

**Town of Middlesex
Regular Meeting
January 12, 2023**

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

Also Present: Todd Conaway, Highway Superintendent
Dawn Kane, Code Enforcement Officer
Patrick Grimaldi, Assessor
Dan Robeson, Historian/Heritage Group
Bruce St. Lawrence, Special Projects Manager

Recording Secretary: Lynnette Miller, Clerk

Call to Order/Pledge

Supervisor Adam called the meeting to order at 7:00 p.m. at the Town Hall, 1216 State Route 245, Middlesex. He led those in attendance in the Pledge of Allegiance.

Supervisor Adam welcomed new Council Member Stephanie Betts to the Town Board. Stephanie's term runs through December 2023, finishing out the term vacated by Densie Adam in January 2022.

Public Comments

Resident Ed Carman commented to the Council Members that there are several properties in the Town that are unsightly and need to be cleaned up. He suggested that Council Members take a ride through the Town to take notice of debris. He also recommends that the Town enforce local laws currently in place to seek compliance by residents to improve the condition of their property. Code Office Kane responded by asking Mr. Carman to speak with her at a convenient time to discuss specific properties that she can focus on.

Approve Minutes

Supervisor Adam asked for any additions or changes to the minutes from December 2022. There were none. A motion was made by Council Member Liddiard, seconded by Council Member Button. All in favor; none opposed. Motion carried.

Assessments – Pat Grimaldi

- Ag exemptions are going out and need to be returned by March 1st

Special Projects – Bruce St. Lawrence

- Bruce reported that the recent retaining wall work on South Lake Road is complete. The final invoice from GSI should arrive next week. Bruce expects the final amount to be about \$5,000 less than the estimate of \$132,000. Bruce has a site meeting set up next week with Pavilion regarding guiderail for the job. Once a proposal is received, and with approval, guiderail work would begin in the spring.

- Supervisor Adam and Bruce have a meeting scheduled with Lu Engineers on January 24th for a walk-through of South Lake Road regarding remaining drainage work to be done on the entire road. Bid packages will be prepared and awarded with intention for some work to be done before Memorial Day, stop for the summer months, and resume after Labor Day. Asphalt work for the remainder of the road is proposed to be done in 2024.
- In addition, Bruce is asking Lu Engineers to provide the Town with a procedure for trenching across Town roads, specifically for South Lake Road. This would be an addition to the zoning laws. There was a brief discussion that included the difference between trenching and directional boring.

Highway/Buildings/Grounds – Todd Conaway

- Superintendent Conaway referred to the estimate for a new truck discussed at prior meetings. The bid has increased \$6,000 from the date of the first discussion. The Regional International price is \$155,823.87 for an International 2023 CV4X4 Plow/Dump truck. The Ford dealership never provided the Town with a price. The price received is through a NYS bid off the Onondaga Contract #ON Gov-106-19. Council Member Liddiard asked about payment options. Todd responded that payment is made when the truck is delivered. After a discussion, Supervisor Adam asked for a motion to order the new International truck. A motion was made by Council Member Mitchell, seconded by Council Member Betts. All in favor; none opposed. Motion carried.
- The Town truck that Ed drives had to go for repair. Todd explained that it had a bad injector. Parts were installed and the truck is back. The new seat and headlight finally arrived after being on order for months. Council Member Button asked if the highway crew was still down a guy. One employee who has been out on medical leave is expected to return February 6th pending approval from the doctor. Council Member Liddiard spoke with him today.

Code Office – Dawn Kane

- Code Officer Kane will be submitting year-end reports to the Department of Commerce as well as well as the Office for NYS Rules & Regulations.
- The code office has been steady. Building remains strong.
- ACS removed the dock at the Vine Valley Beach in December.

Planning Board –

- Code Officer Kane reported that the Planning Board has been busy. Five applications were reviewed in January, two more are planned for February.
- An application has been received for a cell tower to be built on Townline Road. Code Officer Kane informed the Board that Bob Brenner, attorney for the Town's Planning Board and ZBA, has resigned for personal reasons. The Town's Attorney Jeff Graff is sitting in to represent the Town in this matter. Dawn reported on the process. The application will be presented to the ZBA in February and then back to the Planning Board. The following has been asked of the applicants by the Town so far; an updated application based on our engineer's review, tower size to be 125 ft. as compared to their proposal, adjustment of the address references on the map, details of why the potential site planned in Rushville was denied. Dawn also informed the Board that the applicant fell short on information regarding the FAA. Dawn will share the engineer's recommendations to the Board. The Planning Board will hold a public hearing in February. Information can be found on the Town's website. Neighbors will be notified.

- Dawn informed the Board that they will be getting an application from Town resident Jason Dekowski. He is requesting to convert an existing barn into a single-family home through a special use permit. According to Town law, this goes through the Town Board and not the ZBA. Dawn explained that paperwork will be sent to Town Board members next week. The information will need to be reviewed prior to the February Board meeting and specifics will be given. The applicants will be in attendance at the next Board meeting. Dawn requested that Board members call her if there are questions.
- A preliminary application has been received for a solar farm to be built in the Town. At this time Dawn does not have the exact address. She will inform the Board as she knows more.

ZBA -

- Dawn reported that ZBA reviewed two applications in January. They have two additional applications to review in February.

Historian/Heritage Group – Dan Robeson

- The Potter schoolhouse mural was unveiled at a well-attended event in Potter last Sunday. Elaine Hilton was the speaker. Ken Strong is writing a book about the woman who did the coloring of all the schoolhouse murals. The Heritage Group maintains ownership of the mural.
- The Middlesex Heritage Group held their annual Board meeting on Wednesday. The following were elected into office: Win Harper, President; Paul Mitchell, Vice President; Jim Hilton Treasurer; Elaine Hilton, secretary. Deb Bronson compiles and mails the quarterly newsletters.
- Council Member Mitchell attended and reported on the County Bicentennial meeting. Dr. Chris Brown, Superintendent at Marcus Whitman school has been contacted about students building a float for the parade to be held in Penn Yan representing Marcus Whitman. A joint event between the towns of Italy, Potter, Middlesex & Rushville is being proposed for August 26, 2023 to be held in Rushville that will include food, music & fireworks.

Legislators' Report – Ed Bronson

- Sheriff Ron Spike will retire at the end of the year having served in law enforcement for 52 years.
- County Clerk Lois Hall is retiring.
- County Administrator Winona Flynn will be retiring in May.
- Seven of fourteen legislators are up for election. The Town of Middlesex offices up for election include supervisor, highway superintendent, council members (2), and town clerk. Petition signing will begin about March 1st.
- There was a ground breaking ceremony for the Broadband Project on January 4th.
- The Communications Project with the 911 Center is moving forward. Hopefully everything will be completed and running by the end of June.
- Planning continues on the new Emergency Medical Services building.
- The official kick-off for the Yates County Bicentennial will be February 6th. Supervisor Adam should have received an invitation. He expressed interest in having Council Member Mitchell attend in his behalf.
- Middlesex needs representation on the YC Planning Board.
- The County invested in new software for collecting occupancy tax relating to short-term rentals. Property owners have been notified regarding arrears payments.

- The County has grant dollars available for natural resources such as improvements to the beach. Applications are due January 24, 2023. Council Member Betts has written a proposal for this grant. Further information will be given later in tonight's meeting.
- The Watershed Help Coalition is a group in NYS proposing changes to soil and water districts. There is no sponsorship from Albany for this group.

Town Clerk – Lynnette Miller

- The Town Board members received a copy of the town clerk's monthly report.
- Clerk Miller reported that she has received notification from Albany's Board of Elections that the members of the Town Board are now to be termed Council Members.
- Tax collection is in full swing.

Supervisor's Report – David Adam

- Supervisor Adam attended the Eagle Scout Honor Ceremony of Justin Spellman on December 18th. Justin's Eagle Scout project involved a new flagpole with a stone-surround at Overackers Cemetery. Supervisor Adam congratulated Justin on behalf of the Town of Middlesex for a job well-done. Justin presented Supervisor Adam with a plaque to be hung in the Town Hall.
- Regarding making the Highway Superintendent an appointed position, the steps involved were outlined in correspondence received from Town Attorney Jeff Graff. Council Member Mitchell reported on a resolution introducing the local law and calling for a public hearing. On the same night as the public hearing, voting can take place to introduce this into referendum. Board of Elections Commissioner Rob Schwarting recommends holding a special election during a regular election such as the Primary in June. The guidelines are specific. An interim highway superintendent will be appointed. Supervisor Adam added that he has received a letter of resignation from Todd Conaway effective this evening. An elected position must be someone who lives in the Town. If the position were to become appointed, the pool of applicants can be broadened. Supervisor Adam added that other towns have done it. Council Member Button asked if the voting could take place during the primary. Council Member Austin Liddiard introduced Josh Burnett. Josh is a resident of the Town of Middlesex. He has expressed interest in running for Highway Superintendent. He has 18 years of water and highway experience working for the Town of Gorham. There was a lengthy discussion. Dawn Kane commented on the importance of education the public. Pat Grimaldi commented on the connection to Civil Service with an appointed position. Supervisor Adam recommends that the resolution be tabled for this evening to get further clarification from the Town Attorney.
- Alternative Veteran's Exemption – being reintroduced due to notice from the Town Attorney that this needs to be processed as an update to one of our Local Laws. The public hearing will take place at the February 9th Board meeting. See Resolution #13-23 below.
- Following last month's presentation about the Yates County Natural and Recreational Resources Grant, Supervisor Adam asked Council Member Stephanie Betts, who has grant writing experience, to submit an application for the Vine Valley Beach. Stephanie explained the process that included gathering estimates for replacing fencing, furniture, sand, hydrants, stamped concrete, a lifeguard chair, etc. Estimates came to roughly \$10,000. Stephanie commented on partnering with the Yates County Youth Bureau. The deadline is January 24th. Dawn has further information she is willing to share with Stephanie. The County Planning Department has \$80,000 available for the grant through the occupancy tax. Supervisor Adam suggested that Council Member Betts and Dawn meet to wrap up the application.
- Supervisor Adam referred to the End of Year Reports from Bookkeeper Denise Adam.

- Supervisor Adam read a letter addressed to Code Officer Kane from Planning Board/ZBA Attorney Rob Brenner. Rob is resigning this position effective immediately for family reasons. A motion was made by Council Member Button, seconded by Council Member Liddiard to accept Attorney Rob Brenner's resignation.
All in favor; none opposed. Motion carried.
- Supervisor Adam informed the Board that he received a letter of resignation from Todd Conaway as Highway Superintendent effective at the end of the day today. With regret, a motion was made by Council Member Mitchell, seconded by Council Member button to accept the resignation of Todd Conaway.
All in favor; none opposed. Motion carried.

Public Comments - none

Resolutions

Resolution #1-23

Set Town Board Meeting Date/Time for 2023

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED for the second Thursday of each month at 7:00 p.m. to be set as regular Town Board meeting dates with the accepted rules of procedure.

Resolution #2-23

Designate Official Town Newspaper

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to designate the Daily Messenger as the official newspaper.

Resolution #3-23

Designate Official Town Depository

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to designate Community Bank, N.A. as the official depository authorizing the Supervisor and Deputy Supervisor to sign checks and other financial papers; and further

RESOLVED to appoint the Town Clerk and Deputy Town Clerk as authorized signatures on checks related to the office of town clerk, tax collection, and water collection.

Resolution #4-23

Designate Town Attorney

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Jeffrey D. Graff, Esq., 26 E. Main St. #202, Clifton Springs, NY 14432 as Town attorney.

Resolution #5-23

Heath Officer Appointment

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Robert J. Ostrander, M.D. as health officer for the Town.

Resolution #6-23

Supervisor Appointments

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Council Member Paul Mitchell as Deputy Supervisor; and further

RESOLVED to appoint Denise Adam to the position of Bookkeeper/Water Bill Collector; and further

RESOLVED to appoint Town Clerk Lynnette Miller as Registrar of Vital Statistics.

Resolution #7-23

Deputy Town Clerk Appointments

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Denise Adam and Sabra Dunton as deputy town clerks.

Resolution #8-23

Deputy Highway Superintendent Appointment

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Tim Soles as Deputy Highway Superintendent; and further

RESOLVED for Tim Soles to receive an additional \$.50 per hour to his hourly rate of pay.

Resolution #9-23

Court Clerk Appointment

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Debbie Craig as Court Clerk.

Resolution #10-23

Planning Board & ZBA Clerk Appointment

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to appoint Sarah Parshall as Clerk to the Planning board; and further

RESOLVED to appoint Sarah Parshall as Clerk to the Zoning Board of Appeals.

Resolution #11-23

Voucher Payment Out of Abstract

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to approve the payment of vouchers out of the Abstract by the Supervisor or Deputy Supervisor prior to a Town Board meeting. This includes but is not limited to utilities, fuel, insurance, etc.

Resolution #12-23

Standard Work Day

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to set the standard workday hours for the Town of Middlesex as 8:00 a.m. to 5:00 p.m., Monday through Friday.

Resolution #13-23

Alternative Veteran's Tax Exemption

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to authorize a Public Hearing regarding adjusting the Alternative Veteran's Exemption to Level G to be held February 9, 2023 at 7:00 p.m. at the Town Hall; and further

RESOLVED for the Town Clerk to have a Legal Notice of Public Hearing posted in the Daily Messenger.

Resolution #14-23

Line-Item Transfers

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED to approve the Line-Item Transfers for December 2022.

Resolution #15-23

Audit of Claims

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED that the invoices contained in the January 2023 Abstract have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	Vouchers No. 1 – 17	\$ 21,822.26
Highway Fund	Vouchers No. 1 – 19	\$ 52,132.34
Water District	Vouchers No. 1 – 3	\$ 17,092.71

Resolution #16-23

Interim Highway Superintendent Vacancy

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

ADOPTED Ayes 5 Adam, Betts, Button, Liddiard, Mitchell
 Nays 0

RESOLVED for the Town Clerk to place an employment ad in the Daily Messenger for the position of Interim Highway Superintendent to run for one week with deadline for applications to be February 1, 2023. Commensurate with experience. Contact Supervisor David Adam at his cell phone number; and further

RESOLVED for the Town Clerk to notify Yates County Personnel of the position of Interim Highway Superintendent.

Executive Session

Supervisor Adam requested that the Board enter executive session for the purpose of discussing employment items.

Meeting Reconvened

On a motion by Council Member Mitchell, seconded by Council Member Betts, the meeting resumed at 9:20 p.m.

All in favor; none opposed. Motion carried.

Following a discussion, there was a motion made by Council Member Liddiard, seconded by Council Member Betts to accept the recommendation of the Deputy Highway Superintendent to hire Todd Conaway as full-time heavy equipment operator. His compensation package that includes vacation and sick time will revert to the status he had prior to becoming highway superintendent.

All in favor; none opposed. Motion carried.

Adjourn

With no further business, on a motion by Council Member Button, seconded by Council Member Liddiard, the regular meeting of the Town Board of the Town of Middlesex was adjourned at 9:35 p.m.

All in favor; none opposed. Motion carried.

Lynnette F. Miller, Town Clerk