

**Town of Middlesex
Regular Meeting
March 14, 2024**

Present: David Adam, Supervisor
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
Bruce St. Lawrence, Project Manager

Absent: Stephanie Betts, Council Member

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.

Welcome

Supervisor Adam welcomed the many residents who have chosen to attend tonight's meeting. Supervisor Adam stated that he received numerous emails, texts and phone calls all regarding the need for repair work to be done on South Lake Rd. Supervisor Adam read a letter from Marilyn and Richard Dollinger expressing the same. The Dollingers are unable to attend tonight's meeting. At their request, their letter is on file with the March minutes.

Public Comments

Supervisor Adam opened the floor to public comments. He made a requested that comments be kept to three minutes or less.

- Resident Robert Mincer announced that he will have 90 pounds of hot dogs available on April 8th at the Middlesex Airport during the solar eclipse. Town of Middlesex residents are all invited from the hours of 1:00-5:00 p.m. There is no charge, however, donations will be appreciated. Bring your own eclipse glasses.
- Resident and former Town Supervisor Wayne Dunton thanked everyone for attending the meeting. He stated that the issue with repaving the road is not about the Town's lack of interest in improving the road, it's about staying within the Town's budget.
- Resident Tom Hansen asked to be given the amounts of the bids that were received for the paving. Supervisor Adam read the bid amounts; \$2,300,000, \$605,000, \$1,105,480, \$1,171,400, \$1,074,180 and \$797,596.50. He asked if all the bids were considered well-qualified. Tom also

asked what was budgeted, allocated or reserved. Supervisor Adam responded that the engineers, prior to bidding, expected bids near \$780,000.

- Twelve (12) additional residents spoke about the deteriorating condition of South Lake Road and their concerns for safety year-round due to pot holes, drainage issues & erosion. Additional concerns included heavy traffic, walking conditions, Town liability, funding, and questions of where tax dollars are spent.
- Resident Rob Brenner stated that he cares deeply for the Town of Middlesex, that he worked for the Town as Planning Board and ZBA Attorney. He requested a refocus of the discussion, asking about the funding for the South Lake Road Project. What are the facts regarding the budget that seems to be steering the project in a different direction?
- Supervisor Adam closed the time for public comments, thanking residents for their attendance and stating that he has a response to concerns. He stated that over \$200,000 had been spent on the latest wall repair. Over \$400,000 was spent on the South Lake Road drainage in the fall of 2023. The new Board members (elected in 2021) came on with a commitment to seeing the South Lake Road Rehabilitation Project to completion. He said discussions were held. Estimates by the engineers for the drainage were predicted to be \$250,000 to \$275,000. The Town was prepared. Actual bids came in at \$400,000. In January the engineers estimated bidding for the paving portion of the project to be over \$743,000. Bids were opened on March 6th. One bid came in close to the estimated, one came in under and others were considerably over the estimate. Supervisor Adam stated the decision made tonight will be the best for the Town, including South Lake Road and all alternate points of view. Supervisor Adam thanked everyone who spoke and expressed their thoughts tonight.

Approval of Minutes

Supervisor Adam requested a motion to accept the minutes of the February 8, 2024, regular meeting. A motion was made by Council Member Liddiard, seconded by Council Member Button.

*All in favor; none opposed. Motion carried.

Assessor – Pat Grimaldi

- Yates County is requesting the file of new construction by April 1st.
- NYS would like assessments re-evaluated. Assessor Grimaldi has agreed to revalue in 2025.
- NYS would like everyone to move to STAR Credit instead of sending checks.

Highway – Josh Burnett

- Ditching was finished on Bare Hill Road, moving to Upper Hill Road.
- The guys were out six (6) days for weather events in February.
- Gravel continues to be hauled for stockpile, patching holes and boom mowing as weather allows, cleaning up trees and branches along roadsides due to wind.
- The grader has been serviced.
- The Town has 28 missing road signs that will be replaced in increments.
- The roller is expected to be repaired and back in service in mid-April. On schedule.
- The excavator was taken to CAT in Batavia today for repair. Should be back in short order.

- There was discussion in 2023 about replacing the 2017 pickup. Quotes were provided. Superintendent Burnett received a call today regarding a truck ordered by the Town of Jerusalem whose plans changed and they no longer wanted it. Joe Basil Chevrolet is offering the truck with an added \$5,000 off. This purchase will still leave \$100,000 in the highway equipment line of the budget.
- Superintendent Burnett spoke with the highway employees who have agreed that April 20th would be the best date for Spring Clean-Up.
- FLX Tour de Cure, a cycling event to be held on June 8th, will pass through some of the Town roads, specifically Route 245 from Naples to Middlesex and on to Rushville.
- Council Member Button spoke with Carroll Road regarding the block and the exhaust for the roller. Superintendent Burnett is aware.
- Council Member Mitchell asked if Superintendent Burnett is prepared for the eclipse.

Water District – no report

Historian/Heritage Group –

- Council Member Mitchell reported that Amberle Kelly has applied and will be approved later this evening for the position of Town Historian to replace Dan Robeson who has retired. The Board welcomes Amberle.

Valued Member of the YC Legislature Will Be Missed

Supervisor Adam informed the group that a Yates County Legislator attends each of our Board meetings, keeping the Board informed of actions of the Legislature that pertain to the Town and our residents. For many years, Legislator Tim Cutler routinely attended our monthly Board meetings. At the December meeting, Tim announced that he would be retiring from the Legislature at the end of the year for health reasons. Supervisor Adam stated that it came as a complete surprise and we were saddened to learn that Tim Cutler passed away on February 20, 2024. Tim held many positions of service in Yates County that not only included his time as a County Legislator. He was employed as the Yates County Planner, served as the Town of Jerusalem Planning Board Chair, as well as being an active member of the Keuka Lake Association and the Penn Yan Lions Club. We appreciate the time Tim gave to the Town of Middlesex. He will be missed and we extend our thoughts to his family and his colleagues.

Code Enforcement Office – Dawn Kane

- The code office is busy. There is new construction wrapping up on South Lake Road as well as up the hill. There is a large project at the end of South Lake Road, after the end of the road at the turn-around.
- The Planning Board had 3 reviews this month.
- ZBA has 2 applications to review this coming month.
- Dawn has received 2 applications for work at the beach. Additional applications are welcome.
- Library – no update since Dawn wasn't able to make the meeting.
- Supervisor Adam asked Dawn about the possibility of getting the dock installed in time for the eclipse. Dawn stated that people can already get boats in, even with the dock out. Resident Terry

Mott asked about needed repairs to the dock. Dawn responded that repairs are taken care of every year prior to the dock going in.

Town Clerk – Lynnette Miller

- Tax collections has slowed. There are over 300 unpaid tax bills. Other town clerks report similar situations. To date \$790,000 has been paid to Yates County with over \$633,000 owed. Tomorrow Clerk Miller will mail second notices.
- For the record, Clerk Miller announced that Local Law No. 3 for 2023, "To Increase the Income Limits of the Tax Exemption for Persons 65 Years of Age or Over," was filed with the NYS Department of State on November 22, 2023. In addition, Local Law No. 4 for 2023, "Establishing a Moratorium on Solar Collections Systems and Solar Farms," was filed with the NYS Department of State on November 22, 2023.
- Clerk Miller plans to attend the New York State Town Clerks Association Annual Conference in Albany, April 21-24, 2024. Clerk Miller applied for a grant through NYSTCA to offset the cost of the conference.
- The Town has entered into an agreement with Yates County for Shared Services. This portion of the agreement is for records management, specifically laserfische copying of agendas & minutes. Yates County has applied for a Local Government Records Management Improvement Fund Grant through NYS Archives. The Town of Middlesex has agendas and minutes back to 1901. Initial scanning will be done by an outside company. This will involve additional work by the town clerk's office since all staples must be removed and documents must be flat (no corners turned), to be completed by the end of July.

Supervisor's Report – David Adam

- **Water Project** – The estimated cost of the project by MRB is expected to be near \$5,000,000. MRB could find grant funding for approximately 60% of the project with the remainder of the expense paid by the residents in the water district, not to exceed \$1,000 per customer through their water bill for many years. Supervisor Adam needs to respond to MRB regarding moving forward or not. Council Member Liddiard commented that the median income needs to come down in order to get more grant funding. Council Member Mitchell asked about finding another source to move the Town forward rather than MRB. There was a brief discussion. The Board agrees that the burden would be too great on those who use the water. Supervisor Adam explained the deterioration of the water lines from Rushville to Middlesex.
- **Special Projects** – Supervisor Adam introduced Lu Engineer Jason Messenger and Town Project Manager Bruce St. Lawrence who are in attendance tonight. Jason stated the paving bids for the South Lake Road Rehabilitation Phase II were opened at the Town Hall at 11:00 a.m. on March 6, 2024. Seneca Stone Corp. of Seneca Falls was the low bidder with a bid that came in under the projected estimate. Seneca Stone is highly recommended by Yates County and Wayne County Highway Departments and they have a good reputation. Bruce St. Lawrence stated he will begin the emails to residents on the road with the work schedule and expectations. The road will be totally closed five days each week from 8 a.m. to 5:00 p.m. Residents are asked to speak to their contractors. Trash pick-up will be on Saturdays. The post office will deliver on Saturday unless residents go the post office during the week. The start date is expected to be April 15th and

continue for three weeks, to be finished no later than Memorial Day. Jason confirmed that the contractor is good with this schedule. Lu Engineers will provide daily inspection. Resident Terry Mott asked if there will be weekly meetings. Supervisor Adam stated that there is constant communication and a pre-construction meeting is planned. Resident Dan O'Brien thanked Bruce St. Lawrence for doing a good job of keeping residents informed. Resident Rob Brenner asked about specifications for work outside of what the contractor will be doing, specifically what is the homeowner's responsibility. Supervisor Adam requested that communication go through Bruce St. Lawrence.

Supervisor Adam addressed the funding portion of the project. The Town plans to adopt a Bond Resolution for a 1-year Bond Anticipation Note (BAN) to be taken at the end of the year in the amount needed after using \$200,000 in CHIPS fund and approximately \$125,000 in ARPA Recovery Funds. He stated that there are no plans to take money out of reserve funds. Resident Wayne Dunton asked about the amount of the BAN. Supervisor Adam responded that the amount will be determined once there is a true cost of the project, however, the Town is asking to be approved for \$900,000 at the advice of the financial advisor. He re-emphasized that only the amount of money needed will be borrowed. There is an aggressive timeline that needs to be followed with advertising and paperwork that Supervisor Adam and Clerk Miller have been discussing to meet deadlines.

- **JCAP Grant** – The grant applied for by Justice Margaret Randolph was approved at \$400 less than requested. There will be movement of town offices within the Town Hall in order to remodel the Town Court allowing a raised bench. The water department computer will need to move to the Town barn. Construction will take about a week. There is a 180-day window to complete the project.
- **Insurance** – Supervisor Adam informed the board that the Town's renewal insurance package came in with a 4.5% increase. The total includes cyber liability insurance for a total of \$50,338.67
- **Memorial Day Parade** – This year's Memorial Day Parade will be held in Middlesex. The Memorial Day Committee will meet on Wednesday, April 3rd at 10:00 a.m. in the Library.

Public Comments – none

Additional Business –

- **Historian Position** - There was a motion made by Council Member Mitchell, seconded by Council Member Liddiard to hire Amberle Kelly at Historian for the Town of Middlesex effective March 14, 2024.
*All in favor; none opposed. Motion carried.
- **Spring Clean-Up Day** - A motion was made by Council Member Liddiard, seconded by Council Member Button to hold Spring Clean-Up Day on Saturday, April 20th from 8:00 a.m. – 5:00 p.m. No electronics will be taken on this day, only at the clean-up day in late summer. Superintendent Burnett will provide the names of those working at the April Board meeting.
*All in favor; none opposed. Motion carried.
- **Finger Lakes (FLX) Tour de Cure** – The FLX Tour de Cure will be held on June 8th, 2024. This charity event raises funds to combat diabetes and support those who have the disease. NYS requires permission from the municipalities involved for their permit. The committee is

requesting an acknowledgement letter from the Town as permission for cyclists to ride through part of the Town of Middlesex. A motion was made by Council Member Liddiard, seconded by Council Member Button.

*All in favor; none opposed. Motion carried.

Resolutions

Resolution #27-24

Adopting a SEQRA Declaring Work on South Lake Road to be a Type II Project

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

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

RESOLVED for the Town Board of the Town of Middlesex, acting as lead agency, to declare the South Lake Road Paving Project as a "Type II Action" and no further action is required.

Resolution #28-24

South Lake Road Rehabilitation Phase 2 Project – Bid Package Award – Seneca Stone Corp.

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

ADOPTED	Ayes	3	Adam, Liddiard, Mitchell
	Nays	1	Button
	Absent	1	Betts

RESOLVED to award the bid package with Seneca Stone Corp. to provide paving work on South Lake Road and be it further

RESOLVED to authorize Supervisor Adam to contact Seneca Stone Corp. with copies of the contract Agreement to be signed and returned with bond forms and insurance certificates.

Resolution #29-24

Authorizing General Obligation Serial Bonds to Finance Road Improvements on South Lake Road, Authorizing the Issuance of Bond Anticipation Notes in Contemplation Thereof, the Expenditure of Sums for Such Purpose, and Determining Other Matters in Connection Therewith.

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

ADOPTED	Ayes	3	Adam, Liddiard, Mitchell
	Nays	1	Button
	Absent	1	Betts

RESOLVED BY THE TOWN BOARD OF THE TOWN OF MIDDLESEX, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Middlesex shall undertake the construction of street improvements to include, without limitation, production cold milling of the existing surface and placement of a new

asphalt pavement binder and top course on South Lake Road, and asphalt full depth pavement reconstruction and pavement cross-slope corrections utilizing a truing and leveling pavement course and other incidental improvements in connection therewith that may be required in connection therewith for such construction and Town use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$900,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$900,000, and such amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 20(b) of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to five (5) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will not be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Middlesex.

Section 7. The faith and credit of the Town of Middlesex, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Middlesex together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Resolution #30-24

Notice of Estoppel Regarding South Lake Road Rehabilitation Phase II Project to be Published in the Daily Messenger and Posted as Required

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

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

RESOLVED to allow Clerk Miller to publish the Notice of Estoppel regarding the South Lake Road Rehabilitation Phase II Project to be published in the Daily Messenger and posted as required.

Resolution #31-24

Accept Insurance Premium from Stork Insurance Agency, Penn Yan for Renewal March 1, 2024 through February 28, 2025

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

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

RESOLVED to accept insurance renewal package from Stork Insurance Agency, Penn Yan for the period March 1, 2024 through February 28, 2025 for a cost of \$50,338.67

Resolution #32-24

Authorize an Ad for Lawn Service and Maintenance

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

ADOPTED	Aye	4	Adam, Button, Liddiard, Mitchell
	Nay	0	
	Absent	1	Betts

RESOLVED to authorize Clerk Miller to place an ad in the newspaper for lawn service and maintenance for the Town for the 2024 season.

Resolution #33-24

Authorize the Supervisor to Attend Town Finance School on May 7 & 8, 2024

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

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

RESOLVED to authorize Supervisor Adam to attend Town Finance School hosted by the Association of Towns on May 7 & 8, 2024.

Resolution #34-24

Authorize the Purchase of a Chevy Pickup Truck

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

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

RESOLVED to authorize the purchase of a Chevy Pickup Truck from Joe Basil Chevrolet in the amount of \$54,240.00.

Resolution #35-24

Authorize the Town Clerk to Attend the New York State Town Clerk Association Conference (NYSTCA) in Albany, April 21-24, 2024.

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

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

RESOLVED to authorize Town Clerk Lynnette Miller to attend the NYSTCA Annual Conference in Albany, New York from April 21-24, 2024.

Resolution #36-24

Audit of Claims

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

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

RESOLVED that the invoices contained in the March 14, 2024 Abstract have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	Vouchers No. 42 - 67	\$68,067.94
Highway Fund	Vouchers No. 28 - 51	\$51,322.86
Water District	Vouchers No. 10 - 13	\$ 802.24

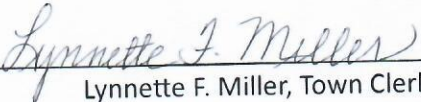
Trust & Agency	Vouchers No. 1	\$ 7,024.08
Library	Vouchers No. 2	\$ 2,153.00

Legislator's Report – Sarah Purdy

- The Legislature has awarded bids for highway hot mix asphalt concrete. Towns can also use these bids. Contact YC Highway Superintendent Doug Rapalee.
- There will be a ceremony on Memorial Day at the front of the Yates County Office Building to honor veterans and replace a veteran's commemorative sign.
- The YC Clerk is working with the Chamber of Commerce and local businesses to bring back the discount cards for veterans. Updates to follow.
- The YC Legislature passed a resolution to declare March 29, 2024 as Viet Nam Veterans Day throughout the county.
- WWII US Army Air Corps Veteran Michael J. Salotto from the Town of Italy was recognized by the YC Legislature with a proclamation recognizing his 100th birthday on February 25th.
- The Yates County 2024 Crop Congress will meet on March 27, 2024 at the Benton Firehouse. Pre-registration is required. This is sponsored by Cornell Cooperative Extension.
- The Broadband Project is progressing. Town of Middlesex and Town of Italy residents will be hooked up in July. Additional homes on the opposite side of the road are expected to be included.
- Construction continues on the County building in Benton that will house the highway department, public health and emergency services. The roof has been completed.
- The Legislature awarded the Natural and Recreational Resources Grant dollars. The Village of Rushville is a recipient for their park pavilion project.
- There is a vacancy on the YC Planning Board for the Town of Jerusalem due to the passing of Tim Cutler. Sarah Purdy will be filling that position.

Adjourn

With no further business, a motion was made by Council Member Liddiard, seconded by Council Member Button to adjourn the regular meeting of the Town Board of the Town of Middlesex at 8:40 p.m.



Lynnette F. Miller, Town Clerk