

**Town of Middlesex  
Regular Meeting  
March 9, 2023**

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

Absent: Austin Liddiard, Council Member

Also Present: Josh Burnett, Highway Superintendent  
Patrick Grimaldi, Assessor  
Dawn Kane, Code Officer  
Dan Robeson, Historian/Heritage Group

**Pledge/Call to Order**

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

**Public Comments**

There were no public comments.

**Public Hearing**

Supervisor Adam opened the floor to a public hearing regarding proposed Local Law No. 2 of 2023 for the Town of Middlesex, "Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent of the Town of Middlesex, New York." There were no comments. No discussion was held. The public hearing will remain open throughout tonight's meeting for any member of the public to be heard.

**Approval of Minutes**

Supervisor Adam requested a motion to approve the minutes of the February 9, 2023 regular meeting. The request was tabled in order to give Council Members time to read the minutes.

**Assessor – Patrick Grimaldi**

- Assessor Grimaldi is entering exemptions, preparing the in tax rolls to be submitted to Yates County by mid-April.

**Approval of Minutes**

Supervisor Adam requested a motion to approved the minutes of the February 9, 2023 meeting. There were no additions or corrections. A motion was made by Council Member Betts, seconded by Council Member Mitchell.

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

### **Highway/Buildings/Grounds – Josh Burnett**

- Superintendent Burnett addressed an email letter received from resident Debra Wolesslagle regarding maintenance of Viewboard Road. Josh described repairs that will be made that he included in his response.
- Superintendent Burnett presented a quote from Parmenter, Inc for new tires for the grader. The quote includes prices for three different tire brands. The cost for 6 tires will be approximately \$11,000. Council Member Button suggested that Josh call additional businesses for quotes. He agreed. Following a lengthy discussion with all Board members in agreement that tires are needed, Supervisor Adam commented that he and Josh would review additional quotes and the tires would be ordered so the grader is in good working order.
- Regarding Clean Up Days, Superintendent Burnett contacted the DEC. He was informed that the DEC paperwork is good for one year. The Town is responsible for keeping track of the total number of tons gathered for the year. Electronics would not be collected in the spring, only in the fall. Josh polled the highway employees. If the Town has a spring clean up day, they would prefer to have it in April rather than in May.
- Superintendent Burnett reported there are 28 road signs currently missing in the Town. Cost is approximately \$200 for sign/post. The Town has been purchasing signs from Northern Supply Co. in Bloomfield. County Legislator Tim Cutler stated that Yates County has a sign shop and makes their own. Josh will reach out to the County to check on the price.
- The new 10-Wheeler will leave Wilbri, Inc tomorrow and go to Regional International for an inspection. We should have it in a couple weeks. Superintendent Burnett has contacted the insurance company about adding it to our policy.
- Canandaigua Lake Watershed Program Manager Kevin Olvany and Superintendent Burnett took a thorough ride of South Lake Rd. today in order to help Josh become more familiar with the state of the road. They discussed work to be done by the Town crew and work to be sent out for bid. Josh mentioned the possibility of the Town borrowing a jet-vac from the Village of Rushville or the Town of Gorham to clear culverts. Lu Engineers is preparing a bid package for road work. After a discussion, Supervisor Adam stated that Bruce St. Lawrence will instruct Lu Engineers on how to write up the final bid. Some work will be done before Memorial Day, stop for the summer, resuming after Labor Day.
- A copy of the monthly Maintenance Log was given to Board members.
- There was a brief discussion at last month's meeting regarding giving the highway employees a uniform allowance. Superintendent Burnett informed the Board that after talking with the guys, they prefer to keep the uniform service we currently use. The cost is approximately \$47.00/week.

### **Code Enforcement – Dawn Kane**

- Code Officer Kane reported that the code office is busy. Several new builds on South Lake Rd. are wrapping up.
- Code Officer Kane requested that a date get set for a spring clean-up. There was a lengthy discussion regarding how to get the word out to residents. Dawn is suggesting that the Town implement a Facebook page. She is willing to investigate the details. This seems to be a good way to keep residents informed. Dawn will report back at the April meeting. The Board agreed to set Saturday, April 29th for spring clean-up. Further discussion ensued regarding use of the fire department sign and posting on the website.

- There was a discussion at this time about problems with the Town's website. Town Clerk Lynnette Miller has been sending updates to SCT Computers in Penn Yan. The updates have been made by SCT, yet cannot be seen. SCT has been trying to solve the issue since it came to light, however, it has taken a considerable amount of time to figure out. It's still being worked on. SCT is building a new website.
- Regarding the cell tower proposed for Townline Rd., the Planning Board completed a final review and made their recommendations that the height variance and special use permit move forward. The SEQR had a negative declaration, meaning there is no negative environmental impact. The ZBA reviewed all data. A public hearing and final vote is expected to take place on April 6<sup>th</sup>. Dawn informed the Board that there were conditions given that the Town will incur no costs associated with this work. All fees and charges will be paid by the applicant. Construction is likely to begin in late 2023 or early 2024. All was approved by the Yates County Planning Board. Town Attorney Jeff Graff attended and represented the Town of Middlesex.
- The Planning Board and ZBA have decided to use signs, "This Property is Under Review." Dawn will order 50 signs for approximately \$300. Applicants will be asked to place the sign on their property.

**Water District – no report**

**Heritage Group/Historian – Dan Robeson**

- The group continues with their routine duties.
- Janet Reed will be honored posthumously as the 2023 Citizen of the Year at Citizen's Appreciation Day in August.
- Dan called our attention to the spring display prepared by the Heritage members. Supervisor Adam as well as Council Member Betts complimented the group on their work and thanked them.

**Bicentennial Celebration – Paul Mitchell**

- The Yates County Bicentennial will be celebrated jointly by the Village of Rushville, Town of Middlesex, Town of Potter and Town of Italy to be held in August at the Village Park in Rushville. There will be a parade, music, activities and food. The Middlesex Heritage Group plans to cover some of the expense for the Town of Middlesex. Heritage Group President Win Harper and Council Member Paul Mitchell met with Marcus Whitman CSD Superintendent Chris Brown and other staff. A float will be built by students honoring Marcus Whitman. They are in need of a trailer. The float will be available for parades throughout the County during the summer, although perhaps not for the Memorial Day parade. The schedule of activities throughout the county can be found on the Yates County website.

**Legislator's Report – Tim Cutler**

- The Board of Elections is busy with the upcoming primary and general election. Petitions are currently being passed by candidates.

- The Public Safety Communications Project is progressing. Microwave antennae will be installed this month.
- Regarding Public Works, new highway barns are being built in Benton. Discussions are being held regarding the type of heat to be used.
- Broadband project – working on hubs, ground lines. Additional funds expected to help with price increases.
- An additional broadband grant is hopeful that does not depend on a county match.
- Natural Resources and Recreation Grant – Awards will be given next Monday. An application was submitted by the Town of Middlesex.
- Updates are being made to the Farmland Protection Plan. A draft will be ready next month.
- The Legislature is working to interview and appoint the next County Administrator. Winona Flynn retires in May.

**Town Clerk – Lynnette Miller**

- 2023 Town/County tax collection remains in progress. On Monday, 214 second notices were mailed to Town residents as a reminder of taxes due.
- On 2/22/23, Community Bank notified Bookkeeper Denise Adam that a \$77,168.78 deposit was made into our Trust & Agency account. On the same day there was a withdrawal for \$330.21. After some investigation by Community Bank staff, an error had been made. These transactions belonged to Middlesex, Vermont.
- The Clerk's office was notified by letter that Local Law No. 1 of 2023, "Increasing the Alternative Veteran's Tax Exemption from Real Property Taxation," was recorded by the NYS Department of State on February 14, 2023.
- The Board received a copy of the Town Clerk's Monthly Report.

**Supervisor's Report – David Adam**

- Special Projects – Superintendent Burnett reported earlier this evening about South Lake Rd. there was a brief discussion about guide rail. A motion was made by Council Member Mitchell, seconded by Council Member Betts to approve the purchase of guide rail from Pavilion Drainage Supply Co. up to, but not to exceed \$13,000 for guide rail at 1485 South Lake Rd.  
\*All in favor; none opposed. Motion carried.
- Supervisor Adam announced that the FEMA grant was received for 1485 South Lake Rd. Bruce St. Lawrence has contacted Scott Pryor at Lu Engineers. The project has been completed at a cost less than the amount of the grant. Can the remainder of the money be used toward another project? Scott will advise the Town on the best way to respond.
- Regarding an update on the Dekouski property, Bruce Lindsay has submitted a letter to the Board. The Planning Board listened to Bruce at the March meeting. They will make a decision in April with a recommendation to the Town Board.
- Supervisor Adam and Council Member Liddiard discussed the need for work sessions. Decisions cannot be made. Meetings need to be advertised. Minutes need to be taken according to Clerk Miller. David will research.
- Supervisor Adam referred to Council Member Mitchell who has reviewed zoning laws regarding solar/wind farms.

- Council Member Mitchell has reviewed the zoning laws regarding solar/wind farms. Paul also looked into moratoriums. Solar farms can be reviewed and a moratorium can be put in place for any new situation. The biggest change that has taken place is the large amount of rebates and tax credits given which entices individuals to participate. Paul added that it might be wise for the Town to consider a moratorium in order to give the Board time to look into possible scenarios and how we can protect the land, vistas. The procedure includes a resolution, public hearing and adoption of a local law. Dawn Kane talked about various moratoriums that have been in place. The Green Energy movement from NYC will move out this way in time. Assessor Grimaldi suggesting looking into the solar exemption. The Board has the opportunity to opt out of the exemption. Pilot programs typically last 10-30 years. This is also a local law process. Patrick suggests getting a copy from the County and he will get one from Meghan Kincaid.
- There has been a second inquiry for a lawn mowing. Following a discussion, the decision was made for the Town Clerk to advertise in the newspaper. A motion was made by Council Member Betts, seconded by Council Member Button.  
\*All in favor; none opposed. Motion carried.
- The Town has a vacancy for a clerk for the Planning Board and ZBA. A motion was made by Council Member Mitchell, seconded by Council Member Button for the Town Clerk to place an ad in the newspaper.
- Supervisor Adam requested that above two ads and a plea for Heritage Group volunteers appear on the Town website.
- The Board received the quote for the Town's insurance by Matt Tette. A motion was made by Council Member Button, seconded by Council Member Mitchell to accept the insurance quote as presented.  
\*All in favor; none opposed. Motion carried.
- At this time Supervisor Adam asked if there were any comments on tonight's public hearing regarding Local Law No. 2 for 2023 for the Town of Middlesex, "Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent of the Town of Middlesex, New York." There were no questions or comments. On a motion by Council Member Mitchell, seconded by Council Member Button, the Board voted to close the public hearing at 8:32 p.m.  
\*All in favor; none opposed. Motion carried.

#### **Public Comments**

- Resident Bruce Lindsay thanked Supervisor Adam, the Town Board and the Planning Board regarding their assistance and advice on the Dekouski property. Bruce made a request that his letter of February 20, 2023 be entered into the minutes of tonight's meeting. Bruce commented that he read through the zoning laws. Clearly, the zoning laws allow for light manufacturing. He also asked if there were additional questions or comments. There were none.

#### **Resolutions**

Resolution #22-23 – **Tabled**

**Adopt Local Law No. 2 of 2023, "Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent"**

Resolution #23-23

**Audit of Claims**

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

ADOPTED      Ayes    4      Adam, Button, Betts, Mitchell  
                     Nays    0  
                     Absent 1      Liddiard

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

General Fund	Vouchers No. 38-57	\$ 18,770.90
Highway Fund	Vouchers No. 35-54	\$156,246.69
Water District	Vouchers No. 6	\$ 40.60
Library Fund	Vouchers No. 17	\$ 2,131.00

**Adjourn**

With no further business, on a motion by Council Member Mitchell, seconded by Council Member Button, the regular meeting of the Town Board of the Town of Middlesex was adjourned at 8:42 p.m.

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

  
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Lynnette F. Miller, Town Clerk