

**Town of Middlesex
Regular Meeting
October 10, 2019**

Present: Wayne Dunton, Supervisor
Jack Bauer, Councilman
Leon Button, Councilman
Peter Gerbic, Councilman

Absent: James Grant, Councilman

Also Present: Todd Conaway, Highway Superintendent
Patrick Grimaldi, Assessor
Dawn Kane, Code Enforcement Officer
Dan Robeson, Historian/Heritage Group

Recording Secretary: Lynnette Miller, Clerk

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

Public Hearing – Override Tax Levy Limit

Supervisor Dunton opened the floor to comments from the public regarding the Tax Cap Override. He stated that the Public Hearing for comments would remain open throughout tonight's meeting for questions and/or comments. Supervisor Dunton explained the tax cap stating that the law establishes a limit on the amount of taxes that can be levied each year by local government and schools to 2% or the rate of inflation, whichever is less. If the Town's budget increases beyond 2%, a law must be adopted in order to go over the tax cap. The proposed budget is still being formulated. Tonight's public hearing is to give the public an opportunity to address the Board. No comments, no further discussion at this time.

At 7:04 p.m. Councilman James Grant entered the meeting.

Approval of Minutes

Supervisor Dunton requested a motion to accept the September 12, 2019, minutes as written. A motion was made by Councilman Gerbic, seconded by Councilman Bauer.

*All in favor; none opposed – Motion carried.

Assessor – Pat Grimaldi

No report

Highway/Buildings/Grounds – Todd Conaway

- The Town truck with the new box is back in service.
- Salt has been ordered; some has been delivered.
- Some road work is still being done before winter.
- Some grader patching is yet to be done. There was a discussion regarding remaining highway dollars.

- Highway Superintendent Conaway will be getting information from Gordon Stringer regarding placement of the swing set at the Vine Valley Community House according to the location of the septic system.

Code Enforcement – Dawn Kane

- Monthly report given to the Board
- Two new homes being built, one on South Lake Rd., one on East Lake Rd. just finished.
- Four items went before the Planning Board this month that included the following; the Bare Hill Road construction without permits has been reviewed and approved by the engineers is moving forward, a retaining wall on South Lake Road built in the Town right-of-way will be removed, new construction at the base of South Vine Valley Road is moving forward after engineers and prints have been completed, a septic system that was altered with direct discharge has been redesigned, approved and will be reinstalled. All should be wrapped up within 45 days. Councilman Gerbic asked if fines are issued from the code enforcement office and/or the Canandaigua Lake Watershed regarding the altered septic. Code Officer Kane explained that there are no fines, yet there is considerable expense to the homeowner in order to comply.
- There are six new applications going before the Planning Board this month.
- People are taking advantage of programs available to repair and replace septic systems resulting in more calls to the code office. Keuka Housing also has a program that replaces septic or wells at no cost for those in need, in addition to a program that will replace housing.
- The Planning Board held a meet and greet last month with Tyler Ohle, the new Canandaigua Lake Watershed Inspector. George Barden has retired.
- Ferrell Gas had an application approved by the Planning Board last month for a distribution center to be located behind the Yellow Barn on Route 364. The application will go before the County and then to the Town ZBA for a special use permit.
- The DEC notified the code office of oak wilt that has been found in two locations in the Town. A notice has been posted on the Town website. Oak wilt is a fungus that stops the tree from getting water and nutrients, eventually killing the tree. It seems to be more prevalent in red oak at this time. The DEC would like residents to call them if they suspect oak wilt on their property.
- In 1987 the Flood Damage Prevention Law was passed. The DEC and Code Officer Kane are in the beginning stages of meeting. Under this law, the Town's code enforcement officer will have the responsibility of being the flood plain permit issuer. This is a complicated topic that includes all tributaries and streams. The law has never been enforced. Residents who have flood insurance risk losing it if the Town does not get involved. Code Officer Kane will keep the Board informed of the progress.
- The bathrooms at the Vine Valley Beach are still open.
- The gazebo at the beach has been stained and painted.
- Youth Bureau paperwork has been submitted to the County.

Planning Board/ZBA –

- Supervisor Dunton reported that Bruce St. Lawrence will be stepping down from the Planning Board as of the first of the year.

Historian/Heritage Group – Dan Robeson

- This weekend both Saturday and Sunday, October 12th & 13th, the Overackers Corners Schoolhouse will be open from 12 noon – 4:00 p.m. as part of the NYS Path Through History program.
- The Yates/Ontario Small Museum Group is presenting a lecture on Sunday, October 20th at 2:00 p.m. at the Rushville Congregational Church titled, “The Story of Sgt. Howard Gotts.” The program is free to the public.

Water District –

- Supervisor Dunton reported that Bruce St. Lawrence meet with an auditor on September 24th, here at the Town Hall to review grant money received by the Town through the NYS Community Development Block Grant (CDBG). The money was used to build the new water tower. Town Clerk Miller and Bookkeeper Dunton were also present. Results of the audit have not been received to date.

Legislator’s Report –

- The County will hold a budget workshop at the end of the month.
- The next Public Safety meeting will be held at the County Office Building on November 5th at 1:00 p.m. A representative from the Governor’s office will attend to address questions regarding public safety issues and victim’s right with regards to the new criminal justice reform.

Open Discussion –

- Resident Cindy Smith who lives on Mertz Road addressed the Board regarding snowplows digging into the road shoulder making it difficult for her to leave her driveway. She asked if it would be possible to add some gravel on the shoulder. Todd responded that someone would look into fixing the issue. Cindy thanked Todd and the Board for their consideration.

Vine Valley Beach Improvement Project –

No report

Town Clerk – Lynnette Miller

- Monthly report given to the Board.
- Past renewals of dog licenses were mailed.

Supervisor’s Report – Wayne Dunton

- Supervisor Dunton requested a date to be set for a budget work session. A meeting date was set for Monday, October 21, 2019 at 6:00 p.m. at the Town Hall. A meeting notice will be posted.
- The Water District report given to the Board. The Town water district has had two major breaks this month and an additional break this week is not included in this report. Additionally, Water Superintendent Alan Williams flushed all the hydrants this quarter, showing high usage this month.
- Regarding the ongoing water disagreement with the Village of Rushville, another letter has been mailed. No response to date. The attorney representing the Town has been on vacation. Councilman Gerbic asked if the Town and the Village have gone to mediation. Supervisor Dunton responded that we are waiting to hear from the Village of Rushville.

At 7:32 p.m. Supervisor Dunton asked if there were any further comments or questions from the floor regarding the Tax Cap Override. There were none. Supervisor Dunton announced that at this time the Public Hearing is closed.

- On November 15th Resident Bill Williams will attend a workshop in Batavia regarding grants for municipal water distribution repair. Supervisor Dunton stated that any Board members are also welcome to attend.
- The Yates County Public Officials Workshop will be held on October 24th from 5:30-8:30 p.m. in Yates County regarding Emergency Management Certificate & Training for FEMA dollars. Councilman Gerbic clarified that this makes us eligible for FEMA dollars. Highway Superintendent Conaway said he would be attending.

Resolutions

Resolution 52-19

Community Development Block Grant – Set Public Hearing

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

ADOPTED	Ayes	5	Dunton, Bauer, Button, Gerbic, Grant
	Nays	0	

Resolved to authorize a Public Hearing to hear comments on dollars received for the Community Development Block Grant to be held November 14, 2019.

Resolution 53-19

Proposed Local Law, Changing Residency Requirement for Chairperson & Members of Town Planning Board and ZBA – Set Public Hearing

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

ADOPTED	Ayes	5	Dunton, Bauer, Button, Gerbic, Grant
	Nays	0	

Resolved to authorize a Public Hearing on the proposed Local Law, Changing Residency Requirement for Chairperson & Members of the Town Planning Board and ZBA, to be held November 14, 2019.

Resolution 54-19

2020 Preliminary Budget Proposal – Set Public Hearing

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

ADOPTED	Ayes	5	Dunton, Bauer, Button, Gerbic, Grant
	Nays	0	

Resolved to authorize a Public Hearing of the 2020 Budget to be held on October 30, 2019 at 6:00 p.m. at the Town Hall.

Resolution 55-19

Middlesex Valley Ambulance Service 2020 Contract

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

ADOPTED Ayes 5 Dunton, Bauer, Button, Gerbic, Grant
 Nays 0

Resolved to authorize Supervisor Dunton to sign the 2020 Contract Agreement with the Middlesex Valley Volunteer Ambulance Service in the amount of \$95,493.

Resolution 56-19

Monthly Report/Line Item Transfer

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

ADOPTED Ayes 5 Dunton, Bauer, Button, Gerbic, Grant
 Nays 0

Resolved to accept the Monthly Report and single Line Item Transfer to date for October 2019.

Resolution 57-19

Audit of Claims

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

ADOPTED Ayes 5 Dunton, Bauer, Button, Gerbic, Grant
 Nays 0

Resolved that the bills contained in the October 2019 Abstract have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	Vouchers No: 1265-1292	\$13,439.59
Highway Fund	Vouchers No: 2203-2222	\$22,397.85
Water District	Vouchers No: 3046-3049	\$17,199.13
Trust & Agency	Vouchers No: 11	\$ 5,336.70

Committee Reports

With no further business, on a motion by Councilman Gerbic, seconded by Councilman Button, the meeting was adjourned at 8:08 p.m.

Lynnette F. Miller, Town Clerk