

TOWN BOARD MEETING

November 6, 2014

7:00 p.m.

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

Also Present: Tom Reifsteck, Highway Superintendent
Dawn Kane, Code Enforcement Officer
Marty DeVinney, Planning Board Chairman
Bruce St. Lawrence

Residents of the Town of Middlesex (see attached log)

Recording Secretary: Kathy Pelton

Minutes

Supervisor Multer requested a motion to approve the minutes from October 9 and October 23, 2014. After a brief discussion Councilman Allan Button made the motion to approve the minutes and Councilman Wayne Dunton seconded the motion.

*All in favor; none opposed – Motion carried.

OPEN PUBLIC HEARING

Supervisor Multer opened the Public Hearing to consider a local law amending the Zoning Law of the Town of Middlesex with Steep Slopes Regulations. Supervisor Multer noted that after all public comments are heard, the hearing will be closed but that the Town Board would not make a decision tonight.

PUBLIC COMMENT

Andrew Komarek: Appreciates the work of the Planning Board and the proposed changes to the law however he feels the law is still prohibitive, taking away rights of the homeowner. He requested that the Town Board consider increasing the slope requirement from 40% to 50%. He also believes that the area of 500 square feet is too prohibitive and suggests the Board consider making a change to a square acre.

Douglas Howell: Believes the proposed law should better define "scenic view".

Keith Guilliand: Asked how a steep slope is defined on a water bank. Supervisor Multer stated he couldn't answer the question tonight but would research and follow up.

Jeremy Fields: Believes the proposed law needs good definitions and good criteria. Also supports Andrew Komarek's suggestion of increasing the slope requirement from 40% to 50% and also supports a change to one square acre.

Dan Paddock: Noted that a lot of work has gone into the law over the past five years. Steep and isolated areas can be difficult for a contractor to get to and therefore the Town needs to have good standards in place. When something goes wrong (i.e. a collapse of some kind) who is going to fix it?

Ted Carmen: He has watched the progress of the law and urges the Town Board to move forward without too much softening of the law. Mr. Carmen noted that the last couple of years the Town has experienced significant damage from flooding waters and again urged the Town to move forward with the law.

Dan Paddock: Agreed with Mr. Carmen's statement.

Linda Shieve: Referred to section 707 of the law and the reference to terraces. She noted that her property is all terrace; she doesn't understand this section of the law. She noted that sometimes it feels like the Town is taking away resident rights.

Steve Lewandowski: Representative of the Watershed Association which has been monitoring the water in Canandaigua Lake. He noted that water clarity has decreased about 33% over the last three years and further noted that the flooding in May and July did tremendous damage to the lake.

Doug Howell: The Watershed District encompasses a lot more than the waterfront. Damage is caused by roads and farms too. He believes this law only addresses about 10% of the problem.

Dan Paddock: Middlesex Boards have, in the past, when considering local laws, taken into account changes that need to be made.

HIGHWAY SUPERINTENDENT – Tom Reifsteck

1. The department has been very busy over the past month. The FEMA related work has been completed and pipe has been installed on two roads.
2. The wall at the Fisher property looks great! He thanked Fields Construction for the work they did in repairing the wall.
3. The paving work has been completed in front of the Town Barns and construction is now complete. The new sign for the Town Barns is ready to be installed.
4. FEMA has begun releasing funding related to the flooding from May and July. To date, the Town has received nearly \$94,000.
5. The Department has begun work to prepare for winter; sand for roads has been brought in.

CODE ENFORCEMENT OFFICER – Dawn Kane

1. The department has been very busy over the last month; several large building projects have been started.

PLANNING BOARD – Marty DeVinney

1. The Planning Board has recently reviewed six site plan applications.

SUPERVISOR'S REPORT – Robert Multer

1. Supervisor Multer distributed Financial Statements through October 31, 2014 (please see attached).
2. Supervisor Multer requested a motion to make several budget transfers as outlined below:

TRANSFER \$42,526.22 FROM DA5130.2 MACHINERY EQUIPMENT TO DA5110.4 REPAIRS CONTRACTUAL
TRANSFER \$5,000.00 FROM A1420.1 ATTORNEY PERSONEL SERVICES TO A1420.4 ATTORNEY CONTRACTUAL
TRANSFER \$300.00 FROM A1910.4 CONTINGENT ACCOUNT TO A7410.4 LIBRARY CONTRACTUAL
TRANSFER \$500.00 FROM A1910.4 CONTINGENT ACCOUNT TO A8010.11 ZBA CLERK

After a brief discussion, Councilman Wayne Dunton made the motion to authorize the transfers and Councilman Peter Gerbic seconded the motion.

*All in favor; none opposed – Motion Carried.

3. Supervisor Multer received the renewal agreement from Benecare (the Town's Health Insurance Administrator). Supervisor Multer noted that the new pricing for health insurance actually decreased for 2015 and he also noted that Benecare has reduced the amount of work required in the past. After review of the agreement and a brief discussion, Councilman Leon Button made the motion to enter into an Agreement with Benecare and Councilman Peter Gerbic seconded the motion.

*All in favor; none opposed – motion carried.

4. The term for Douglas Skeet, Town of Middlesex Representative for the Yates County Planning Board will expire at the end of the year. He is willing to continue to serve in that capacity. After a brief discussion, Councilman Wayne Dunton made the motion to appoint Douglas Skeet as the Town of Middlesex representative to the Yates County Planning Board and Councilman Allan Button seconded the motion.

*All in favor; none opposed – Motion Carried.

5. The Town of Middlesex received the Intermunicipal Agreement to continue the Canandaigua Lake Watershed Council. After review and a brief discussion, and noting that Kevin Olvaney has been a tremendous support to the Town of Middlesex, Councilman Peter Gerbic made the motion to enter into the Agreement and Councilman Wayne Dunton seconded the Motion.

*All in favor; none opposed – Motion carried.

6. The Draft Local Law to Prohibit Fracking is ready and is currently under review by the Middlesex Town Board. Once the draft is finalized, it will go onto the Town's website and a Public Hearing will be scheduled.

CLOSE PUBLIC HEARING

1. With no additional comments on the proposed local law, Supervisor Multer closed the Public Hearing. He noted that the Town will consider the suggestions for additional changes to the law made during tonight's hearing. A Public Notice will be published when the law is ready for adoption.

BILLS AUDITED

Councilman Wayne Dunton made the motion to pay the bills and Councilman Leon Button seconded the motion. *All in favor; none opposed – Motion carried.

General Fund:	Vouchers No: 1290 to 1312	\$12,325.56
Highway Fund:	Vouchers No: 2200 to 2221	\$68,747.15
Water District:	Vouchers No. 3044 to 3047	\$12,881.13

Councilman Allan Button made the motion to adjourn and Councilman Wayne Dunton seconded the motion.

*All in favor; none opposed – Motion carried.

Meeting adjourned at 7:30 p.m.

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF MIDDLESEX:

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of October, 2014:

DATED: November 10, 2014

 SUPERVISOR

	Balance 09/30/2014	Increases	Decreases	Balance 10/31/2014
A GENERAL FUND - TOWNWIDE				
CASH - CHECKING	32,761.02	0.00	0.00	32,761.02
CASH - MONEY MARKET	455,416.33	0.00	0.00	455,416.33
TOTAL	488,177.35	0.00	0.00	488,177.35
DA HIGHWAY FUND				
CASH - CHECKING	65,795.36	0.00	0.00	65,795.36
CASH - SAVING	573,150.49	0.00	0.00	573,150.49
TOTAL	638,945.85	0.00	0.00	638,945.85
SF FIRE PROTECTION DISTRICT				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
SL LIGHTING DISTRICT				
CASH - CHECKING	790.94	0.00	0.00	790.94
TOTAL	790.94	0.00	0.00	790.94
SW WATER DISTRICT				
CASH - CHECKING	2,776.30	0.00	0.00	2,776.30
MONEY MARKET	155,136.47	0.00	0.00	155,136.47
TOTAL	157,912.77	0.00	0.00	157,912.77
PN CEMETERY				
CASH - CHECKING	2,323.49	0.00	0.00	2,323.49
TOTAL	2,323.49	0.00	0.00	2,323.49
TA TRUST & AGENCY				
CASH - CHECKING	184.10	0.00	0.00	184.10
TOTAL	184.10	0.00	0.00	184.10
TOTAL ALL FUNDS	1,288,334.50	0.00	0.00	1,288,334.50

RESOLUTION #2014-

**A RESOLUTION RE-AUTHORIZING THE
INTERMUNICIPAL AGREEMENT TO CONTINUE
THE CANANDAIGUA LAKE WATERSHED COUNCIL**

WHEREAS, the Canandaigua Lake Watershed encompasses 174 square miles within two primary counties (Ontario and Yates) and twelve municipalities (Towns of Gorham, Canandaigua, Hopewell, Middlesex, South Bristol, Italy, Naples, Potter and Bristol, Villages of Rushville and Naples and the City of Canandaigua, with another two municipalities outside the watershed purveying water from the Lake (Villages of Palmyra and Newark- Wayne County); and

WHEREAS, Canandaigua Lake and its surrounding watershed provide numerous benefits to the region including water for 70,000 people, varied recreational opportunities, scenic beauty and ecological significance; and

WHEREAS, the goal of the Canandaigua Lake Watershed Council is to protect the lifeblood of this region- Canandaigua Lake and its surrounding watershed by maintaining and enhancing the high water quality of this watershed; and

WHEREAS, the continued successful protection of the watershed will require the leadership, coordination and commitment of the fourteen municipalities through the Canandaigua Lake Watershed Council; and

WHEREAS, we, the Middlesex Town Board, will send our Chief Elected Official or a Town Board member as an alternate to act as our designated representative on the Canandaigua Lake Watershed Council; and

WHEREAS, all decision making authority regarding municipal fund expenditures for plan implementation and the position of Watershed Manager will reside with the Canandaigua Lake Watershed Council;

NOW, THEREFORE, BE IT RESOLVED that the Middlesex Town Board agrees to re-authorize the Canandaigua Lake Watershed Program Intermunicipal Agreement.

Adopted this 6th day of November, 2014.

*Kathleen A. Pettin
Town Clerk*

REAUTHORIZATION

INTERMUNICIPAL AGREEMENT

REGARDING

CANANDAIGUA LAKE WATERSHED COUNCIL

THIS AGREEMENT, effective as of the 1st day of January 2015 by and between the Towns of Bristol, Canandaigua, Gorham, Hopewell, Italy, Middlesex, Naples, Potter, South Bristol; the Villages of Naples, Newark, Palmyra, Rushville; and the City of Canandaigua to continue the Canandaigua Lake Watershed Council, adopt the Update of the Canandaigua Lake Watershed Management Plan and continue to fund the Watershed Council to implement the Watershed Protection Program.

WITNESSETH THAT:

WHEREAS, pursuant to Article 5-G Section 119-o and 239-n of the General Municipal Law of the State of New York, Section 64 of Town Law, and Article 4 of Village Law, municipalities have the authority to enter into contracts and intermunicipal agreements necessary to carry out their respective functions for the benefit of the municipality; and

WHEREAS, the municipalities identified in this agreement desire to continue the cooperative agreement originally made on December 10th, 1999. This agreement created the Canandaigua Lake Watershed Council along with adopting and funding the original Canandaigua Lake Watershed Management Plan. This agreement was reauthorized in 2004 and 2010; and

WHEREAS, Canandaigua Lake and its surrounding 174 square mile watershed provides numerous benefits to the region including drinking water for approximately 70,000 people, varied recreational opportunities, scenic beauty, Natural Capital and ecological significance; and

WHEREAS, the goal of the Canandaigua Lake Watershed Council is to protect the lifeblood of this region- Canandaigua Lake and its surrounding watershed by maintaining and enhancing the high water quality of this watershed through the continued implementation of the comprehensive watershed protection program; and

WHEREAS, the parties to this agreement, desire to continue the Canandaigua Lake Watershed Council, hereinafter referred to as the Watershed Council, that will provide the necessary leadership, coordination and commitment to successfully administer and oversee the implementation of the Watershed Protection Program and the 2014 Update to the Canandaigua Lake Watershed Management Plan as approved by the Watershed Council; and

WHEREAS, The participating municipalities will work together cooperatively in the decision-making process and share the leadership and ownership in implementing the Watershed Program as outlined in the Watershed Council bylaws. The Watershed Council utilizes five protection themes of research, education, restoration, open space protection and regulation to provide comprehensive level protection.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties to this agreement do hereby agree as follows:

1. The Canandaigua Lake Watershed Council is hereby continued as the official Intermunicipal entity created by the fourteen municipalities in 1999 to implement the Watershed Protection Program.
2. This intermunicipal agreement is voluntary and will not be construed so as to interfere with or diminish any municipal powers, authority, or regulatory authority of any of the participating municipalities.
3. The Comprehensive Update of the Canandaigua Lake Watershed Management Plan is hereby adopted by each respective municipality. The Watershed Council provided the coordinated SEQR review of the Plan update and has issued a Negative Declaration documenting that no substantial negative impacts will occur as the result of the adoption of the Updated Plan.
4. The Watershed Council will approve a budget each year and the participating municipalities will provide the necessary funding by March 31st of each year based on the fair share funding formula adopted in 1999 and updated each year. The Watershed Council will approve the updates to the fair share funding formula for each year and will send a copy of the funding formula and calculations to each of the municipalities by January 15th of each year.
5. The participating municipalities shall appoint one publicly elected representative (i.e. Municipal supervisor, or municipal board member and an alternate representative (another publicly elected representative) to the Watershed Council. In the case of the two non-watershed water purveying municipalities (Newark and Palmyra), they can send their chief water treatment plant operator or water authority representative as an alternative to the publicly elected representative.
6. The term of this agreement shall commence January 1st, 2015 and terminate December 31st, 2019. This Agreement shall be automatically renewed for four additional five-year terms, unless either party notifies the other party of its intent not to renew within 90 days of the expiration of any term or renewal term.
7. This agreement authorizes the Watershed Council to enter into contracts within the limits of, and subject to, the appropriations provided by the participating municipalities and other funding sources.
8. The Canandaigua Lake Watershed Council will act as the official Stormwater Coalition for any of the municipalities in the watershed that have to comply with the Federally and State mandated Municipal Separate Storm Sewer System regulations and will provide assistance to these municipalities to meet and exceed the Clean Water Act derived regulatory requirements.
9. The Watershed Council is required to carry insurance with a minimum aggregate of \$2 million in general liability coverage, \$1 million in Hired and Non-owned auto coverage, \$1 million umbrella liability and \$1 million in Public Officials coverage. All such insurance policies shall list each of the participating municipalities as additional insureds.
10. The Watershed Council shall indemnify and hold harmless the fourteen municipalities named in this agreement, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the negligent acts or omissions hereunder by the Watershed Council, Watershed Program Manager or third parties under the direction or control of the Watershed Council or Watershed Program Manager and to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions referred to in this paragraph and to bear all other costs and expenses related thereto.
11. The parties to this agreement desire to continue to provide for the day to day coordination of the

Watershed Program through a Canandaigua Lake Watershed Program Manager, hereinafter referred to as the Watershed Program Manager.

12. The Watershed Council will provide direct oversight and control of the Watershed Program Manager. The Watershed Program Manager duties will include but not limited to: water quality research on the lake and streams, technical assistance to the municipalities on water quality and flood control projects, assist residents on water quality issues, investigate sources of pollution and develop management strategies to solve those sources of pollution in partnership with other relevant agencies, grant application assistance to the Watershed Council and member municipalities, technical reports, educational outreach, MS4 assistance, provide regulatory assistance to the municipalities including site inspections and plan reviews and act as the official spokesperson for the watershed program.
13. The Watershed Council will have ultimate authority over all municipal contributions made to the Watershed Council.
14. The City of Canandaigua will provide the necessary facilities, accounting, worker's compensation insurance and support for the Watershed Manager to carry out the implementation of the Plan as agreed to in the Agreement For Services between the Watershed Council and City of Canandaigua. The Watershed Council will abide by the NYS Human Rights Law with respect to hiring practices.
15. That any party to this agreement may terminate its participation within the Council at any time but must do so upon giving written notice to all other participating municipalities that such party will terminate its participation in the Council, the reasons for the termination and the effective date of such termination, such written notices to be given at least 30 days prior to the date such termination shall take effect. No refunds will be provided to any party that terminates its participation for that year. Withdrawal from the agreement by one party shall not operate to terminate the agreement, which shall continue in full force and effect with respect to the other parties.
16. If any term or provision of this agreement or the application thereof shall, to any extent, be invalidated or unenforceable, the remainder of this agreement or the application of such term or provision, other than those to which it is held invalid or unenforceable, shall be unaffected thereby, and each term and provision of the agreement shall be valid and enforceable to the fullest extent permitted by law.
17. If the Council should cease to exist in accordance with the bylaws, the funds still available will be returned to the parties to this agreement under the same formula as originally gained.

IN WITNESS WHEREOF, the following parties through their Chief Elected Officials have executed this agreement.

Municipal Signatories

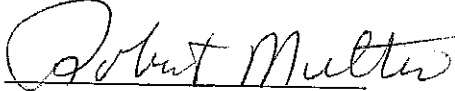
Supervisor Robert Green
Town of Bristol

Supervisor Pamela Helming
Town of Canandaigua

Supervisor Fred Lightfoote
Town of Gorham

Supervisor Margaret Hilton
Town of Hopewell

Supervisor Margaret Dunn
Town of Italy



Supervisor Robert Multer
Town of Middlesex

Supervisor John Cowley
Town of Naples

Supervisor Leonard Lisenbee
Town of Potter

Supervisor Barbara Welch
Town of South Bristol

Mayor Brian Schenk
Village of Naples

Mayor Peter Blandino
Village of Newark

Mayor Chris Piccola
Village of Palmyra

Mayor Jon Bagley
Village of Rushville

Mayor Ellen Polimeni
City of Canandaigua

AGENDA NOVEMBER 6, 2014

MEETING AT 7:00

APPROVE MINUTES OCTOBER 9 AND 23

PUBLIC HEARING STEEP SLOPES LAW

ASSESSMENTS

HIGHWAY/BUILDINGS/GROUNDS

SUPERINTENDENT REPORT

FEMA INSPECTION

BARN CONSTRUCTION STATUS

CODE ENFORCEMENT

PLANNING/ZBA

TOWN CLERK

SUPERVISOR

SUPERVISORS MONTHLY REPORT

RESOLUTIONS:

BUDGET TRANSFERS

SIGN BENE-CARE LLC SERVICE AGREEMENT

APPOINTMENT TO COUNTY PLANNING BOARD (DOUG SKEET)

RE-AUTHORIZE CANANDAIGUA LAKE WATERSHED AGREEMENT

EXECUTIVE SESSION AS NEEDED

COMMITTEES

BEACH/WATERSHED – PETER, ALAN - HIGHWAY/BUILDINGS/GROUNDS – WAYNE, LEON

PLANNING/ZBA/CODE ENFORCEMENT – ALAN, WAYNE - ASSESSMENTS - LEON – PETER