*All in favor; none opposed. Motion carried.

**Assessor – Pat Grimaldi**

- The tax files are going to the County tomorrow.
- Exemptions will be sent next month.

**Highway/Buildings/Ground – Todd Conaway**

- Superintendent Conaway expressed thanks to the Town highway employees who all had to work extra during Todd's absence. He especially thanked Tim Soles and Ed Snyder for taking care of situations that arose due to the heavy rains received.
- There was flooding on South Lake Road. An area under the road collapsed. It was dug out and filled this past week as instructed by the engineers.
- The 2013 Mack truck #5 has a mechanical issue. The transmission will be exchanged rather than re-built due to parts being unavailable. Todd is hoping to have the truck back next week. The cost for the transmission will be approximately \$8,000. The clutch will be replaced for a total that is expected to be under \$12,000.
- The old CAT loader is leaking oil in the front axle. Nothing has been done due to lack of funds. It is not being used. A loader has been borrowed from the Town of Potter.
- The Town has purchased a used roller from George & Swede. Payment is being sent this week.
- The Town trucks are being prepared for snow. Councilman Button asked about snow fence. Superintendent Conaway responded that the ground is too wet at this time.
- Resident Harold Pratt of 5087 Haggerty Road, addressed the Board regarding culvert concerns on his property. He presented photographs taken. After a brief discussion, Superintendent Conaway said he would look into the matter.
- Supervisor Dunton explained FEMA dollars for bank stabilization on South Lake Rd. and work being done by Bruce St. Lawrence. This money will not be available for 8-12 months and cannot be applied to work done prior.
- Councilman Button asked about blacktop patching. Superintendent Conaway commented that there are some areas to be done in the next week or two.
- Lincoln Ave. was closed after the pipe washed out from the latest rain storm. The repair work was done.

**Code Enforcement Office - Dawn Kane**

- Planning Board – two new members are in the second phase of the interview process. Two additional applications have been received.
- Code Officer Kane has been working with Bruce St. Lawrence regarding the road failure on South Lake Rd. A letter will be sent to primary addresses of all residents of South Lake Rd. There is a need to stop all large truck traffic on the road including refuse trucks, utility trucks, etc. that would normally pass through that area where the road is unstable. Dawn has been in touch with contractors and the post office. She made a request for Board members to spread the word and let her know if they have additional information.
- ACS Docks will be taking out the dock at the VV Beach.
- There are currently three new homes being built on South Lake Rd. and an additional two that have not broken ground.
- Councilwoman Adam asked about the jet ski tied up at the Vine Valley Beach that has been there for approximately two weeks. Code Office Kane said she is keeping an eye on it and she will notify the sheriff's office if it is still there this weekend.

- Councilwoman Adam asked about the cost of the inspections for On-site Waste Water Law. Dawn explained that letters will be sent from Canandaigua Lake Watershed. Inspection costs have typically been \$175 plus the cost of the pumping. The process will work in a cycle. A discussion followed about scheduling and locations. Supervisor Dunton added that the initial inspections will focus on properties that have no records and properties that have had failures. Code Officer Kane stated that inspections are already required when houses are sold.

**Planning Board** - no report

**ZBA** – no report

**Water District** – no report

**Historian/Heritage Group** – no report

**Library** – Beth Garlock

**Legislator's Report** – Ed Bronson

- Sara Christensen has been appointed to the position of Public Health Director. Sara was the previous Deputy Director.
- The County authorized agreements between Public Health and the Dundee & Penn Yan School Districts for Covid testing.
- Resolutions were passed to keep the broadband projects moving forward.
- The County approved a letter of support for Yates Transit to apply for a grant to upgrade their fleet.
- A resolution was passed to request from Albany that more of the tax dollars raised stay in the county.
- A resolution was passed asking Albany to pay the salary of the County District Attorney.
- Approval was given for a contract to allow an engineering firm to complete drawings for a new County Highway Building that will include the Office of Emergency Management & Public Health.
- The Public Hearing for the County Budget will be next Thursday at 6:00 p.m.

**Public Comments** – none

**Town Clerk** – Lynnette Miller

- Two new computers have been ordered from SCT Computers in Penn Yan, one for the bookkeeper and one for the town clerk. Clerk Miller is hopeful that they will arrive soon, prior to tax collection season and for the new bookkeeper who will start January 1<sup>st</sup>.
- Clerk Miller explained that the public hearing on the Cannabis Opt Out Law, voted on at the October 28<sup>th</sup> Preliminary Budget meeting and scheduled to be held tonight, had to be postponed because there wasn't enough time to get the notice published in the newspaper. There will be a new resolution later in tonight's meeting to set the public hearing for December 9<sup>th</sup>.

### Special Projects

Supervisor Dunton reported on three projects being worked on currently:

- The first phase of the South Lake Rd. Rehabilitation project was completed in 2021 which included road resurface in one section. The plan for 2022 has been to complete ditching and road stabilization. Flooding that took place this fall is now dictating the road stabilization portion. Lu Engineers and Bruce St. Lawrence are working on this project.
- Supervisor Dunton reported earlier tonight that an application has been submitted for FEMA money to be used for bank stabilization on South Lake Rd. Lu Engineers and Bruce St. Lawrence are working on the project.
- The third is the Water System Improvement Project. Federal money received through covid relief can be used to improve water supply lines to residents. The first installment, in the amount of \$75,000, has been received and the additional \$75,000 will arrive in 2022. MRB Group and Middlesex resident Bill Williams are working on the project. Additional grant money is also being pursued.

### Supervisor - Wayne Dunton

- Town Hall Rain Gutter/Downspouts - Supervisor Dunton asked Highway Superintendent Conaway about the Town Hall downspouts. Todd responded that this project is on his list and hopefully will be taken care of soon, trying to figure out if there has been a collapse. Weather-related work has taken up any available time.
- High Speed Internet Equipment Building - The County has needed to resubmit paperwork to NYS because the site on Water St. is close to West River. The project is expected to move forward.
- Town Hall Rain Gutter/Down Spouts – still on hold due to weather. Looks to be a couple weeks.
- Supervisor Dunton requested a motion to close the Public Hearing regarding the On-Site Waste Water Law. A motion was made by Councilman Gerbic, seconded by Councilman Button.  
\*All in favor; none opposed. Motion carried. The public hearing was closed at 7:47 p.m.
- Supervisor Dunton requested a motion to close the Public Hearing regarding the Local Law to Update the Definition of a Pole Barn. Councilwoman Adam made a motion, seconded by Councilman Gerbic.  
\*All in favor; none opposed. Motion carried. The public hearing was closed at 7:48 p.m.
- Rushville/Middlesex Water Rate Charge Evaluation – Supervisor Dunton received the agreement. He has some questions. Town Attorney Mary Jo Corona will look at when she returns from vacation. He will update the Board at the December meeting.
- Clerk Miller informed the Board earlier this evening about the need to set another public hearing date for the Cannabis Opt-Out Law. After a brief discussion, the date was set for the December 9<sup>th</sup> Board meeting. See resolutions below.
- There are no line item transfers this month.

**Resolutions**

**Resolution #55-21**

**Yates County 2022 Inter-Municipal Animal Control Agreement**

On a motion by Councilwoman Adam, seconded by Councilman Gerbic, the following resolution was

ADOPTED	Ayes	4	Dunton, Adam, Button, Gerbic
	Nays	0	
	Absent	1	Grant

Resolved to authorize Supervisor Dunton to sign and enter into a Contract with Yates County for Animal Control for the year 2022.

**Resolution #56-21**

**Yates County 2021-2022 Snow and Ice Control Agreement**

On a motion by Councilman Button, seconded by Councilwoman Adam, the following resolution was

ADOPTED	Ayes	4	Dunton, Adam, Button, Gerbic
	Nays	0	
	Absent	1	Grant

Resolved to accept and allow Supervisor Dunton to sign the Yates County Highway 2021-2022 Snow and Ice Control Agreement with Yates County.

**Resolution #57-21**

**Adopt Local Law #1 for 2021 – On-Site Waste Water**

On a motion by Councilman Gerbic, seconded by Councilman Button, the following resolution was

ADOPTED	Ayes	4	Dunton, Adam, Button, Gerbic
	Nays	0	
	Absent	1	Grant

Resolved to adopt Local Law #1 for 2021, "On-Site Waste Water Treatment Law."  
Whereas, a SEQR was completed with negative findings at an earlier date.

**Resolution #58-21**

**Adopt Local Law #2 for 2021 – Amending the Town of Middlesex Zoning by Adding a New Definition of Pole Barn – Non-Agricultural Use**

On a motion by Councilman Gerbic, seconded by Councilman Button, the following resolution was

ADOPTED	Ayes	4	Dunton, Adam, Button, Gerbic
	Nays	0	
	Absent	1	Grant

Resolved to adopt Local Law #2 for 2021 – Amending the Town of Middlesex Zoning by Adding a New Definition of Pole Barn – Non-Agricultural Use.

Resolution #59-21

**2022 Town of Middlesex Budget**

On a motion by Councilwoman Adam, seconded by Councilman Button, the following resolution was

ADOPTED      Ayes    4            Dunton, Adam, Button, Gerbic  
                     Nays    0  
                     Absent 1       Grant

Resolved to adopt the 2022 Town of Middlesex budget as proposed.

Resolution #60-21

**Water Rates for 2022**

On a motion by Councilman Gerbic, seconded by Councilwoman Adam, the following resolution was

ADOPTED      Ayes    4            Dunton, Adam, Button, Gerbic  
                     Nays    0  
                     Absent 1       Grant

Resolved to accept the following water rates for the Water District of the Town of Middlesex for 2022:

Inside hamlet users tax rate \$4.30/\$1000 assessed value plus \$70/qtr. 0-5000 gallons  
Outside hamlet users no tax rate \$160/qtr. 0-5000 gallons  
Both inside and outside hamlet users \$6.25/1000 gallons over 5000 gallons

Resolution #61-21

**MRB Water System Improvement Proposal**

On a motion by Councilman Gerbic, seconded by Councilman Button, the following resolution was

ADOPTED      Ayes    4            Dunton, Adam, Button, Gerbic  
                     Nays    0  
                     Absent 1       Grant

Resolved to authorize Supervisor Dunton to sign the MRB Water System Improvement Proposal. Whereas, the Town of Middlesex will pay approximately \$18,400 for grant writing and engineering services.

Resolution #62-21

**Audit of Claims**

On a motion by Councilwoman Adam, seconded by Councilman Button, the following resolution was

ADOPTED      Ayes    4            Dunton, Adam, Button, Gerbic  
                     Nays    0  
                     Absent 1       Grant

Resolved that the bills contained in the November 2021 Abstract have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	Vouchers No: 273-292	\$ 5,073.56
Highway Fund	Vouchers No: 206-220	\$65,230.17
Water District	Vouchers No: 49-52	\$ 1,159.60

Resolution #63-21

**Public Hearing to Opt-Out of Cannabis Law**

On a motion by Councilman Gerbic, seconded by Councilman Button, the following resolution was

ADOPTED	Ayes	4	Dunton, Adam, Button, Gerbic
	Nays	0	
	Absent	1	Grant

Resolved to authorize a Public Hearing to be held Thursday, December 9, 2021 at 7:00 p.m. that would have the Town of Middlesex opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Middlesex that would otherwise be allowed under Article 4 of the Cannabis Law.

**Other Business**

Following a brief discussion, it was decided that the Year End Meeting for the Town of Middlesex would be held on Thursday, December 30, 2021 at 5:00 p.m. at the Town Hall.

With no further business, on a motion by Councilman Gerbic, seconded by Councilman Button, the meeting was adjourned at 8:17 p.m.

  
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Lynnette F. Miller, Town Clerk