

Town of Milo  
Regular Meeting  
March 19, 2018

Members Present: Leslie Church, Supervisor  
James Harris, Councilperson  
Gene Spanneut, Councilperson

Excused: Dale Hallings, Councilperson  
Arden Sorensen, Councilperson

Others Present: Patricia L. Christensen, Town Clerk  
Lance Yonge, Highway Superintendent  
Bill Laffin  
Bob Brechko, Board of Elections  
Mark Morris  
Robert Schwarting, Board of Elections  
John Christensen, Chronicle Express  
Andrew Zellers, Dundee Observer

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.

Supervisor Church opened the public hearing for the proposed Local Law Wastewater Management Law.

All persons desiring to be heard, having been heard, Supervisor Church closed the public hearing at 7:09 PM.

The Town Board reviewed the determination of non-significance and statement of findings for the proposed local law wastewater management.

**Public Comment**

Board of Election Commissioner, Bob Brechko presented current and proposed events, concerns and finances.

Bill Laffin inquired if the town would be doing a reassessment. Mr. Laffin was given the time frame.

Introduced by: Councilperson Harris  
Seconded by: Councilperson Spanneut

That the minutes of February 20, 2018 regular meeting and the March 5, 2018 special meeting be approved as written.

Motion Carried: Ayes: Church, Harris, Spanneut

Noes: none

### **Committee Reports**

**Bicentennial Anniversary Committee-** Supervisor Church reported a committee has been formed to celebrate the 200-year anniversary of the Town of Milo being incorporated. During the monthly Town Board meetings for the year 2018 a short presentation will be given presenting history of the Town of Milo.

**Highway-**Chairperson Hallings – Highway Superintendent Yonge reported the new truck has been ordered and a proposed delivery date is August 2018.

**Personnel-**Chairperson Spanneut – Attorney Foster is reviewing the employee handbook.

**Zoning-**Chairperson Spanneut – the monthly meeting was held on March 14<sup>th</sup>. The committee was updated on projects, draft laws and new HVAC requirements.

**Assessor-**Chairperson Sorensen- none

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

**Agricultural-**Chairperson Hallings- the annual meeting was held March 12<sup>th</sup> Minutes provided to the Town Board.

**Building & Grounds-** Chairperson Harris- a meeting was held with NY Municipal Energy Program, Managing Director, Edward Carey to discuss NYMEP negotiating lower energy cost for electricity and natural gas.

**KWIC-** Supervisor Church - the next meeting is March 26<sup>th</sup> at the Village of Penn Yan. The LULA training is scheduled for April 30<sup>th</sup> at 5:30 PM.

### **Board Action**

#### Bicentennial Proclamation Town of Milo

WHEREAS, in 1788 the first settlers in Milo were members of the Society of Universal Friends, and

WHEREAS, the territory was designated as township No. 7, thirty-six square miles of land, and

WHEREAS, the Friends made their settlement and improved the lands, and

WHEREAS, in 1818 the Town of Milo was set off from Benton and given an independent corporate organization, and

WHEREAS, the first town meeting was held April 7, 1818 at the house of Isaac Nichols at Nichol's Corners, now known as Milo Center,

NOW

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Milo designates the bicentennial year on April 7, 2018 as a day of recognition and celebration of the Town of Milo Board's first Town meeting of the Town of Milo.

By Order of Leslie Church

Town Supervisor

Town of Milo

**RESOLUTION #18 - 18**

PURSUANT TO 6 NYCRR, PART 617, §617.7  
FOR PROPOSED LOCAL LAW IN REGARD TO  
WASTEWATER MANAGEMENT

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

WHEREAS, the Town Board of the Town of Milo previously determined, pursuant to Resolution #78-17, dated December 18, 2017, to commence the environmental review process of the proposed Action, i.e. legislation to repeal and replace in their entirety the Town's laws, in regard to Wastewater Management, pursuant to the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the proposed Action is an Unlisted Action requiring SEQRA review and in conjunction therewith, the Town Board did prepare Part 1 of the Short Environmental Assessment Form (SEAF), and pursuant to SEQRA regulations, did submit said Part 1 to the Yates County Planning Board (hereinafter "YCPB"), an Involved Agency with the request that YCPB consent to the Town Board of the Town of Milo being the Lead Agency for this Unlisted Action, and

WHEREAS, the YCPB, pursuant to its Decision, dated January 25, 2018, did determine the proposed Action would have a positive County-wide or inter-municipal impact (i.e. a

Negative Declaration for SEQRA purposes) and pursuant to a Lead Agency Selection Agreement, dated January 25, 2018, did consent to the Town Board of the Town of Milo to be the Lead Agency for this Action, and

WHEREAS, the Town Board, with professional assistance, has completed Parts 2 and 3 of the SEAF, and reviewed the entire SEAF (including Part 1 of the same), and has considered the impacts identified, including those set out in the completed SEAF and analyzed such impacts and potential impacts in light of the criteria contained in 6 NYCRR §617.7(c) to determine if the proposed Action will have a significant impact on the environment, and

WHEREAS, a Determination of Non-Significance and a Statement of Findings (a copy of which is attached hereto), has been prepared and completed, with professional assistance, and 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, an Environmental Assessment File containing the completed Parts 1, 2, and 3 of the Short Environmental Assessment Form (SEAF), the Determination of Non-Significance, and the Statement of Findings, as well as all related environmental correspondence is available for public examination at the office of the Town Clerk during regular office hours, and

WHEREAS, the Town Board will now make its Determination of Significance, pursuant to 6 NYCRR, Part 617, § 617.7.

NOW, THEREFORE BE IT

RESOLVED & ORDERED, that the Town Board of the Town of Milo, after consideration and review of Part 2 of the Short Environmental Assessment Form (SEAF), the Determination of Non-Significance and the Statement of Findings, has now determined that the proposed Action (hereinafter "legislation") will not have a significant adverse impact on the environment based on the review of the potential impacts and analysis of the applicable criteria, as set forth in the

Determination of Non-Significance and Statement of Findings (attached hereto), and be it further

RESOLVED & ORDERED, that the Supervisor of the Town of Milo is hereby authorized to execute Part 3 of the Short Environmental Assessment Form (SEAF) to indicate this legislation will cause no significant adverse impact on the environment (and in fact will be beneficial); and that an Environmental Impact Statement need not be prepared, and be it further

RESOLVED & ORDERED, that this Resolution and Order has been prepared in accordance with Article 8 of the New York Environmental Conservation Law, and the Resolution and Order, and documents upon which it is based are available in the Town of Milo's office. The Town Clerk is authorized to file the Negative Declaration in accordance with applicable provisions of law and this Resolution and Order shall constitute a Negative Declaration. The requirements of SEQRA have been satisfied and this Resolution and Order shall take effect immediately as thereupon adopted, and be it further

RESOLVED & ORDERED, that copies of the executed Part 2 and Part 3 of the SEAF, the latter stating a Negative Declaration will be distributed to the other Involved Agency, listed hereinafter, and be it further

RESOLVED & ORDERED, that the town clerk is directed to post a copy of the Negative Declaration (Part 3 of the Short Environmental Assessment Form (SEAF)) in the town office on the town signboard and to file copies of this Resolution (with attachments), and appropriate Notice with the following Involved Agency:

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

and be it further,

RESOLVED & ORDERED, 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, and be it further

RESOLVED & ORDERED, that the Town=s file for this proposed legislation shall contain the completed Short Environmental Assessment Form (SEAF) and all related environmental correspondence, and shall be available for public examination at the office of the Town Clerk during regular office hours.

Seconded by Mr. Gene Spanneut and duly put to a vote with the following results:

AYES: Church, Harris, Spanneut

NOES: none

ABSTENTIONS: none

DATED: March 19, 2018

Patricia L. Christensen

Patricia L. Christensen  
Town Clerk  
Town of Milo

S E A L

Milo fld  
LL\_\_\_, 18 (wastewater)  
26a reso determin non-signif 617.7

RESOLUTION #19-2018\_\_\_\_\_  
RESOLUTION TO ENACT LOCAL LAW

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

WHEREAS, a proposed local law that would repeal, in its entirety, Chapter 331 "Wastewater Management Law" of the Code of the Town of Milo and replace simultaneously with a new Local Law, in regard to the regulation of On-Site Wastewater Treatment Systems (OWTS), so that wastewater is disposed of in a manner that will not create a health hazard, adversely affect the environment, create a nuisance, or impair the enjoyment or use of the

property, has been presented to the Town Board of the Town of Milo for enactment, and

WHEREAS, pursuant to Resolution #8-18 dated February 20, 2018, the legislative process was commenced to consider the enactment of this proposed Wastewater Management Local Law and at the same time the process of an environmental review, pursuant to the New York State Environmental Quality Review Act (SEQRA), was also commenced, and

WHEREAS, as part of the environmental review process, the Town of Milo did submit, pursuant to General Municipal Law Section 239-m, to the Yates County Planning Board for its review and comments the proposed Local Law, as well as the completed Part 1 of the Short Environmental Assessment Form, and

WHEREAS, the Yates County Planning Board, pursuant to General Municipal Law Section 239-m, determined that this proposed Local Law would have positive County-wide impact by unanimous vote on January 25, 2018, and

WHEREAS, a Resolution was duly adopted on February 20, 2018, by the Town Board of the Town of Milo calling for a public hearing to be held by said town board on March 19, 2019, 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 to repeal the present wastewater laws of the Town of Milo in its entirety and replace said wastewater laws simultaneously with new wastewater laws for the Town of Milo, 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 March 19, 2018 at 7:00 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 SEQRA review process resulting in a Negative Declaration determination, and

WHEREAS, the 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 & ORDERED, 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", which would repeal the present wastewater laws of the Town of Milo in its entirety and replace said wastewater laws simultaneously with new wastewater laws for the Town of Milo, is hereby approved, and it is further

RESOLVED & ORDERED, that the Town Clerk be and she hereby is directed to file the original enacted Local Law in the Record Book of Local Laws, as well as a certified copy of said Local Law in the Town Clerk's Minute Book, in the Office of the Town Clerk, and one certified copy of said enacted Local Law in the Office of the Secretary of the State of New York.

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

AYES: Church, Harris, Spanneut

NOES: none

ABSTENTIONS: none

This Resolution was thereupon adopted.

DATED: March 19, 2018

Patricia L. Christensen

Patricia L. Christensen  
Town of Milo Clerk  
Town of Milo



S E A L

Milo fld  
LL\_\_\_, 18 (wastewater)  
26a res adopt loc law (SEQR)(Milo)

**Resolution 20-18**

Introduced by: Councilperson Harris  
Seconded by: Councilperson Spanneut

**WHEREAS**, there is a vacant position on the Town of Milo Zoning Board of Appeals,

**NOW, THEREFORE BE IT**

**RESOLVED**, that Andy Siwak is appointed to the Zoning Board of Appeals for the term of 1/1/2018-12/31/2020.

Motion Carried:           Ayes: Church, Harris, Spanneut

Noes: none

**Resolution 21-18**

**Bill S3292/A3907 Safe Water Infrastructure Action Program (SWAP)**

Introduced by: Councilperson Spanneut  
Seconded by: Councilperson Harris

**WHEREAS**, New York State Senator James Tedisco is sponsoring a bill S3292/A3907 to create the Safe Water Infrastructure Action Program (SWAP), and

**WHEREAS**, the SWAP is designed to provide municipalities with water, sewer and storm water infrastructure, an annual supplemental funding stream to support operation and maintenance activities,

**NOW, THEREFORE BE IT**

**RESOLVED**, that Supervisor Church is authorized to send a letter of support for the SWAP to Senator O'Mara and Assemblyman Palmesano.

Motion Carried: Ayes: Church, Harris, Spanneut

Noes: none

**Resolution 22-18  
Priority Lakes Vulnerable to Harmful Algae Blooms (HABS)**

Councilperson Gene Spanneut offered the following Resolution and moved its adoption:

**WHEREAS**, on December 21, 2017, Governor Cuomo unveiled his 12<sup>th</sup> proposal of the 2018 State of the State; and

**WHEREAS**, this proposal is entitled, "Protecting New York's Lakes from Harmful Algae Blooms"; and .

**WHEREAS**, within this proposal are identified twelve priority lakes that are vulnerable to harmful algae blooms (HABs) and are critical sources of drinking water and vital tourism drivers; and

**WHEREAS**, the proposal provides nearly \$60 million in grant funding to implement action plans created by Steering Committees; and

**WHEREAS**, Keuka Lake is not one of the twelve lakes identified in this proposal; and

**WHEREAS**, Keuka Lake is vulnerable to HAB's; and

**WHEREAS**, Keuka Lake is the primary source of drinking water for the Villages of Penn Yan and Dresden and townships of Benton, Jerusalem, Milo and Pulteney; and

**WHEREAS**, Keuka Lake is a vital tourism driver for the Village of Penn Yan and Yates County alike.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town Board of the Town of Milo call upon Governor Andrew Cuomo, that New York State Senate and the New York State Assembly to expand the list of priority lakes in this proposal to include Keuka Lake.
2. The funding for Keuka Lake be included at the same level as the priority lakes already identified in this proposal.
3. Copies of this resolution be sent to Governor Andrew M. Cuomo, State Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, Senate Majority Leader John J. Flanagan, Senate Democratic Conference Leader Andrea Stewart-Cousins, Senate

Independent Democratic Conference Leader Jeffrey D. Klein, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Joseph D. Morelle and Assembly Minority Leader Brian M. Kolb.

4. Copies of this resolution shall be forwarded to the parties listed below:

Keuka Lake Association (KLA)	
Bluff Point Association	Town of Torrey
Keuka Watershed Improvement Cooperative (KWIC)	Town of Wayne
Town of Barrington	
Town of Benton	Village of Dresden
Town of Jerusalem	
	Village of Hammondsport Steuben County

Seconded by Councilperson Harris and duly put to a vote with the following results:

AYES: Church, Harris, Sorensen

NOES: none

ABSTENTIONS: none

### **New Business**

Supervisor Church reported the 20/20 Vision group scheduled a meeting to discuss grant opportunities for March 27<sup>th</sup> at 6:00 PM at the Village of Penn Yan. Councilperson Spanneut will attend.

The joint cleanup day with the Village of Penn Yan has been scheduled for May 5<sup>th</sup>.

### **Outstanding Business**

A preliminary meeting for the Bath Road Sewer project is scheduled for April 17<sup>th</sup> with Yates County Legislature Representative, Yates County's Engineer, the Town of Milo Representative, and the Town of Milo's Engineer.

## Monthly Reports-reviewed

Introduced by: Councilperson Harris  
Seconded by: Councilperson Spanneut

To pay abstracts as presented in the following amounts:

General A: \$ 22,855.79	SS-Sewer: \$ 14,078.20
General B: \$ 992.77	SW-Water: \$ 13,817.10
Highway DA: \$ 7,399.80	TA-Trust & Agency: \$ 12,284.10
Highway DB: \$ 11,046.60	SF-Fire :\$234,112.00

Motion Carried: Ayes: Church, Harris, Spanneut

Noes: None

Abstentions: none

## Public Comment

None

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

Motion Carried: Ayes: Church, Harris, Spanneut

Noes: none

Abstentions: none

Meeting adjourned at 8:00 PM.

Respectfully submitted,

Patricia L. Christensen  
Town Clerk