

Town of Milo
Regular Meeting
October 16, 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
Lance Yonge, Highway Superintendent
Earle Gleason
Ron Webb, The Observer
Todd Casella, Candidate Yates County DA
Carlie Chilson
Bill Laffin
Mildred Phillips-Espana
Mark Morris

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

Supervisor Church recognized the candidates in attendance for the upcoming election.

Yates County District Attorney candidate, Todd Casella addressed the Town Board and the audience.

Introduced by: Councilperson Harris
Seconded by: Councilperson Hallings

That the minutes of September 18 regular meeting and the October 11, 2017 special meeting be approved as written.

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

Noes: none

Committee Reports

Highway-Chairperson Hallings – Highway Superintendent states the weather has been cooperating to continue road and ditch work. A railroad crossing at Hatmaker and Severne Roads have been repaired. Bids for the 2007 International Truck were closed Friday night.

Personnel-Chairperson Spanneut – meeting was held on October 4th. Town employees are reviewing the draft document.

Zoning-Chairperson Spanneut – none

Assessor-Chairperson Sorensen- Yates County has hired a Real Property Director

Building/Grounds- Chairperson Harris- a brief discussion was held regarding Sunrise repairing the roof at the Town Barns.

Water & Sewer-Councilperson Harris- the monthly meeting for October was cancelled.

Agricultural-Chairperson Hallings- none

Insurance- Chairperson Hallings- none

KWIC/KLOC- Supervisor Church - none

Board Action

Resolution 54-17

Steve Acker-Planning Board

Introduced by: Councilperson Sorensen

Seconded by: Councilperson Harris

WHEREAS, the Town Board of the Town of Milo received a resignation letter from Ryan Hallings resigning from the Town of Milo Planning Board,

NOW, THEREFORE BE IT

RESOLVED, that Stephen Acker is appointed to the Town of Milo Planning Board to fulfill the unexpired term of 1/1/2016-12/31/18.

Duly put to a vote as follows:

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

Noes: none

Resolution 55-17

Bank of the Finger Lakes-Depository

Introduced by: Councilperson Harris

Seconded by: Councilperson Spanneut

WHEREAS, the Bank of the Finger Lakes opened a branch office in Penn Yan,

NOW, THEREFORE BE IT

RESOLVED, the Bank of the Finger Lakes is designated as a depository for the Town of Milo.

Duly put to a vote as follows:

Motion Carried: Ayes: Church, Hallings, Harris, Sorensen, Spanneut
Noes: none

Resolution 56-17

YC Snow & Ice Agreement

Introduced by: Councilperson Sorensen
Seconded by: Councilperson Harris

Authorizing Supervisor Church to sign 2017-2018 Snow and Ice Control Agreement with Yates County.

Motion Carried: Ayes: Church, Hallings, Harris, Sorensen, Spanneut
Noes: none

Resolution 57-17

Snow Removal Services

Introduced by: Councilperson Harris
Seconded by: Councilperson Hallings

WHEREAS, the current contract for snow removal services at the Town Hall, 137 Main Street expired on October 1st, 2017, and

WHEREAS, Andrew Jensen of AJ Mowing and Snowplowing, presented a contract for ice and snow removal and

WHEREAS, the cost for each application is \$60.00,

NOW, THEREFORE BE IT

RESOLVED, that Supervisor Church is authorized to sign Ice and Snow Maintenance Contract with AJ Mowing and Snowplowing.

Duly put a vote as follows:

Motion Carried: Ayes: Church, Hallings, Harris, Sorensen, Spanneut
Noes: none

RESOLUTION #58 -17

LL Moratorium Water and Sewer Installations

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

WHEREAS, the Town of Milo has previously adopted legislation in regard to property owners connecting to the Town's sewer systems and water systems, and

WHEREAS, the initial legislation in regard to installation work for the sewer districts and water districts authorized the property owner to acquire their own grinder pumps and hire a Town approved contractor to do the installation work; said legislation also authorized, in the water districts, for the installation work to be done by contractors authorized by the Town, and

WHEREAS, the Town of Milo now has qualified personnel, as well as equipment to take care of all installation work, and

WHEREAS, it is in the best interests of the Town that its legislation be revised, in order that Town qualified personnel and equipment do all installation work in both the sewer districts and the water districts, and that in the interim a moratorium be imposed until said legislation is revised, and

WHEREAS, said legislation in regard to a Moratorium is now in final form, a draft of which is attached hereto, as a proposed Local Law,

NOW, THEREFORE BE IT

RESOLVED, that during the special meeting of the Town Board of the Town of Milo on November 1, 2017 at 7:30 p.m. at the Town of Milo Office, 137 Main Street, Penn Yan, New York, a public hearing will be held in regard to the enactment of this proposed Local Law.

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

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

DATED: October 16, 2017

Patricia L. Christensen

Patricia L. Christensen
Town Clerk
Town of Milo

S E A L

Milo LL ___ 2017 (Sew Connect Morat)
Sch "A" (Sew Connect Morat)

1a res (public hear)

Schedule A

Section 1. TITLE:

This law shall be known as the Building Sewers and Connections Moratorium Law of the Town of Milo.

Section 2. INTENT:

The initial legislation of the Town of Milo, in regard to requirements and regulations concerning connections to the Town's sanitary sewer systems and water systems, were enacted at the time of construction of the initial sewer system and initial water system in the Town of Milo. At that time, the Town was in the process of hiring personnel qualified to operate and maintain said systems. Initially, the Town permitted the installation of grinder pumps to be selected by the property owner and installed by a contractor approved by the Town.

As Milo has now purchased proper equipment for the installation of the grinder pumps and other appurtenances for all sewer districts, as well as the proper equipment for the installation and connection of properties to be serviced by the Town's various water districts, and as Milo has now trained and employed personnel qualified to do said installation work, in regard to both the water and sewer districts, it is in Milo's best interests that all grinder pumps and appurtenances for future sewer district installations, as well as all appurtenances, including lateral lines for water service in the water districts be done by Town of Milo employees, who are specifically trained and qualified for such work.

The Town Board, through a duly appointed committee, is now in the process of revising the Town legislation, concerning installation work to be done for new water and/or sewer services in all Town sewer and water districts to any new installations in the sewer and water districts. In order that there be uniform methods applied, it has been determined it is in the Town's best interests, as well as the property owners receiving sewer and water services, that a Moratorium be issued concerning installation of any grinder pumps, water laterals, or appurtenances, and any connections, in regard thereto, by non-Milo personnel until Milo has been able to revise its legislation on these topics.

Section 3. ENVIRONMENTAL EFFECT DETERMINATION:

The town board of the Town of Milo has determined, pursuant to Article Eight of the Environmental Conservation Law of the State of New York, that the passage of this local law will have no significant effect or impact on the environment.

Section 4. APPLICATION:

This law shall apply to all sewer and water districts within the municipality.

Section 5. DURATION:

This law shall be in effect for a period not to exceed nine (9) months from the effective date.

Section 6. PROHIBITION:

The Town of Milo shall not issue a Permit for the installation of a grinder pump or appurtenances in regard to a property owner wishing to connect to any Town of Milo sewer system; also Town of Milo shall not issue a Permit to a property owner wishing to connect to any Town of Milo water district, not previously approved before the operative date of this Local Law.

Section 7. SUPERCEDING EFFECT:

Pursuant to New York Municipal Home Rule Law Section 22, the provisions of this law are to supersede any inconsistent provisions in Chapter 279 "SEWERS" of the Code of the Town of Milo.

Section 8. WAIVER:

A Waiver of the Moratorium created under this Local Law shall be granted to any property owner who shall give permission for the Town of Milo to do the complete purchase and installation work, in regard to the grinder pump and connections to the town sewer system; also a Waiver of the Moratorium created under this Local Law shall be granted to any property owner who shall give permission for the Town of Milo to do the complete purchase and installation work, in regard to connecting to the town water system.

Section 9. REPEALER:

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law and parts thereof are hereby repealed.

Section 10. 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 11. 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.

Milo LL ___ 2017 (Sew Connect Morat)
Sch "A" (Sew Connect Morat)

Resolution 59-17

Accounting Software Program

Introduced by: Councilperson Hallings
Seconded by: Councilperson Harris

WHEREAS, the current accounting program does not meet the needs of the Town of Milo, and

WHEREAS, the Town Clerk, the Town Accounting Firm have reviewed multiply accounting software programs,

NOW, THEREFORE BE IT

RESOLVED, authorizing the purchase of Accufund at a cost of \$25,794.

Duly put to a vote as follows:

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

Noes: none

RESOLUTION # 60 – 17

Adopt Map, Plan and Report-YMCA Sewer District

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

WHEREAS, YMCA of Greater Rochester (hereinafter “YMCA”) is the owner of real property (commonly known as “Camp Cory”) situate on East Lake Road in the Town of Milo, which is presently serviced by Town of Milo Sewer District 1-2, and

WHEREAS, the YMCA has recently acquired real property contiguous and to the south, on which property it has received a Special Use Permit for the construction of certain camping and recreational facilities to be used in conjunction with the Camp Cory facility, and

WHEREAS, the new construction will include restroom facilities, which the YMCA does wish to connect to the Town of Milo Sewer District 1-2 system, and

WHEREAS, this Town Board previously received a letter from the YMCA attorney requesting, on behalf of the YMCA, that Milo proceed with the establishment of a sewer Extension District, which letter stated that the YMCA would be responsible for all expenses incurred by Milo, in said sewer Extension District establishment process, and

WHEREAS, the YMCA has now filed with the Town of Milo Clerk, a Map, Plan, and Report (hereinafter “MPR”), dated August 25, 2017, and prepared by BME Associates, Licensed Engineers in the State of New York, in regard to the establishment of a sewer Extension District for the real property referred to hereinabove, which has been granted a Special Use Permit, and

WHEREAS, said MPR has been reviewed by the town engineer and the town attorney.

NOW, THEREFORE BE IT

RESOLVED & ORDERED, that the MPR, dated August 25, 2017, in regard to the establishment of a sewer Extension District, has been prepared by competent engineers, duly licensed in the State of New York, and it is further

RESOLVED & ORDERED, that said MPR does show the boundaries for the proposed Extension District and a general plan of the proposed sewer system and method of operation, and it is further

RESOLVED & ORDERED, that as the town attorney and town engineer have reviewed said MPR and have determined that it does satisfactorily address the information to be provided in an MPR, pursuant to Section 209-c of the Town Law, and it is further

RESOLVED & ORDERED, that before the commencement of any construction for the sewer extension system, a copy of the MPR, in regard to the proposed extension, shall be submitted to the New York State Department of Health, and if approved, shall be filed in the Office of the New York State Department of Health and the Office of the Town of Milo Clerk, and it is further

RESOLVED & ORDERED, that upon receipt of said approval from the Office of New York State Department of Health, Town of Milo Clerk shall give written notification to the YMCA.

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: October 16, 2017

Patricia L. Christensen

Patricia L. Christensen

Town Clerk

Town of Milo

S E A L

Milo fld
Camp Cory
Reso MPR begin process sewer

RESOLUTION #61 – 17

Adopt Map, Plan and Report-YMCA Water District

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

WHEREAS, YMCA of Greater Rochester (hereinafter “YMCA”) is the owner of real property (commonly known as “Camp Cory”) situate on East Lake Road in the Town of Milo, which is presently serviced by Town of Milo Water District No. 1, and

WHEREAS, the YMCA has recently acquired real property contiguous and to the south, on which property it has received a Special Use Permit for the construction of certain camping and recreational facilities to be used in conjunction with the Camp Cory facility, and

WHEREAS, the new construction will include restroom facilities, which the YMCA does wish to connect to the Town of Milo Water District No. 1 system, and

WHEREAS, this Town Board previously received a letter from the YMCA attorney requesting, on behalf of the YMCA, that Milo proceed with the establishment of a water Extension District, which letter stated that the YMCA would be responsible for all expenses incurred by Milo, in said water Extension District establishment process, and

WHEREAS, the YMCA has now filed with the Town of Milo Clerk, a Map, Plan, and Report (hereinafter “MPR”), dated August 25, 2017, and prepared by BME Associates, Licensed Engineers in the State of New York, in regard to the establishment of a water Extension District for the real property referred to hereinabove, which has been granted a Special Use Permit, and

WHEREAS, said MPR has been reviewed by the town engineer and the town attorney.

NOW, THEREFORE BE IT

RESOLVED & ORDERED, that the MPR, dated August 25, 2017, in regard to the establishment of a Water Extension District, has been prepared by competent engineers, duly licensed in the State of New York, and it is further

RESOLVED & ORDERED, that said MPR does show the boundaries for the proposed Extension District, water infrastructure, construction costs, operation and maintenance costs, and a general plan of the proposed water system and method of operation, and it is further

RESOLVED & ORDERED, that as the town attorney and town engineer have reviewed said MPR and have determined that it does satisfactorily address the information to be provided in an MPR, pursuant to Section 209-c of the Town Law, and it is further

RESOLVED & ORDERED, that before the commencement of any construction for the water extension system, said Map, Plan and Report shall be filed in the Office of the Town of Milo Clerk.

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: October 16, 2017

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

S E A L

Milo fld
Camp Cory
Reso MPR begin process water

RESOLUTION #62 – 17

DOT Permit

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

WHEREAS, a Special Use Permit was recently granted by the Town of Milo Planning Board, to the YMCA of Greater Rochester (hereinafter “YMCA”), in regard to real property acquired by it on East Lake Road in the Town of Milo, said property being southerly of and contiguous to premises owned and operator for many years by YMCA, commonly known as “Camp Cory,” and

WHEREAS, the subject of the Special Use Permit granted to the YMCA was in regard to facilities that are to be constructed on the said recently acquired property, which property the YMCA is also requesting the Town of Milo consider for establishment of a Water Extension District, and

WHEREAS, in regard to said proposed Water Extension District, it will be necessary to install an eight (8) inch watermain and hydrant tee within the westerly highway Right-of-Way, and

WHEREAS, Milo officials have been contacted by officials at the New York State Department of Health (hereinafter “DOH”) and the Department of Transportation (hereinafter “DOT”), in regard to being a Co-Applicant, together with the contractor, in regard to the Application for a Highway Work Permit, in regard to the installation of an eight (8) inch watermain and hydrant tee to be installed along the westerly side of New York State Route 54, and

WHEREAS, the New York State Department of Health (hereinafter "DOH") and the New York State Department of Transportation (hereinafter "DOT") officials have further advised Milo that in the event it is advised by the town attorney that it should not be a Co-Applicant that, in lieu thereof, it would be acceptable if Milo would enact a Resolution stating that upon the establishment of said proposed Water Extension District that it would accept ownership of said eight (8) inch watermain and hydrant tee, and

WHEREAS, upon the advice of the Town's insurance agent, engineer and attorney, that as the proposed Water Extension District has not yet been established, Milo does not have legal standing to participate in the installation project, nor does it have an insurable interest, in regard to being a Co-Applicant along with the contractor, in regard to said installation project.

NOW, THEREFORE BE IT

RESOLVED & ORDERED, upon the establishment of said proposed Water Extension District, Milo will accept a transfer of ownership of said eight (8) inch watermain, hydrant tee and appurtenances from the YMCA, and it is further

RESOLVED & ORDERED, the YMCA is to give written notice to the Town of Milo Clerk no less than five (5) business days prior to the date on which said eight (8) inch watermain and hydrant tee are to be installed, and it is further

RESOLVED & ORDERED, that the specifications for the watermain and hydrant tee, as well as the items themselves, shall be inspected and approved by the town engineer and the town sewer and water operator, both of whom shall be present to observe, but not to participate at the time of installation, and it is further

RESOLVED & ORDERED, upon receipt of a Certificate of Completion from the town engineer, that the items installed consisted of the proper specifications in regard to materials, diameter, and length, and were installed in the property manner, Milo will accept transfer of ownership from the YMCA, as well as the transfer of the warranty for the products installed.

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

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution was thereupon adopted.

DATED: October 16, 2017

Patricia L. Christensen
Patricia L. Christensen
Town Clerk

Town of Milo

S E A L

Milo fld
Camp Cory
Reso DOT Application

**RESOLUTION 63-17
2007 International Truck and Plow**

Introduced by: Councilperson Hallings
Seconded by: Councilperson Harris

WHEREAS, the Town Board of the Town of Milo authorized the sale of the 2007 International Truck and Plow, and

WHEREAS, the Town of Milo Highway Superintendent, Lance Yonge contracted with Auction International to auction the 2007 International Truck on behalf of the Town of Milo, and

WHEREAS, the bidding ended on October 13, 2017,

NOW THEREFOR BE

RESOLVED, the Town Board of the Town of Milo accepts the high bid of \$54,000 for the 2007 International Truck and Plow

Duly put to a vote as follows:

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

Noes: none

New Business

The finance/audit committee researched current financial accounts and potential accounts with the Bank of the Finger Lakes.

Yates County is updating the Hazard Mitigation Plan. An email and attachments have been received from Yates County Emergency Management requesting town and village information for the plan update.

Outstanding Business

Yates County announced the opening of a Broadband Aggregation and Adoption Campaign, also known as "Crowdfiber" to determine the actual extend of broadband Internet service throughout the County. A county wide survey is being conducted to determine needs and opportunities for broadband internet growth in the region.

The Town of Milo minutes are available on the Town's website.

Monthly Reports-reviewed

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Harris

To pay abstracts as presented in the following amounts:

General A: \$26,058.19

SS-Sewer: \$12,219.52

General B: \$1,801.94

SW-Water: \$1,306.93

Highway DA: \$11,705.19

TA-Trust & Agency: \$1,137.64

Highway DB: \$29,632.25

V-Debt Service: \$1,428.80

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

Noes: None

Abstentions: none

Public Comment

Mildred Phillips-Espana inquired where to locate the minutes on the website.

Bill Laffin inquired clarification on the proposed moratorium.

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Harris

To enter into executive session to discuss the employment history of a particular person and to include, Town Clerk Patricia Christensen and Highway Superintendent Lance Yonge.

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

Noes: None

Abstentions: none

The board entered into executive session at 7:35 PM.

Introduced by: Councilperson Harris

Seconded by: Councilperson Hallings

To reconvene to regular session.

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

Noes: None

Abstentions: none

The board reconvened at 8:10 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 Harris.

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

Noes: none

Abstentions: none

Meeting adjourned at 8:35 PM.

Respectfully submitted,
Patricia L. Christensen
Town Clerk