

**Town of Middlesex
Regular Meeting
September 12, 2019**

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

Absent: James Grant, Councilman

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

Open Public Hearing

Supervisor Dunton opened the Public Hearing on the Local Law Establishing the On-Site Wastewater Treatment System Law for the Town of Middlesex. No questions or comments.

Approval of Minutes

Supervisor Dunton requested a motion to accept the August 8, 2019 minutes as written. A motion was made by Councilman Button, seconded by Councilman Bauer.

*All in favor; none opposed – Motion carried.

Assessor – Pat Grimaldi

No report.

Highways/Building/Grounds – Todd Conaway

- Truck box discussed at prior meetings will be installed and ready in a week or so. This is ahead of the original schedule presented to the Board.
- Highway Superintendent Conaway is getting prices on a new pick-up plow and he will present the information at the next Board meeting.
- The Town highway employees have been busy spreading gravel and installing drainage.

Code Enforcement – Dawn Kane

Vine Valley Beach:

- The beach is closed for swimming. Lifeguards are done for the season. The swimming signs will be taken down soon. Additional signs will be added since people use the beach during the fall. The swim lines and buoys are usually taken out after Labor Day, however, for safety reasons with the new dock, keeping them in identifies to boaters the large rocks nearby. Dawn consulted County Planner Dan Long and Highway Superintendent Conaway about the matter

and she is suggesting that the lines be removed October 1, when the dock is removed. Legislator Bronson added that it has been discussed at the County that the dock stays in until November 1, due to fishing tournaments taking place during the month of October.

- The bathrooms are still open, daily from 7 a.m. – 8:00 p.m. unless the holding tanks are full and that has only happened twice this season. The holding tank was emptied. Soon after, Water Superintendent Alan Williams was notified the alarm system went off and the breaker went off. After checking, Alan reported to Dawn that everything seems to be working fine. Dawn and Alan are monitoring. Dawn is suggesting that the bathrooms remain open until November 15.
- Councilman Button asked if there had been concerns during the summer with congestion and parking. Dawn reported that there were no issues. The design of the boat launch eliminated large boats from launching in Vine Valley. Traffic might have been a little heavier during the July holiday, but there were no complaints and everything seemed to have gone smoothly.
- Dawn asked if anyone knows how the dock is removed. Highway Superintendent Conaway will look into that.

Code Enforcement:

- Currently there are three stop work orders in force through the code office. A large retaining wall was built on South Lake Road in the right-of-way. The second involves building permit violations on Bare Hill Road. The engineer report was received this evening right before tonight's meeting that will be passed on to Stantec Engineers for review. There appears to be several violations of safety and welfare. The findings will be reviewed by the Planning Board and the Code Office, then referred back to the homeowners for remedy. The third situation involves stamped plans guaranteed, not provided, yet work continued. Deputy Clerk of the Planning Board Lynn Lersch will issue a letter of memo to Board members.
- Canandaigua Lake Watershed Inspector George Barden has retired. A meeting/work session with the Planning Board has been set up for October to meet George's replacement and to discuss process and expectations.
- Code Office Kane informed the Board that the Komarek lawsuit has been completed. Mr. Komarek lost his 3rd and final appeal against the Town. Dawn thanked the Planning board for their good work on the Steep Slope Law which stood up in court. A discussion ensued regarding who is responsible for the Town's hefty legal fees. Although Dawn told the Board that the Town is responsible for their own legal fees incurred, she will check with Town Attorney Jeff Graff.
- The Town clerk was served tonight with an Article 78. Code Officer Kane explained to the Board that this results from a homeowner building a structure on the lake without a permit. Dawn backtracked the owner through the process and the Zoning Board of Appeals denied his request. He has decided to sue the Town.

Planning/ZBA – Bruce St. Lawrence

- There was a Planning Board meeting last evening. Several items are being revisited.
- Stantec Engineering has been asked to be involved with a difficult site at the end of South Lake Rd.
- Supervisor Dunton asked about the status of the zoning changes regarding pole barns. Bruce St. Lawrence said he was unfamiliar with the status.

Historian/Heritage Group – Dan Robeson

- Seneca Heritage Day held August 31st was an overwhelming success with the largest number of attendees ever. The pie sale, headed up by Deb Bronson, brought in over \$300. The speaker

was excellent. Heritage Group President Dave Charland did a wonderful job organizing the day's activities. The Button Family supplied the tent and chairs. Paul Mitchell was great help. Dan thanked the Town for all their support. The ring-of-fire bonfire on Bare Hill was also a huge success.

Water District

- Supervisor Dunton reported that a meeting is set for September 24th at 3:00 p.m. here at the Town Hall for a review of the grant money received by the Town of Middlesex a few years ago through the NYS Community Development Block Grant (CDBG). The money was used to build a new water tower. Supervisor Dunton, Project Manager Bruce St. Lawrence and Town Clerk Lynnette Miller will attend.

Legislator's Report – Tim Cutler/Ed Bronson

- The Yates County Chamber of Commerce has reported an increase of 5% in tourism revenue in 2018. Councilman Button asked what the yearly tourism dollar figure is. Legislator Cutler said he would get back to the Board with that amount. Legislator Bronson added that tourism revenue was enough to save County households over \$900 in taxes.
- Legislator Cutler stated that the County is preparing for budget workshops with tough decisions to be made. He explained some mandated procedure changes that will take place in the District Attorney and Sheriff's offices that will be costly.
- Legislator Bronson informed the Board that the County passed a resolution to oppose the proposed NYSEG rate increase.
- The County's transit service has seen an increase in ridership. They will start expanding to Geneva and Canandaigua destinations.

Open Discussion

Resident and Vine Valley Community House Board President Gordon Stringer asked the Board if any decision had been made about the placement of the swing set that has been donated to the Town. Councilman Button mentioned that the Vine Valley Community House would be a good location. Mr. Stringer agreed. Mr. Stringer and Councilmen Button and Gerbic will meet to decide on a good location at the Community House. Supervisor Dunton reminded them that there are written guidelines that need to be followed involving placement.

Vine Valley Beach Improvement Project – Bruce St. Lawrence

- Supervisor Dunton asked where we stood on the fence to enclose the manhole at the Vine Valley Beach. Bruce St. Lawrence received a price from Lowes a few months ago that seemed high. He put the project out for bid to a couple local contractors. He also plans to talk to 84 Lumber. One bid came in at \$3,394 and another at \$1,971. Pat Grimaldi mentioned that this would make a good Eagle Scout project for a local Boy Scout. Discussion. No decision made.
- The marker buoy at the intake valve needs to be pulled out before winter. It is located in about nine feet of water. Bruce asked the Board if there needs to be annual servicing of the cradle/intake that would include installing and removing the buoy. The buoy is chained to a concrete block. Supervisor Dunton asked Bruce if he would take care of it this year. Next year the Town will contact DeMistry and Sons.

Town Clerk – Lynnette Miller

- The town clerk monthly report of receipts was given to the Board members.
- Clerk Miller would like to acknowledge the passing of Yates County Board of Elections Commissioner Amy Daines who was also a Town of Middlesex resident. Our condolences to Amy's family.

Supervisor's Report - Wayne Dunton

- Supervisor Dunton and representatives from other towns met with the Middlesex/Rushville/Potter Ambulance Service regarding their budget for 2020. They would like to have paid staff on hand for nights. They are asking for a large increase in revenue from the towns in their 2020 budget. They are the only ambulance district that does not bill the insurance company for calls. This amount would increase the Town's budget over the 2% tax cap. Supervisor Dunton spoke with Gorham Town Supervisor Fred Lightfoote. He plans to ask his board to meet half the request. A lengthy discussion followed. This is a concern in many ambulance districts.
- Regarding the water district rate increase, after the last meeting Supervisor Dunton drafted and mailed a letter to the Village of Rushville. A reply was received. It looks like the matter will go to mediation.
- Copies of the Monthly Report was given to Board Members.

Resolutions

Resolution 46-19

Reappoint Assessor Patrick Grimaldi

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

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

Resolved to reappoint Patrick Grimaldi to the part-time position of Town Assessor for the term 10/01/2019 through 9/30/2025.

Resolution 47-19

Onsite Waste Water Treatment Law

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

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

Resolved to adopt the On-Site Waste Water Treatment Law as written.

Resolution 48-19

Public Hearing for Override Tax Levy Limit

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

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

Resolved to approve a Public Hearing to Override the Tax Levy Limit on October 10, 2019 at 7:00 p.m. at the Town Hall, 1216 Route 245, Middlesex.

Resolution 49-19

NYS Municipal Snow & Ice Agreement 2019-2024

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

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

Resolved for Supervisor Dunton to sign and, therefore, accept the NYS Municipal Snow and Ice Agreement that will be in effect from 2019 through 2024.

Resolution 50-19

Monthly Report/Line Item Transfers

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

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

Resolved to accept the Monthly Report and Line Item Transfers to date for September 2019.

Resolution 51-19

Audit of Claims

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

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

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

General Fund	Vouchers No: 1231-1264	\$17,486.74
Highway Fund	Vouchers No: 2178-2202	\$70,900.00
Water District	Vouchers No: 3041-3045	\$ 2,605.84

Meeting Adjourned

With no further business, on a motion by Councilman Gerbic, seconded by Councilman Bauer, the meeting was adjourned at 8:07 p.m.

Lynnette F. Miller, Town Clerk