

Town of Milo  
Regular Meeting  
January 19, 2016

Members Present: Leslie Church, Supervisor  
Dale Hallings, Councilperson  
Arden Sorensen, Councilperson  
Gene Spanneut, Councilperson

Excused: James Harris, Councilperson

Others Present: Patricia L. Christensen, Town Clerk  
Mark Morris  
Bill Laffin

Supervisor Church opened the meeting with the pledge of allegiance at 7:00 PM at the Town of Milo Hall, 137 Main Street, Penn Yan, NY.

### Public Comment

None

Introduced by: Councilperson Sorensen  
Seconded by: Councilperson Spanneut

That the minutes of December 21, 2015 regular meeting and the December 30, 2015 Organizational meeting be approved as written.

Motion Carried: Ayes: Church, Hallings, Sorensen, Spanneut

Noes: none

### Committee Reports

**Highway**-Chairperson Hallings – working on a spreadsheet for equipment purchases projecting out 10 years. A general discussion was held pertaining to purchasing a 2016 Caterpillar.

**Personnel**-Chairperson Spanneut- outstanding business item

**Zoning**-Chairperson Spanneut – regular meeting was held on January 13. The draft subdivision law was reviewed, discussion was held in redesigning the building permit applications, Report on file.

**Assessor**-Chairperson Sorensen- none

**Water & Sewer**-Councilperson Harris- regular meeting was held on January 13<sup>th</sup>. Report on file.

**Agricultural**-Chairperson Hallings- none

**Insurance**- Chairperson Hallings- none

**KWIC** – Supervisor Church – no meeting was held in December 2015. The next scheduled meeting is for January 25<sup>th</sup>.

**Board Action**

**RESOLUTION # 01 - 16\_\_**

RESOLUTION TO CONSENT TO ANNEXATION BY  
THE VILLAGE OF PENN VAN OF TERRITORY  
TO BECOME A VILLAGE MAINTAINED STREET  
FROM ELMWOOD AVENUE TO HIMROD ROAD

Mr. Dale Hallings offered the following Resolution and moved its adoption:

WHEREAS, the Village of Penn Yan has acquired certain real property, a description of which is attached hereto and made a part hereof as Exhibit A, which real property is intended to be improved as a Village street providing access to an area of the Village of Penn Yan, which presently has inadequate access for emergency vehicles, and

WHEREAS, such access over such Village street will be from Himrod Road, a public highway, to Elmwood Ave, a village street, and

WHEREAS, Section 706 of the General Municipal Law of the State of New York provides that in the event that a Village owns territory adjoining the Village which is uninhabited, such territory may be annexed to the Village if the Town Board of the Town in which such territory is situated, consents thereto by a concurring vote of a majority of the members of such Town Board, upon the basis of the Town Board's determination that such annexation is in the over-all public interest, and

WHEREAS, it appears that there are no residents living in such territory proposed to be annexed and therefore it is uninhabited, and

WHEREAS, the proposed annexation of said territory by the Village of Penn Yan will be used for construction of a Village Street, and

WHEREAS, the Village of Penn Yan has provided the Town of Milo with a notice that it intends to act as "Lead Agency" for the purposes of the environmental review of the proposed creation of a public street, and the Town of Milo has consented thereto.

NOW, THEREFORE BE IT

RESOLVED & ORDERED, the territory proposed to be annexed by the Village of Penn Yan adjoins the Village of Penn Yan, is uninhabited, and is owned by the Village of Penn Yan, and it is further

RESOLVED & ORDERED , the territory proposed to be annexed by the Village of Penn Yan will be used for a public Village street to provide additional access to an area of the Village that, due to topography and other features, including railroad tracks, has inadequate access for emergency vehicles, and it is further

RESOLVED & ORDERED, that the use of such territory for a public village street will be in the over-all public interest and the annexation thereof will permit the Village of Penn Yan to maintain that public street, and it is further

RESOLVED & ORDERED, the Town Board of the Town of Milo accordingly consents to the annexation of the territory described in Exhibit A attached hereto and as depicted in Exhibit B attached hereto, pursuant to the provisions of Section 706 of the General Municipal Law of the State of New York, and it is further

RESOLVED & ORDERED, the existing street, culverts, fixtures, pipes, drains and any other appurtenances to such existing street are ratified and affirmed to be the property of the

Village of Penn Yan, pursuant to Section 707 of the General Municipal Law of the State of New York, and it is further

RESOLVED & ORDERED, that the Town Board of the Town of Milo does, pursuant to 6 NYCRR PART 617, Section 617.6 (b), consent, as an Involved Agency, to the designation of the Board of Trustees of the Village of Penn Yan as the Lead Agency in the above noted action, and it is further

RESOLVED & ORDERED, that Leslie Church, Town Supervisor of the Town of Milo, on behalf of the Town of Milo, is hereby authorized to sign the "Lead Agency Selection Agreement" authorizing the Village of Penn Yan to be the Lead Agency involved in the above noted action.

Seconded by Gene Spanneut and duly put to a vote as follows:

AYES: Church, Hallings, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution and Order was thereupon adopted.

DATED: January 19, 2016

Patricia L. Christensen  
Patricia L. Christensen  
Town of Milo Clerk

S E A L

Muni Milo 2016  
Annex - Willow Road  
Reso annex unhab

**RESOLUTION # 02-16  
RESOLUTION SCHEDULING A PUBLIC HEARING IN REGARD TO  
A LOCAL LAW PROVIDING FOR AN INCREASE IN TAX EXEMPTION**

**FOR PERSONS 65 YEARS OF AGE OR OVER**

Mr. Dale Hallings, offered the following Resolution and moved its adoption:

WHEREAS, a proposed local law in regard to increasing the tax exemption for persons 65 years of age or over, pursuant to New York State Real Property Tax Law Section 467 (b)(1), (b)(2), and (b)(3) has been presented to the Town Board of the Town of Milo for enactment, and

WHEREAS, the Town Board of the Town of Milo has determined that this proposed local law is now in its Final Form, and

WHEREAS, a public hearing on this proposed legislation is required before it may be enacted,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Milo, Yates County, New York that a public hearing will be held by the Town Board of the Town of Milo at the Town of Milo Town Office, 137 Main Street, Penn Yan, New York at 7:00 p.m. on February 16, 2016, to consider this proposed legislation.

Seconded by Mr. Gene Spanneut, and duly put to a vote as follows:

AYES: Church, Hallings, Sorensen Spanneut

NOES: none

ABSTENTIONS: none

This Resolution was thereupon adopted.

DATED: January 19, 2016

Patricia L. Christensen  
Patricia L. Christensen  
Town Clerk  
Town of Milo

S E A L

Muni 2016 fld  
RPTL 467 exempt  
1b reso pub hear

*Local Law Filing*

NEW YORK STATE DEPARTMENT OF  
STATE

41 STATE STREET, ALBANY, NY 12231

---

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of Milo

~~Village~~

Local Law No. \_\_\_\_ of the year 2016

A local law in regard to the maximum income eligibility levels for real property tax exemptions, pursuant to Section 467(b)(1), (b)(2), and (b)(3) of the New York State Real Property Tax Law, for persons sixty-five years of age or over in the Town of Milo.

Be it enacted by the \_\_\_\_\_ Town Board \_\_\_\_\_ of the

County

City

Town of Milo as follows:

~~Village~~

A Local Law to amend the laws of the Town of Milo in regard to real property tax exemptions, pursuant to Section 467(b)(1), (b)(2), and (b)(3) of the New York State Real Property Tax Law, for persons sixty-five years of age or over by increasing the maximum income eligibility level. The income eligibility levels are more particularly set forth in Schedule "A", which is attached hereto and made a part hereof.

(If additional space is needed, attach pages the same size as this sheet, and number each)

1Schedule "A"

Section 1. PURPOSE:

The purpose of this Local Law is to increase the annual income levels regarding the real property tax exemptions for real property owners, pursuant to Section 467(b)(1), (b)(2), and (b)(3) of the New York State Real Property Tax Law, in the Town of Milo who are 65 years of age or over.

Section 2. LIMITATIONS ON EXEMPTION:

The income of the owner or the combined income of the owners for the income tax year immediately preceding the date of making Application for exemption must fall within the following scale:

Valuation	Percentage Assessed
<u>Annual Income</u>	<u>Exempt From Taxation</u>
\$0 to \$14,000.00	50%
\$14,000.01 to \$14,999.99	45%
\$15,000.00 to \$15,999.99	40%
\$16,000.00 to \$16,999.99	35%
\$17,000.00 to \$17,899.99	30%
\$17,900.00 to \$18,799.99	25%
\$18,800.00 to \$19,699.99	20%
\$19,700.00 to \$20,599.99	15%
\$20,600.00 to \$21,499.99	10%
\$21,500.00 to \$22,399.99	5%
\$22,400.00 or more	0%

This increase shall be effective with the 2016 assessment roll.

Section 3. INCOME TAX YEAR:

Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment, but shall not include gifts or inheritances.

Section 4. AMENDS:

This Local Law amends the annual income levels as set forth in Town of Milo Local Law #4 of the year 2008.

Section 5. SEVERABILITY:

If any clause, sentence, paragraph, section or a part of this law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder, but shall be confined in its operation to the clause, sentence, paragraph, section or a part directly involved in a controversy in which such judgment shall have been rendered.

Section 6. EFFECTIVE DATE:

This law shall be operative immediately and effective upon being filed with the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.

Muni Milo 2016

RPTL 467 Exempt

Sch A RPTL §467(b)(1),(b)(2),(b)(3)

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Hallings

To approve the following routine matters:

**Resolution 03-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**WHEREAS**, funds made available are required to be dedicated to an account independent of the Town of Milo's regular operating accounts,

**NOW THEREFORE BE IT RESOLVED**, that Town Clerk, Patricia L. Christensen is authorized to open two (2) non-interest bearing account in the name of Town of Milo, and it is further

**RESOLVED**, that Town Clerk Patricia Christensen is authorized as the signatory for said accounts.

**Resolution 04-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**WHEREAS**, a Fair Housing Officer is required per the Community Development Block Grant Agreement,

**NOW THEREFORE BE IT RESOLVED**, the Town of Milo Code Enforcement Officer is delegated as the Fair Housing Officer.

**Resolution 05-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**WHEREAS**, a Section 3 Coordinator is required per the Community Development Block Grant Agreement,

**NOW THEREFORE BE IT RESOLVED**, the Town of Milo Code Enforcement Officer is delegated as the Section 3 Coordinator.

**Resolution 06-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**WHEREAS**, Labor Standards Compliance Officer is required per the Community Development Block Grant Agreement,

**NOW THEREFORE BE IT RESOLVED**, the Town of Milo Town Clerk is delegated as the Labor Standards Compliance Officer.

**Resolution 07-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**NOW THEREFORE BE IT RESOLVED**, that Councilperson and Deputy Town Clerk is authorized as signatory to request funds.

**Resolution 08-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**NOW THEREFORE BE IT RESOLVED**, that Supervisor Church is authorized to sign Community Development Block Grant (CDBG) agreement Project 737CP18-15 (planning grant).

**Resolution 09-16**

**WHEREAS**, the Town of Milo has been awarded grant money through Community Development Block Grant (CDBG), and

**NOW THEREFORE BE IT RESOLVED**, that Supervisor Church is authorized to sign Community Development Block Grant (CDBG) agreement Project 737PW101-15 (Milo Water #3)

Duly put to a vote as follows:

AYES: Church, Hallings, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

Resolutions numbered 3-9 was thereupon adopted.

Dated: January 19, 2016

Patricia L. Christensen

Patricia L. Christensen

Town of Milo Clerk

S E A L

**Resolution 10-16**

Authorizing the annual maintenance contract for the Himrod Water Plant Hach Service at a cost of \$2,161.05.

Duly put to a vote as follows:

AYES: Church, Hallings, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

Dated: January 19, 2016

Patricia L. Christensen

Patricia L. Christensen

Town of Milo Clerk

Resolutions was thereupon adopted.

**Resolution 11-16**

Authorizing Supervisor Church to sign 2016 accounting engagement agreement with EFPRSolutions at a cost of \$20,000.

Duly put to a vote as follows:

AYES: Church, Hallings, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution was thereupon adopted.

Dated: January 19, 2016

Patricia L. Christensen

Patricia L. Christensen

Town of Milo Clerk

S E A L

**Resolution 12-16**

Authorizing Supervisor Church to sign 2016 Inter - Municipal Dog Control Agreement with Yates County.

Duly put to a vote as follows:

AYES: Church, Hallings, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

Resolutions was thereupon adopted.

Dated: January 19, 2016

Patricia L. Christensen

Patricia L. Christensen

Town of Milo Clerk

S E A L

### **New Business**

Received correspondence from Wagner Hardwoods, Forester Tyler Jensen, offering woodlot management consultation.

Councilperson Hallings and Sorensen will follow up with Mr. Jensen. Supervisor Church will contact Yates County Soil and Water.

### **Outstanding Business**

Town Board members are reviewing the draft employee duties and responsibilities statements.

### **Monthly Reports-reviewed**

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Hallings

To pay abstracts as presented in the following amounts:

General A:	\$	10,464.95
------------	----	-----------

General B:	\$	1,696.06
Highway DA:	\$	772.83
Highway DB:	\$	24,960.80
SS-Sewer	\$	11,271.11
SW-Water	\$	309.84
TA-Trust & Agency	\$	577.25

Motion Carried: Ayes: Church, Hallings, Sorensen, Spanneut

Noes: None

Abstentions: none

### Public Comment

Mark Morris inquired for a copy of the employee duties and responsibilities regulations-provided.

Bill Laffin discussed leaks at Camp Cory and a fire hydrant being out of service.

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Hallings

To enter into executive session for discussions relating to employment of a particular person and to include, Town Clerk Patricia Christensen.

Motion Carried: Ayes: Church, Hallings, Sorensen, Spanneut

Noes: None

Abstentions: none

The board entered into executive session at 8:10 PM.

Introduced by: Supervisor Church

Seconded by: Councilperson Hallings

To reconvene to regular session.

Motion Carried: Ayes: Church, Hallings, Sorensen, Spanneut

Noes: None

Abstentions: none

The board reconvened at 8: 35 PM.

There being no further business to come before the Town Board of the Town of Milo, a **Motion** was made by Councilperson Hallings to adjourn, seconded by Councilperson Sorensen.

Motion Carried:       Ayes: Church, Hallings, Sorensen, Spanneut

                              Noes: none

                              Abstentions: none

Meeting adjourned at 8:35 PM.

Respectfully submitted,

Patricia L. Christensen  
Town Clerk