

Town of Milo
Regular Meeting
April 17, 2017

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

Others Present: Patricia L. Christensen, Town Clerk
Patrick Grimaldi, Assessor
Anthony Validzic, CEO
Lance Yonge, Highway Superintendent
Bill Laffin
Earle P. Gleason
Ron Spike Yates County Sheriff

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.

Proof of Notice having been furnished, the Public Hearing on proposed Local Law to repeal and replace subdivision laws was called to order at 7:00 PM by Supervisor Church.

CEO Anthony Validzic presented the proposed law, highlighting changes in the law.

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:15 PM.

Proof of Notice having been furnished, the Public Hearing on proposed Local Law disallowing exemption (s) provided for in Section 487 of the Real Property Tax Law of the State of New York with respect to solar energy systems or wind energy systems or farm waste energy systems was called to order at 7:15 PM by Supervisor Church.

Assessor Patrick Grimaldi explained the proposed law.

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:20 PM.

Public Comment

None

Yates County Sheriff Ron Spike presented the 2016 annual report of the Yates County Sheriff's office.

Introduced by: Councilperson Hallings

Seconded by: Councilperson Harris

That the minutes of March 27, 2017 special meeting be approved as written.

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

Noes: none

Committee Reports

Highway-Chairperson Hallings – doing spring cleanup, including sweeping roads. The storage building is approximately 90% completed.

Personnel-Chairperson Spanneut – continuation of working on the employee handbook. The next meeting is April 26th.

Zoning-Chairperson Spanneut – regular meeting was held on April 12th. Town Attorney Foster is reviewing the draft building construction and fire prevention law.

Assessor-Chairperson Sorensen- the tentative roll will be available May 1st.

Building & Grounds – Chairperson Harris – received a quote to replace the fluorescent bulbs in the Town Hall. After reviewing, replacement is not cost-effective.

Water & Sewer-Councilperson Harris- regular meeting was held on April 12th. The bi-annual inspection from NYSDOH at the Himrod Water Plant will be performed on April 26th. Easements are being prepared for the residents in Milo Water #3. Josh Smith to attend Class C and D training in September.

Agricultural-Chairperson Hallings- none

Insurance- Chairperson Hallings- none

KWIC – Supervisor Church next meeting is April 24th.

Board Action

RESOLUTION #24-2017 _____
RESOLUTION TO ENACT LOCAL LAW
REGARDING SOLAR OR WIND
OR FARM WASTE ENERGY SYSTEMS
TAX EXEMPTION LOCAL LAW

Mr. James Harris offered the following Resolution and moved its adoption:

WHEREAS, a proposed local law in regard to disallowing the exemption(s) provided for in Section 487 of the Real Property Tax Law of the State of New York with respect to solar energy systems or wind energy systems or farm waste energy systems has been presented to the Town Board of the Town of Milo for enactment, and

WHEREAS, a Resolution was duly adopted on March 27, 2017 by the Town Board of the Town of Milo calling for a public hearing to be held by said town board on April 17, 2017,

at 7:15 p.m. at the Milo Town Office, 137 Main Street, Penn Yan, New York, to hear all interested parties on a proposed Local Law that would disallow the exemption(s) provided for in Section 487 of the Real Property Tax Law of the State of New York with respect to solar energy systems or wind energy systems or farm waste energy systems, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Milo, and all other notices required by law to be given were properly served, posted or given, and

WHEREAS, said public hearing was duly held on April 17, 2017 at 7:15 p.m. at the Town of Milo Office, 137 Main Street, Penn Yan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, Town Board of the Town of Milo, after due deliberation, determines it in the best interests of the Town of Milo to adopt said Local Law,

NOW, THEREFORE BE IT

RESOLVED & ORDERED, by the Town Board of the Town of Milo, Yates County, New York that said Local Law, the text of which is attached hereto as Schedule "A", in regard to disallowing the exemption(s) provided for in Section 487 of the Real Property Tax Law of the State of New York with respect to solar energy systems or wind energy systems or farm waste energy systems, is hereby approved, and it is further

RESOLVED & ORDERED, that the Town Clerk be, and she hereby is, directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Milo, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Seconded by Arden Sorensen and duly put to a vote as follows:

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution and Order was thereupon adopted.

DATED: April 17, 2017

Patricia L. Christensen

Patricia L. Christensen
Town of Milo Clerk
Town of Milo

S E A L

Muni Milo
LL___, 17 (solar tax exempt)
26a res adopt loc law (No SEQR)

Schedule "A"

Section . PURPOSE

This local law is enacted pursuant to the provisions of the New York State Real Property Tax Law.

The purpose of this local law is to disallow the exemption(s) provided in Section 487 of the Real Property Tax Law of the State of New York with respect to solar energy systems or wind energy systems or farm waste energy systems and hereby provides that no exemption under the provisions of said Real Property Tax Law shall be applicable to town taxes with respect to any solar energy systems or wind energy systems or farm waste energy systems constructed in the Town of Milo.

Section . SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section . INTERPRETATION

This Law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect. Whenever the requirements of this Law are at variance with the requirements of other lawfully adopted rules, regulations or Laws, the Law with the most restrictive provisions or those imposing the higher standards shall govern.

Section . EFFECTIVE DATE

This Local 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 fld
LL ____, 17 (solar wind tax exempt)
Sch A

RESOLUTION # 25 - 2017

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
PURSUANT TO 6 NYCRR, PART 617
DETERMINATION OF NON-SIGNIFICANCE
NEGATIVE DECLARATION
ENACTMENT OF NEW SUBDIVISION LAWS TO
REPLACE THE PRESENT SUBDIVISION LAWS

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

WHEREAS, the Town Board of the Town of Milo previously determined, pursuant to Resolution #22-2017, dated March 27, 2017 that the proposed legislation which would repeal the present Subdivision Laws of the Town of Milo and simultaneously enact new Subdivision Laws to replace the present Subdivision Laws, is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Town Board of the Town of Milo has prepared and completed, with professional assistance, Part 1 of the Full Environmental Assessment Form and previously forwarded the same to the other Involved Agency, being the Yates County Planning Board, together with its documentation that the Town of Milo intended to act as Lead Agency for a coordinated review of this proposed action under the provisions of the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617, and

WHEREAS, the Yates County Planning Board has filed its Consent that the Town Board of the Town of Milo be designated as the Lead Agency, and

WHEREAS, after receiving the Consent that the Town Board of the Town of Milo be the Lead Agency from the Yates County Planning Board, the Town Board has prepared for review, with professional assistance, Part 2 of the Full Environmental Assessment Form, and

WHEREAS, in conjunction therewith, a Statement of Findings and Determination of Non-Significance (a copy of which is attached) has been prepared with professional assistance, which provides an evaluation of the impacts of the proposed legislation and a statement of the reasons supporting the Determination of Non-Significance, and

WHEREAS, after the completion of the public hearing in regard to the enactment of the local law that would repeal in its entirety the present subdivision laws of the Town of Milo and replace the same with new subdivision laws for the Town of Milo, the Town Board did review, with professional assistance, the completed Part 2 of the Full Environmental Assessment Form, and

WHEREAS, an Environmental Assessment File containing the completed Full Environmental Assessment Form and all related environmental correspondence is available for public examination at the office of the Town Clerk during regular office hours.

NOW, THEREFORE BE IT

RESOLVED, the Town Board of the Town of Milo will now make its Determination of Significance, pursuant to 6 NYCRR, Part 617, § 617.7, and in conjunction therewith has completed Part 2 of the Full Environmental Assessment Form, as well as completing the Statement of Findings and Determination of Non-Significance (referred to hereinabove), and has determined that the proposed legislation will not result in any large and important impacts and, therefore, is one which will not have a significant impact on the environment, and be it further

RESOLVED, that the Supervisor of the Town of Milo is hereby authorized to sign the Full Environmental Assessment Form containing the Determination of Non-Significance, indicating the project will not have a significant impact on the environment; i.e. a "Negative Declaration" and distribute copies of the same to the involved agencies listed hereinafter, and be it further

RESOLVED, that the town clerk is directed to post a copy of the Negative Declaration in the town office and to file copies of this Resolution, appropriate notice and the Statement of Findings with the following Involved Agency:

Yates County Planning Board
417 Liberty Street
Penn Yan, New York 14527

and be it further,

RESOLVED, that this Resolution and Appropriate Notice be deemed a Determination of Non-Significance in accordance with 6 NYCRR, Parts 617.6, 617.7 and 617.12 and the National Environmental Policy Act of 1969.

Seconded by Mr. James Harris and duly put to a vote with the following results:

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

DATED: April 17, 2017

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

S E A L

Muni Milo fld
LL___, 17 (subdivision)
Reso neg dec (Type 1)

RESOLUTION #26- 2017 _____
RESOLUTION TO ENACT LOCAL LAW
CONCERNING ADOPTION OF NEW SUBDIVISION LAWS

Mr. Arden Sorensen offered the following Resolution and moved its adoption:

WHEREAS, a proposed local law that would repeal the present subdivision laws of the Town of Milo and simultaneously enact new subdivision laws to replace the present subdivision laws has been presented to the Town Board of the Town of Milo for enactment, and

WHEREAS, pursuant to Resolution #5-2017, dated January 17, 2017, the legislative process was commenced to consider the enactment of this proposed new subdivision legislation and at the same time the process of an environmental review, pursuant to the New York State Environmental Quality Review Act (SEQR), was also commenced, and

WHEREAS, a Resolution was duly adopted on March 27, 2017 by the Town Board of the Town of Milo calling for a public hearing to be held by said town board on April 17, 2017, at 7:00 p.m. at the Milo Town Office, 137 Main Street, Penn Yan, New York, to hear all interested parties on a proposed local law that would repeal the present subdivision laws of the Town of Milo and simultaneously enact new subdivision laws to replace the present subdivision laws, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Milo and all other notices required by law to be given were properly served, posted or given, and

WHEREAS, said public hearing was duly held on April 17, 2017 at 7 p.m. at the Town of Milo Office, 137 Main Street, Penn Yan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, after the completion of said public hearing, the town board did complete its SEQR review process resulting in a Negative Declaration determination, and

WHEREAS, Town Board of the Town of Milo, after due deliberation, determines it is in the best interests of the Town of Milo to adopt said Local Law.

NOW, THEREFORE BE IT

RESOLVED, by the Town Board of the Town of Milo, Yates County, New York that said local law, the text of which is attached here as Schedule "A", that would repeal the present subdivision laws of the Town of Milo and simultaneously enact new subdivision laws to replace the present subdivision laws is hereby approved, and it is further **RESOLVED**, that the Town Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Town of Milo, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

Seconded by James Harris and duly put to a vote as follows:

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS:none

This Resolution was thereupon adopted.

DATED: April 17, 2017

Patricia L. Christensen

Patricia L. Christensen
Town of Milo Clerk
Town of Milo

S E A L

Muni Milo fld
LL ,2017 (subdivision)
26a reso adopt loc law (SEQR)

RESOLUTION NO 27-17

Easement Village of Penn Yan Water #3

Mr. James Harris offered the following Resolution and moved its adoption:

WHEREAS, the Town of Milo on behalf of Water District No. 3 does intend as part of the improvements to be made to said water district, to construct a water main that would run through said Water District No. 3, and then continue within a 15 foot wide easement area, adjacent to Elmwood Avenue, to a point of connection with the Village of Penn Yan water production plant, and

WHEREAS, it is in the best interests of said Water District No. 3 that the public water to be provided from the Village of Penn Yan (hereinafter Penn Yan) will not have a “dead end” within said water district, but rather will be part of a circular water distribution system, that is in the best interests of said water district, and

WHEREAS, the Water Main Easement Agreement contains not only the usual recitals made by the property owner, but does also contain representations by both Penn

Yan and Milo, including representations that Penn Yan has authorized its Mayor and Milo has authorized its Town Supervisor to enter into said Water Main Easement Agreement.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The Supervisor of the Town of Milo, on behalf of the Town of Milo, is hereby authorized to execute said Water Main Easement Agreement between the Town of Milo (on behalf of said Water District No. 3) and the Village of Penn Yan.
2. This Resolution shall be effective as of April 17, 2017.

Seconded by Mr. Dale Hallings and duly put to a vote with the following results:

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution was thereupon adopted.

DATED: April 17, 2017

Patricia L. Christensen

Patricia L. Christensen
Town Clerk
Town of Milo

S E A L

Muni Milo fld
Water Dist No. 3
Reso auth town super water main ease agmt PY

New Business

Received an invitation from Dundee Central School Superintendent, Kelly Houck for an informational meeting regarding high speed internet accessibility for Dundee School students.

Supervisor Church provided maps outlining Yates County broadband access.

A general discussion was held on Governor Cuomo’s countywide shared services property tax savings plan.

Supervisor Church stated Water/Sewer Operator Doug Marchionda, herself, and municipalities that purchase water from the Village of Penn Yan attended a meeting to consider a “regional water group”.

Outstanding Business

The cleanup day is scheduled for May 6th 8:00 am – 2:00 pm at 30 Elmwood Ave.

The wholesale water customers bi-annual meeting is April 27th.

The land use leadership alliance training is April 27th 5:00-8:00 PM.

Yates Transit Service brochures with the system wide schedule are available at the Town Hall.

Monthly Reports-reviewed

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Harris

To pay abstracts as presented in the following amounts:

General A:	\$	18,126.63
General B:	\$	2,029.22
Highway DA:	\$	5,048.15
Highway DB:	\$	2,125.09
SS-Sewer	\$	10,137.17
SW-Water	\$	1,395.96
TA-Trust & Agency	\$	711.68
Debt Services	\$	38,228.60

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

Noes: None

Abstentions: none

Public Comment

Bill Laffin stated that KWIC did submitted a grant application for invasive species rapid response and control. The awarding of the grant will be announced May 10th.

Introduced by: Supervisor Church
Seconded by: Councilperson Hallings

To enter into executive session for discussions relating to proposed, pending or current litigation and to include, Town Clerk Patricia Christensen and CEO Anthony Validzic.

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

Noes: None

Abstentions: none

The board entered into executive session at 8:25 PM.

Introduced by: Councilperson Hallings
Seconded by: Councilperson Harris

To reconvene to regular session.

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

Noes: None

Abstentions: none

The board reconvened at 9:00 PM.

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

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

Noes: none

Abstentions: none

Meeting adjourned at 9:00 PM.

Respectfully submitted,

Patricia L. Christensen
Town Clerk

