

**Town of Middlesex  
Regular Meeting  
April 13, 2023**

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

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

Recording Secretary: Lynnette Miller, Clerk

**Pledge/Call to Order**

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

**Public Comments –**

Resident Tom Hansen reported on a proposed sign to be placed at the entrance to South Lake Road. Tom emphasized that safety is the main reason residents have come together to have a sign designed. There is heavy foot traffic, especially involving young children. Supervisor Adam agreed that safety is of the utmost concern. He added that the Board shares the concern of the residents. He commented that the Town was successful in getting the speed limit reduced to 25 mph on the entire road, adding that speed limit signs have been changed. Supervisor Adam expressed concern regarding the size of the sign proposed. Code Enforcement Officer Dawn Kane commented that the sign, although of good design, does not fit the zoning laws. A discussion ensued about what is allowed on public roads vs. private roads. Council Member Liddiard made a suggestion that the idea is presented to the ZBA for a possible variance. DOT laws need to be considered.

**Approval of Minutes**

Supervisor Adam asked the Board for comments or corrections to the minutes from the March 9, 2023 regular meeting. There were none. On a motion by Council Member Liddiard, seconded by Council Member Betts, the minutes were approved.

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

**Guest Speaker – Rob Schwarting**

Supervisor Adam introduced Yates County Board of Elections Commissioner Rob Schwarting. Commissioner Schwarting thanked the Board for their time to allow the County Board of Elections to inform those in the Town of the BOE agenda each year. Rob discussed the BOE budget, upcoming Primary voting, early voting, cybersecurity, as well as updates to the County BOE office. Supervisor Adam thanked Mr. Schwarting for keeping the Board informed and for his service to the Yates County community since he will be retiring at the end of the year.

**Assessor – Pat Grimaldi**

- The tentative assessment rolls will be turned in to Yates County tomorrow. Notices will be sent out of changes, although there were few.
- The Board of Assessment Review will meet with residents in May. Everything is set.

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

- Clean Up day – All dumpsters are reserved and will be dropped off Thursday, 4/27 or Friday, 4/28. Staffing is set.
- The new truck has arrived, is licensed and insured. There will be an equipment show on April 26th near Syracuse that Regional International has asked to take it to. Regional will take it and return it.
- New tires have been purchased for the grader. The grader is working well to grade down berms caused from plowing on dirt roads.
- There have been issues with Truck #2 550. The fuse box was rotted, taken to McGuire's (formerly Shepard Ford) and it was found to have sand & salt in the fuel pump. The truck came back on Monday and is working fine.
- The highway employees attended a safety seminar held at the Benton Town Barns. Many topics were covered. Certification was provided.
- The guys have been busy ditching, primarily on View Board Rd., West Avenue.
- Most roads have been swept. Underwood Hill yet to be done.
- The guide rail was installed on South Lake Rd. today.
- There was a water main leak on 245 that has been problematic for a few months. A 12 ft. piece of piping was installed that eliminated 4 clamps.
- What are the boundaries at the Town's Newell Road dumpsite? This location is where the Town dumps brush and ditching material. This is not a site for residents to dump. Superintendent Burnett would like to ask the County to bring a bulldozer to push it back. After a brief discussion, Assessor Grimaldi offered that he could provide an aerial view of the property showing approximate boundaries.
- Last week's big rain last week didn't cause too much of an issue. Superintendent Burnett was called by the State to help with water on Route 245. There were a few other small issues – South Vine Valley Rd., South Lake Rd. Most needed to have culverts/ditches cleaned of leaves.
- Resident Tom Hansen asked for a schedule for work to be done on South Lake Rd. Supervisor Adam responded that he would be reporting on that in his Supervisor's Report.
- There was a brief discussion regarding money needed for Spring Clean Up Day. On a motion by Council Member Liddiard, seconded by Council Member Mitchell, Superintendent Burnett will be given a \$200 check to pay for lunch for those working as well as have change available as people pay for tire drop-off.  
\*All in favor; none opposed. Motion carried.
- The portable sign will be moved down to VV Community House on Saturday to announce Spring Clean Up Day.
- Council Member Mitchell asked if there would be objections to him passing out information at Spring Clean Up regarding the proposed local law to make the highway superintendent position appointed, rather than an elected position. There were no objections.
- Supervisor Adam asked if the new plow truck came fully equipped. He responded, yes.



- Council Member Liddiard thanked Highway Superintendent Burnett on the fine job he's doing. All Board members were in agreement.

**Code Enforcement – Dawn Kane**

- ZBA & Planning Board Report – The cell tower was approved. Code Officer Kane thanked the Planning Board and ZBA on their work for this project saying both boards, the applicants as well as the concerned residents worked collaboratively. Dawn has some follow-up work to do regarding a bond and final billing. All costs will be paid by the applicant. Construction will begin near the end of the year, expected to take 1-3 months to complete. Final billing and notations will be given to the Board.
- The code enforcement office is steady. There are 3 new houses wrapping up, 2 applications for new houses on View Board Rd. and Upper Hill Rd.
- A letter will be mailed this week to twenty-one residents about property clean up. Fifteen days after the Spring Clean Up Day Code Officer Kane will be checking on their progress.
- Regarding the Town having a Facebook account as discussed at the last meeting, Dawn informed the Board that an administrator would be needed. She commented that this would be an excellent tool for the Town. Someone would need to be available and be "hands on" to keep up-to-date on the information. Other communities are using this forum for everything – public hearings, Board meetings, any information of interest to the public. The public would not be able to post but can make comments. Details need to be worked out.
- Code Officer Kane will initiate Lu Engineers' recommendations and specifications regarding road cutting. There is a road cutting scheduled for next week. Code Officer Kane informed Highway Superintendent Burnett that she will be providing him with the details.
- Code Officer Kane reported that the Dekouski property situation has gone before the Planning Board as requested by the Town Board. The Planning Board has made a request that the applicant appear in person with a finalized business plan. The recommendation also includes the removal of all boats on the property since the nature of the business is changing from boat repair to a gel coat business. Large buffers are also recommended on the property's east and west sides. The new criteria and special use permit amendments approved by the Town Board will supersede all prior approvals and guidelines. Code Officer Kane gave the Board members copies of an email written to Bruce Lindsay dated 4/13/23 outlining the Planning Board requests. Supervisor Adam asked for comments or questions.

Resident Bruce Lindsay, as representative for the Dekouski's, asked to make comment. He thanked the Town Board for the opportunity to speak at the February Board meeting and particularly thanked Council Member Mitchell for his input on the situation. Mr. Lindsay referenced a letter dated February 20, 2023 sent to Supervisor Adam. Copies were provided to Council Members for tonight's meeting. Mr. Lindsay referenced the Town's zoning laws, stating the Dekouski's should be allowed to construct a single-family home on the property, citing conflicting information given. He referenced the 2005 application put in place and in force since 2018 and stressed that he advocates for the law to be followed. He referenced his letter written on 2/20/23 and he supports the issuance of a building permit for the house. Supervisor Adam commented that this Board has no say in the permit for the house, that is the Planning Board's responsibility. Code Officer Kane responded that the stop work order was issued since work was done without a permit. She further explained that use of the building is changing. No chemicals to be used. In 2018 there was a conditional approval. Dawn explained that site plan approval is needed before proceeding with a building permit. Mr. Lindsay has requested that his letter of 2/20/23 go in the minutes of the meeting. The letter is on file. Supervisor Adam asked if anyone



had an issue with the Planning board moving ahead to work with through the process. There were no comments.

**Water District – no report**

**Historian/Heritage Group – Dan Robeson**

- The Group continues to work on its usual activities such as ancestry, cemetery records & obituaries.
- The Heritage Group would like to express condolences in the passing of long-term member, Joan Stover. Condolences are also sent to Volunteer and Member Regina Bell in the passing of her husband, Ken.
- The Heritage Group will hold a Board meeting this Saturday at 10:00 a.m. here at the Town Hall.
- The quarterly newsletter will be mailed soon.

**Bicentennial Celebration – Paul Mitchell**

- The Town of Middlesex will join the Village of Rushville and the Town of Potter in celebrating jointly beginning with a parade through Rushville on August 26<sup>th</sup> with a party in the village park following. There will be food, family events, and music. The proposed time is from 1-4:00 p.m. Paul referred to a letter from Village of Rushville Mayor David LeClair outlining activities planned.
- The Town of Middlesex contribution will come from the history budget. The amount to be contributed by each town is still in question due to the Town of Italy being unsure of their commitment.
- Marcus Whitman High School will be building a parade float; however, they are having difficulty finding a trailer that can be used for the entire summer. They are requesting a 20 ft. trailer.

**Legislator's Report – Pat Killen**

- The Towns and the County seem to be working well together to plan Bicentennial activities.
- The Legislature approved contract to begin work on County Highway Building. Cost has increased.
- The Legislature approved the roadside mowing contracts with each Town.
- Madeline Smith was recognized by the Legislature for the 2023 Distinguished Youth Award. Madeline is an active volunteer for many activities.
- Yates County is sponsoring a Hazardous Waste and Clean Up Day on Saturday, September 23, 2023 at the County Fairgrounds. Check the County website for details. Sign-up is required. This is held yearly in conjunction with Schyler County.
- The ReConnect Internet Project is short with funds, although \$14 million was received, costs have increased.
- Regarding the communications tower, the pad site development for the small technical building has been done in Middlesex. The building will be delivered soon.
- 2023 Crime Victims' Rights Week is this week. Last week was National Public Safety Telecommunications Week for 2023 honoring 911 dispatchers.
- The Legislature recognized Yates County Sheriff's Sergeant Derek Blumbergs as the 2022 Officer of the Year.

**Town Clerk – Lynnette Miller**

- The Town's website has been moved to a new platform. There are some concerns about who is responsible for placing items on the website. Clerk Miller was given a username, password and a YouTube video to watch by SCT computers so she can place items on the website. Code Officer Kane contacted SCT about items to go on the website and was told the town clerk is handling placement of items on the website. Council Member Betts asked if there is a contract with SCT and what does it outline as far as the service the Town is paying for. Supervisor Adam responded that there is a contract. Clerk Miller expressed concern over the amount of time.
- Tax collection has ended here at the Town. All unpaid taxes have been turned over to the Yates County Treasurer's Office for collection. Clerk Miller is waiting to hear from the County Treasurer regarding the Town's final reconciliation amount.
- Clerk Miller also expressed concern with a survey tool being used by the County to assess County administrators. Many of the questions were not relevant and there was no place for comments. Legislator Killen responded that he was glad for the feedback. Clerk Miller also expressed her comments to the County Personnel Department.

**Supervisor's Report – David Adam**

- Used guide rails were installed on South Lake Rd. The cost was \$10,000, a savings of \$3,000, using 12 more feet of guide rail at no extra charge. Lu Engineers is wrapping up the drainage component on South Lake Rd. Bruce St. Lawrence is anticipating a meeting near the end of April to go over everything.
- FEMA Grant – Lu Engineering is anticipating costs. Bruce St. Lawrence and Supervisor Adam will be in contact with the FEMA representative to discuss.
- Multi-Jurisdictional Hazard Mitigation Plan – The County will generate this on behalf of participating municipalities. Each municipality is required to have a current and approved Hazard Mitigation Plan to be eligible for FEMA funding in disaster situations.
- Dekouski Property Site Review – discussed earlier this evening.
- Town Board Work Sessions – will be discussed further at another meeting.
- Solar Farms – this item is also on hold
- Yates County Natural and Recreational Resources Grant – Council Member Betts submitted a proposal to Yates County. Word was received on March 13<sup>th</sup> through a letter from Yates County Planner Jeffrey Ayers that the Town's application for funding was awarded in the amount of \$7,629. Council Member Betts will draft an acceptance letter. Clerk Miller will print the letter on Town letterhead and send to Mr. Ayers. Supervisor Adam suggested a meeting be held between Recreation Director Dawn Kane, Council Member Stephanie Betts and Highway Superintendent Burnett and himself to discuss the details.
- Employment opportunity – There is an open position for Clerk to the Planning Board and ZBA. Pay commensurate with experience. Maximum of 30 hours per month. Contact Supervisor Adam at his email. Dawn offered to put the ad on LinkedIn or Indeed. Clerk Miller will contact Yates County Personnel.
- The Board members were given the Annual Checklist for Review of Justice Court Records. The paperwork was reviewed. See resolutions below.

**Public Comments - none**



**Resolutions**

Resolution #24-23

**Multi-Jurisdictional Hazard Mitigation Plan Update with Yates County**

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 sign a letter of intent to participate in the Multi-Jurisdictional Hazard Mitigation Plan through Yates County regarding FEMA funding in the event of a disaster situation.

Resolution #25-23

**2023 Mowing Contract with Yates County**

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 accept the 2023 Mowing Contract with Yates County.

Resolution #26-23

**2022 Justice Court Records – Annual Checklist**

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 that the Town Board of the Town of Middlesex reviewed the Annual Checklist of the Justice Court Records and found the information to be accurate and in order.

Resolution #27-23

**Lawn Maintenance Bid**

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

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

RESOLVED to accept the lawn maintenance bid presented by Liddiard's Tree Experts in the amount of \$13,500.

Resolution #28-23

**Public Hearing Date to Establish Local Law #2 of 2023, "Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent of the Town of Middlesex, New York"**

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 authorize a public hearing to be held Thursday, May 11, 2023 at 7:00 p.m. to solicit public comment upon a proposed Local Law abolishing the elective office of Highway Superintendent and creating the appointed office of Highway Superintendent of the Town of Middlesex.

Resolution #29-23

**Approve Extra Staff to Work at Spring Clean Up Day on April 29, 2023**

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 compensate the following people for work at the Spring Clean Up Day on April 29, 2023; **Paul Lee, Austin Conaway and Carson Soles.**

Resolution #30-23

**Audit of Claims**

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

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

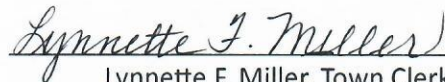
RESOLVED that the invoices contained in the April 2023 Abstract have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	Vouchers No. 58-91	\$ 70,610.05
Highway Fund	Vouchers No. 55-84	\$314,365.66
Water District	Vouchers No. 7-11	\$ 18,253.09
Trust & Agency	Vouchers No. 11	\$ 7,906.39
Library Fund	Vouchers No. 18-19	\$ 319.67

**Adjourn**

With no further business, on a motion by Council Member Button, seconded by Council Member Betts, the regular meeting of the Town Board of the Town of Middlesex was adjourned at 9:31 p.m.

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

  
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Lynnette F. Miller, Town Clerk