

Town of Milo
Regular Meeting
January 20, 2015

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
Veronica Baum
Robert and Janet Wager
Barb Hood
Bill Laffin
Mark Morris
Mary Kay Judd

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

A general discussion was held regarding the \$20.00 quarterly increase in the sewer rate.

Introduced by: Councilperson Spanneut
Seconded by: Councilperson Harris

That the minutes of December 15, 2014 regular meeting and December 28, 2014 Organizational meeting be approved as written.

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

Noes: none

Committee Reports

Highway-Chairperson Hallings – Chips money was received in the amount of \$126,082.

Personnel-Chairperson Spanneut - none

Zoning-Chairperson Spanneut – “nursery” and “nursery retail” definition will be added to the zoning law, the proposed zoning law is being reviewed by Attorney Bob Foster

Assessor-Chairperson Sorensen- agriculture exemptions will be mailed this week

Building and Grounds- Chairperson Harris- none

Water & Sewer-Councilperson Harris- report on file
Agricultural-Chairperson Hallings- none
Insurance- Chairperson Hallings- none

Board Action

Resolution 01-15

TO DESIGNATION OF TOWN OFFICIAL TO RECEIVE NOTICE OF CLAIM SERVED UPON
NEW YORK SECRETARY OF STATE
PURSUANT TO §53 OF THE GENERAL MUNICIPAL LAW

Introduced by: Councilperson
Seconded by: Councilperson

Mr. Gene Spanneut, offered the following Resolution and moved its adoption:

WHEREAS, Section 53 of the New York State General Municipal Law requires towns to file a Certificate with the Secretary of the State designating the Secretary of State as an agent for service of a Notice of Claim, and

WHEREAS, Section 53 of the New York State General Municipal Law requires the Certificate to include the applicable time limit for filing the Notice of Claim and the name, post office address and electronic mail address, if available, of an officer, person, or designee, nominee or other agent-in-fact for the transmittal of Notices of Claim served upon the Secretary as the town's agent, and

WHEREAS, pursuant to Section 50-e(1)(a) of the New York State General Municipal Law, the applicable time limit for the filing of a Notice of Claim upon a town is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of a representative of the decedent's estate.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Milo, Yates County, New York designates Patricia L. Christensen, in her capacity as Town Clerk of the Town of Milo, to receive Notices of Claims served upon the Secretary of State by mail at 137 Main Street, Penn Yan, New York 14527 and email at clerk@townofmilo.com, and it is further

RESOLVED, that the Town Board hereby affirms that the Town Clerk has filed this Certificate, required by subdivision 2 of Section 53 of the New York State General Municipal Law, with the Secretary of State informing that office of the town's designation and applicable time limitation for filing a Notice of Claim with the Town of Milo.

Seconded by Mr. Dale Hallings, and duly put to a vote as follows:

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution was thereupon adopted.

DATED: January 20, 2015

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

S E A L

Muni fld
Milo 2015
Reso GML §53 (Not Claim)

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

Noes: none

Resolution 02-15

Public Hearing Local Law-Sewer Connections

Mr. Gene Spanneut, offered the following Resolution and moved its adoption:

WHEREAS, a proposed local law in regard to inspections of all properties connected to sewer systems owned and operated by the Town of Milo has been presented to the Town Board of the Town of Milo, and

WHEREAS, the Town Board of the Town of Milo has reviewed the draft of the aforementioned proposed Local Law, attached hereto as Schedule "A", (attached) and deems it in the best interests of the Town of Milo to proceed in accordance with the Code of the Town of Milo and the Laws of the State of New York in adopting said Local Law, and

WHEREAS, this proposed local law does provide for inspections of all properties connected to sewer systems owned and operated by the Town of Milo; specifically including the inspection required prior to the sale or transfer of title of real property located in the Town of Milo that is connected to a Milo sewer system, and

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

WHEREAS, the Town Board of the Town of Milo has determined that this proposed local law is now in its final form.

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 17, 2015, during its regular meeting, to consider this proposed legislation, and it is further

RESOLVED, that the Town Clerk be and she hereby is authorized to forward to the official newspaper of the town, a Notice of Public Hearing, and it is further

RESOLVED, that the Town Clerk be and she hereby is directed to post a Notice of said hearing and a copy of the proposed Local Law on the Town of Milo signboard and take any and all necessary actions to properly bring the aforementioned Local Law before the Town Board of

the Town of Milo for its consideration, and it is further

RESOLVED, that the Town Clerk be and she hereby is authorized to provide all other notices, if any, as required by law for the adoption of this Local Law.

Seconded by Mr. 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: January 20, 2015

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

S E A L

Muni Milo fld
Milo LL , 2015 (Inflow)

Resolution 03-15

Patrick Grimaldi-Resignation Assessor

Introduced by: Councilperson Harris
Seconded by: Councilperson Sorensen

WHEREAS, the Town of Milo has received a letter of resignation from Assessor, Patrick Grimaldi affective February 20, 2015,

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Milo hereby accepts the resignation of Assessor, Patrick Grimaldi

MOTION CARRIED: Ayes: Church, Hallings, Harris, Sorensen, Spanneut

Noes: none

Resolution 04-15
Reappointment Assessor Patrick Grimaldi

Introduced by: Councilman Hallings
Seconded by: Councilman Harris

WHEREAS, Assessor Patrick Grimaldi has submitted his resignation to the Town Board of the Town of Milo, effective February 20, 2015, and

WHEREAS, it is the intention of the Town Board of the Town of Milo to reinstate Assessor Patrick Grimaldi,

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Milo appoints Patrick Grimaldi Assessor for the Town of Milo affective February 23, 2014 for a term of 10/1/13-9/30/19 and

FURTHER BE IT RESOLVED, that the annual salary for Assessor Patrick Grimaldi will be \$18,000 and

FURTHER BE IT RESOLVED, that Milo and Middlesex have agreed to provide family health insurance coverage to Assessor Grimaldi with the coverage to be provided through the Milo health insurance policy, with a reimbursement to come from Middlesex, and

FURTHER BE IT RESOLVED, that Milo and Middlesex have agreed to be responsible for the Health Reimbursement Account (HRA), and

FURTHER BE IT RESOLVED, that the health insurance premium and health reimbursement account payments will be payable at a rate of 34% by the Town of Middlesex and 66% by the Town of Milo.

MOTION CARRIED: Ayes: Church, Hallings, Harris, Sorensen, Spanneut

Noes: none

Resolution 05-15
2016 Mack 10 Wheeler

Introduced by: Councilperson Sorensen
Seconded by: Councilperson Harris

Authorizing Highway Superintendent Phil Strong to purchase 2016 Mack GU 713 10 Wheeler with a Tenco all season dumb body & plow equipment for the state bid contract of \$203,691.78.

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

Noes: none

Resolution 06-15
2010 Ford Auction International

Introduced by: Councilperson Harris
Seconded by: Councilperson Spanneut

Authorizing Highway Superintendent, Phil Strong to accept the bid of \$16,600.00 for the 2010 Ford 250 received through Auction International.

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

Noes: none

Resolution 07-15

Municipal Solutions-Survey Proposal

Introduced by: Councilperson Hallings
Seconded by: Councilperson Harris

Authorizing Supervisor Church to sign contract for municipal financial advice with Municipal Solutions, to provide services for the income survey for the proposed water project in Milo Water Number 3.

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

Noes: none

Resolution 08-15

2015 Building and Zoning Fees

Introduced by: Councilperson Spanneut
Seconded by: Councilperson Harris

To continue with the previously adopted 2014 building and zoning fees for the year 2015.

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

Noes: none

New Business

None

Outstanding Business

none

Monthly Reports-reviewed

Introduced by: Councilperson Harris

Seconded by: Councilperson Spanneut

To pay abstracts as presented in the following amounts:

General A:	\$	52,318.38
General B:	\$	12,016.52
Highway DA:	\$	38,738.77
Highway DB:	\$	26,624.99
SS-Sewer	\$	14,438.94
SW-Water	\$	81.00
TA-Trust & Agency	\$	452.00

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

Noes: None

Abstentions: none

Public Comment

Bill Laffin inquired of the time frame by Attorney Robert Foster in reviewing the proposed zoning law. Councilperson Spanneut stated that revisions have been discussed, therefore delaying Attorney Foster from completion of his review.

Introduced by: Councilperson Spanneut

Seconded by: Supervisor Church

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

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

Noes: None

Abstentions: none

The board entered into executive session at 7:55 PM.

Introduced by: Councilperson Spanneut
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 8:30 PM.

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

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

Noes: none

Abstentions: none

Meeting adjourned at 9:05 PM.

Respectfully submitted,

Patricia L. Christensen
Town Clerk

Attachment

Schedule "A"

§110 - ____ . Purpose.

The purpose of this Article is to provide for inspections of all properties connected to sewer systems owned and operated by the Town of Milo; specifically including the inspection required prior to the sale or transfer of title of real property located in the Town of Milo that is connected to a Milo sewer system.

§110 - ____ . New connections for inflow prohibited.

No connections, which are intended to discharge inflow, shall be made to the Town sewer system. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges or other sources of inflow.

§110 - ____ . Disconnection of existing inflow connections.

For existing improved properties connected to a Town sewer system with any of the prohibited connections referred to above must be disconnected in a fashion and date approved by the Town of Milo Code Enforcement Officer (hereinafter "CEO"); if the inspection is done in conjunction with a sale or transfer of the real property, the disconnection shall be done in a fashion approved by the CEO prior to the sale or transfer of the property.

§110 - ____ . Reconnection of disconnected inflow source prohibited.

It shall be a willful violation of this law for any property owner to reconnect any inflow source which has been disconnected pursuant to this law.

§110 - ____ . Inspections.

A. Upon notice to the owner of improved property connected to a Town sewer system, the CEO or his duly authorized representative shall inspect the property to determine that no violation exists.

B. Prior to the sale or transfer of title of real property located in the Town of Milo used for residential or business purposes, including farm residences and farm businesses, that are connected to a Town sewer system, the owner or transferor of the property shall not transfer the same until first applying for an inspection by the CEO or his duly authorized representative. The purpose of such inspection shall be to determine whether said use of said property is in compliance with Milo Town Code, Chapter 110 and the laws of the State of New York specifically related to unlawful discharge into a sanitary sewer system.

C. There shall be no inspection fee to the property owner if said property owner or his or her agent meets with the CEO at the specified time and date for the infiltration/inflow inspection. However, upon making arrangements for said infiltration/inflow inspection for the purpose of selling the property, if the property owner or his or her agent is unable to meet with the CEO at the specified time and date and without a reasonable cancellation time, a charge as set from time to time by the Town Board shall be assessed against the property owner for failure to keep the appointment to perform the inspection. If the property owner or his or her agent fails to appear for each subsequent inspection without a reasonable cancellation notice, a charge as set from time to time by the Town Board will be assessed to the property owner.

§110 - ____ . Wastewater system inspection and surveys.

Whenever it shall appear to the CEO that there is a prohibited connection to a Town of Milo sewer system, a written Notice of Violation shall be given to the property owner specifying the nature of the violation and required corrective action. The property owner shall comply with said notice within 30 calendar days. If the 30th calendar day falls on a Saturday, Sunday or legal holiday the 30th day shall be the next business day following the 30th calendar day. The property owner shall obtain a Sewer Disconnection Permit and complete the work outlined in the Sewer Disconnection Permit within the time period specified in the permit.

§110 - ____ . Approval to transfer title or continue use.

After inspection is requested in regard to the sale or transfer of title, if it is determined that no violation exists, a Certificate of Approval to transfer title shall be issued. If the inspection was done during the ordinary course of business of the CEO, and if it is determined that no violation exists, a Certificate of Compliance shall be issued to the owner.

§110 - _____. Right of Entry; inspection.

A. The CEO, other duly authorized employees of the Town and representatives of the USEPA and NYSDEC bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to a Town of Milo sewer system to determine ongoing compliance with this law. The owner and/or user shall be notified in writing at least 48 hours prior to any such inspection, observation, measurement, sampling and testing. The powers and authority herein granted shall be in addition to powers of inspection granted by law to the Town.

B. The Town shall have the right to set upon the user's property such devices as are necessary to conduct sampling or metering operations. The owner and/or user shall be notified in writing at least 48 hours prior to any such inspection, observation, measurement, sampling and testing.

C. All information in possession of the owner bearing on the industrial, commercial or other processes which, in the judgment of the Town, affect the sewage system shall be made available to the CEO or his duly authorized representative.

D. Where a user has security measures in force, the user shall make necessary arrangements with his or her security guards so that, upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

E. When any new connection or transfer of ownership is contemplated for a building that is to be connected to a Town sewer system, the CEO or his duly authorized representative shall have the right of entry for inspection of the property at reasonable times and in a reasonable manner for the purposes of inspection as specified in Paragraphs A, B, C and D hereinabove.

§110 - _____. Costs of Enforcement.

Whenever it shall become necessary for the CEO to enforce, or any officer of the Town of Milo shall determine that Chapter 110, Sewers, of the Milo Code shall be required to

be enforced, the costs incurred by said officer for consultation fees with engineers, attorneys or other professionals or costs incurred in enforcement of compliance with this Code, including but not limited to the costs of meeting the requirements of Article 6 of the New York State Environmental Conservation Law, commonly referred to as SEQR, the costs referred to hereinabove shall be charged to the applicant or owner of the real property. Said costs shall be reimbursed by the applicant or owner of the real property before a building permit may be issued or a Certificate of Occupancy, or a Certificate of Approval, may be issued; and upon failure by the applicant or property owner to make such reimbursement, then said reimbursement costs levied pursuant to this Chapter are hereby made a lien on the premises and if the same are not paid within 30 calendar days (if the 30th calendar day falls on a Saturday, Sunday or legal holiday, the 30th day shall be the next business day following the 30th calendar day) after it shall be deemed payable, the same shall be certified to the County Treasurer's office, which shall place the same on the real property tax roll for that year, with interest, and penalties allowed by law, and be collected as other taxes are collected.

§110 - ____ . Enforcement; Penalties for Offenses.

A. General enforcement. It shall be the duty of the CEO or his duly authorized representative to enforce these regulations and to bring to the attention of the Town Board any violations or lack of compliance herewith.

B. Any person or corporation who shall violate any of the provisions of this law or orders given pursuant thereto or who shall resist or obstruct the CEO or his duly authorized representative in carrying out the provisions of this law, shall be subject to a conviction of a "Violation" as defined in the Penal Law of the State of New York and shall be subject to a fine of not more than two hundred fifty dollars (\$250.00) for each offense, and each week after the giving of such notice shall constitute a separate offense.

C. Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of these regulations, to prevent unlawful connections to a Town sewer system, to recover damages, to restrain, correct or abate a violation. Consequently, the Town Board may institute any appropriate action or proceeding, and in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation, to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.

D. Additional injunctive relief. Whenever a user has violated or continues to violate the provisions of this law or permit or order issued hereunder, the Town Board,

through counsel, may Petition the court for the issuance of a preliminary or permanent injunction, or both, (as may be appropriate) which restrains the violation of or compels the compliance with any order or determination thereunder, notwithstanding that this law provides a penalty or other punishment for such violation.

§110 - ____ . Limitations or restrictions.

The provisions of this law shall not be deemed to be a limitation or restriction on the authority of any department, official or employee of the town pursuant to any other ordinance, Local Law, statute or other enactment of the Town of Milo or the State of New York.

§110 - ____ . Repealer.

This Local Law repeals, supersedes and replaces §110-20. "Right of entry; access to information", which was adopted on October 18, 2004, of the Code of the Town of Milo, as well as any Ordinances, Local Laws and parts thereof inconsistent with this Local Law.

§110 - ____ . 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 thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or a part thereof directly involved in a controversy in which such judgment shall have been rendered.

§110- ____ . Word Usage.

A. Computation of time. Whenever a notice is required to be given or an act to be done, stating a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

B. Gender. A word importing the masculine gender only shall extend and be applied to the females as well as to males.

C. Title of officer. Whenever the title of a town officer is given it shall be construed as though the words "of the Town of Milo" were added.

§110 - _____. 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.

§110 - _____. 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.