

TOWN BOARD MEETING

August 14, 2014

7:00 p.m.

Present: Robert Multer, Supervisor
Allan Button, Town Councilman
Wayne Dunton, Town Councilman
Peter Gerbic, Town Councilman

Also Present: Tom Reifsteck, Highway Superintendent
Pat Grimaldi, Assessor
Dawn Kane, Code Enforcement Officer
Arthur Radin, Zoning Board Chairman
Bruce St. Lawrence, Project Manager

Also Present: Many residents who live on or near Canandaigua Lake

Recording Secretary: Kathy Pelton

Minutes

Supervisor Multer requested a motion to approve the minutes from July 10, 2014. After a brief discussion, Councilman Dunton made the motion to approve the minutes and Councilman Gerbic seconded the motion.

*All in favor; none opposed – Motion carried.

OPEN MEETING FOR PUBLIC COMMENT

There were many residents living on or near Canandaigua Lake who were present at the Town Board meeting so that they could get an update on the progress of the Draft Steep Slope Law as well as to share their concerns regarding the Proposed Law with the Town Board. Supervisor Multer informed those present that the Board has not yet seen an updated draft law since the public meeting held in July. Proposed changes have been sent to Kevin Olvaney for his review.

Several residents requested to address the Town Board. A recording of the entire meeting and all comments is available in the Office of the Town Clerk; a summary of comments is listed below:

Andrew Komarek: Many concerns were expressed at the public meeting held on July 17th; now the law is in the Planning Board's hands and he is concerned about outcome. Suggests that the Town of Middlesex consider using the law currently in use in the Town of Jerusalem.

Robert Place: Concerned as to who residents will get relief from the law (Area Variance).

Supervisor Multer: Concerns are premature – the Town Board has not yet seen the revisions to the draft law being made as a result of the public meeting.

Robert Place: Believes this is a horribly written law; he doesn't believe it can be repaired. Doesn't believe the law makes sense.

Jerry Hiller: Expressed appreciation for the work that the Planning Board and Town Board are doing; however, he doesn't believe the Town is utilizing technology available (for mapping or to reach out to the community). He found it very difficult to find the law on the Town website.

Brenda Komarek: Looking for relief from the Town Board.

Councilman Gerbic: Believes the Planning Board is listening to resident concerns. The Steep Slope Law is very high on Kevin Olvaney's list of priorities.

Brenda Komarek: Residents want a fair law; Planning Board members are not legal experts and they are starting with something that is fundamentally flawed.

Councilman Gerbic: Kevin Olvaney believes the law is improved and moving in the right direction. We can't have the same law for every town because conditions are different.

Vivele Thiagarajan: The law will devalue property on the lake because it will limit building capabilities.

Councilman Dunton: The Town Board cannot guarantee that every property can be built on.

Bill Dolan: His property has 230' of lakefront with a 40 foot right of way. His property of just about an acre has multiple slopes. He did not feel he received good notification about the draft law.

Councilman Gerbic: Reminded those in attendance that it is a "Proposed" Law. The goal of the law is to save the buyer, builder and the Town potential problems and expense when building on steep slopes.

Mark Fultz: A homeowner on Widmer Road built on a very steep slope and built responsibly. Building on a steep slope is safe if done responsibly.

Jerry Hiller: Would like to have more communication – perhaps a special site on the website for Steep Slopes.

Supervisor Multer: The last newsletter had an entire article on the draft Steep Slope Law; he did not receive one phone call.

Robert Place: Law cannot be resuscitated.

Brenda Komarek: Concerned about the intent of the law. New draft may not be ready before lake residents leave for winter.

Case Smeenk: Lives on Widmer Road and is concern about law being arbitrary (doesn't know what is required to get a building permit).

Keith Gilliland: Lives on South Lake Road and is concerned about the Town charging homeowners from Town engineer to check homeowner's engineer.

With no further comments from those in attendance, Supervisor Multer asked for a brief recess.

HIGHWAY SUPERINTENDENT – Tom Reifsteck

1. Seven inches of rain on the North end of Town created a lot of damage. FEMA has been back down and writing up claims, so the Town should see some FEMA funding soon.
2. The side dump on one of the salt trucks needs to be replaced. The Highway Superintendent has two bids – one is a "piggyback" off of Onieda County Contract. Prices are as follows:

Tenco Industries, Inc.:	\$36,718
Valley Fab and Equipment:	\$35,327.07

Cost includes painting and installation. After review of the bids and a brief discussion, Councilman Dunton made the motion to accept the Tenco Industries Contract Bid price. Councilman Gerbic seconded the motion.

*All in favor; none opposed – Motion carried.

3. The Highway Superintendent informed Board members that there are several old fuel tanks no longer in service. He would like them declared as surplus property so that they can be sold for scrap. After a brief discussion, Councilman Gerbic made the motion to declare the fuel tanks as surplus property; Councilman Button seconded the motion.

*All in favor; none opposed – Motion carried.

TOWN BARN PROJECT – Bruce St. Lawrence

1. Mr. St. Lawrence reviewed the remaining work to be done at the Town Barns with the Town Board. There is some remaining plumbing work to be done – he expects that will be complete by the end of August.

2. The Barns need snow guards added to roof at a cost of \$545.00. After a brief discussion, Councilman Button made the motion to authorize the expenditure and Councilman Dunton seconded the motion.

*All in favor – none opposed – Motion carried.

3. The Town Barns roof needs a roof cap at a cost of \$125.00. After a brief discussion, Councilman Button made the motion to authorize the expenditure and Councilman Gerbic seconded the motion.

*All in favor; none opposed – Motion carried.

SUPERVISOR'S REPORT – Robert Multer

1. Supervisor Multer distributed Financial Statements through July 31, 2014.

2. The Health Department inspected the beach – offered no criticism or required any corrective measures.

3. The Supervisor reviewed the Governor's Tax Cap (please see attachment) – the Town cannot raise taxes in excess of 1.74%.

4. The NYS Comptroller has developed a complicated formula to calculate whether a Town might be in fiscal distress (please see attached.) The Town of Middlesex is at 10% and in no fiscal distress.

5. Supervisor Multer requested authorization to make two budget transfers:

From: A5010.4 to A5050.4	\$159.00
From: A1910.4 to A6510.r	\$171.72
From SW8340.4 to SW9055.8	\$ 31.20
From A1910.4 to A7410.4	\$ 8.75

After review and a brief discussion, Councilman Dunton made the motion to authorize the transfers and Councilman Button seconded the motion.

*All in favor; none opposed – Motion Carried.

ASSESSOR – Pat Grimaldi

1. The Town is at 100% equalization rate. Middlesex residents' STAR exemption will increase 2%.

OLD BUSINESS

1. Councilman Gerbic continues his research on swing sets. Prices can range in excess of \$4,500. However, the swing set the Mennonites made for the Village of Rushville was only around \$800. Supervisor Multer asked Councilman Gerbic to approach the Mennonite to get a sketch and a definite price.

2. At a recent meeting at the Community House, residents requested speed bumps for South Lake Road. The Highway Superintendent told residents that three pipes must be installed and the road will be patched, but that is all that the budget will allow for this year.

3. Mr. St. Lawrence is still working on getting the required paint repairs at the Robeson Store. JD Hill assures us that the shutters as well as the front porch will be repainted.

NEW BUSINESS

1. The Middlesex Baptist Church thanked the Town Board for the use of the Town Park for their Fair.

2. Front entrances to both the Town Hall and the Library are dirty. The Highway Superintendent will arrange to use the power washer to clean both areas.

BILLS AUDITED

Councilman Gerbic made the motion to pay the bills and Councilman Button seconded the motion.

*All in favor; none opposed – Motion carried.

General Fund:	Vouchers No: 1194 to 1214	\$ 8,418.90
Highway Fund:	Vouchers No: 2121 to 2140	\$36,995.14
Water District:	Vouchers No. 3025 to 3028	\$10,976.52

Councilman Button made the Motion to enter into Executive Session to discuss litigation and Councilman Gerbic seconded the motion.

*All in favor; none opposed – Motion Carried.

Councilman Dunton made the motion to adjourn and Councilman Gerbic seconded the motion.

*All in favor; none opposed – Motion carried.

Meeting adjourned at 8:45 p.m.