

Town of Milo  
Regular Meeting  
May 21, 2018

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

Excused: none

Others Present: Patricia L. Christensen, Town Clerk  
Bill Laffin  
Jeff Pfeiffer  
Mark Morris  
Patrick Grimaldi, Assessor  
Mike Christensen, Town Justice  
John Christensen, Chronicle Express

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**

Mr. Jim Pfeiffer, 1952 Outlet Road addressed the board concerning the speed limit on Outlet Road. After discussion, the board advised Mr. Pfeiffer to present a petition from the residence requesting a speed reduction. The board asked Town Clerk Christensen to request a speed detector trailer on Outlet Road for data collecting.

Introduced by: Councilperson Sorensen  
Seconded by: Councilperson Hallings

That the minutes of April 16, 2018 regular meeting and the minutes of May 2, 2018 special meeting be approved as written.

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

### **Committee Reports**

**Bicentennial Anniversary Committee-** Councilperson Dale Hallings presented a power point presentation of current highway projects and equipment.

**Highway-**Chairperson Hallings – spring/summer work of mowing, ditching repair of pot holes has begun.

**Personnel**-Chairperson Spanneut – received notification that Attorney Foster will be contacting the personnel committee with suggestions of the employee handbook.

**Zoning**-Chairperson Spanneut – the monthly meeting was held May 16<sup>th</sup>. Discussion was held to address the improper outdoor accumulations/storage of garbage and rubbish. Minutes on file.

**Assessor**-Chairperson Sorensen- grievance day is Tuesday, May 22<sup>nd</sup> at 4:00-8:00 PM. Next board meeting there will be a resolution regarding conducting a revaluation.

**Building & Grounds** Chairperson Harris- the stones between the sidewalk and the Town Hall building will be removed and replaced with concrete.

**Water & Sewer**-Councilperson Harris- monthly meeting was held May 16<sup>th</sup>. Approval was given to purchase tool boxes at a cost of \$1750.

**Agricultural**-Chairperson Hallings- a meeting will be held next month with YC Soil and Water. Public/training presentations will be in the early months of 2019.

**KWIC**- Supervisor Church – next meeting is May 29<sup>th</sup> at the Town of Wayne. KLOC held a special meeting to discuss grant application for gate repairs.

## **Board Action**

### **Resolution 25 -18**

#### **Robert Henderson Farm Resolution**

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

**WHEREAS**, New York State provides funding for the protection of valuable farmland through the NYS Dept. of Agriculture and Markets Farmland Protection Implementation Program and,

**WHEREAS**, four farms in Yates County have completed FPIG awards for the protection of over 1,000 acres of farmland”

**WHEREAS**, the Robert Henderson farm is located in the Town of Milo, has applied to Yates County to participate in the program through the Yates County Ag and Farmland Protection Board and,

**WHEREAS**, the Robert Henderson farm was selected through a competitive selection process by the Yates County Ag and Farmland Protection Board to apply to the state program and,

**WHEREAS**, the Finger Lakes Land Trust has agreed to apply to the state program on behalf of the Henderson farm and to hold, monitor and enforce the conservation easement should the project be funded and,

**WHEREAS**, the Town of Milo values the contributions and protection of agriculture in the town and recognizes the important opportunity the NYS Farmland Protection Implementation Program provides for farmers across the state.

**NOW THEREFORE BE IT RESOLVED**, the Town of Milo supports the application of the Robert Henderson farm for the NYS Farmland Protection Implementation Program, and be it further

**RESOLVED**, that Supervisor Church is authorized to send a letter of support.

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: May 21, 2018

Patricia L. Christensen

Patricia L. Christensen

Town Clerk

Town of Milo

S E A L

**Resolution 26-18  
John Deere Mower-Sale**

Introduced by: Councilperson Hallings

Seconded by: Councilperson Sorensen

**WHEREAS**, the Town Board of the Town of Milo at the April 16, 2018 meeting declared the John Deere 345 mower with deck surplus, and

**WHEREAS**, the Town Board of the Town of Milo authorized Highway Superintendent Yonge to sell said mower at auction, and

**WHEREAS**, a high bid of \$1,675.00 through Auctions International was received,

**NOW,**

**THEREFORE, BE IT RESOLVED**, Highway Superintendent, Yonge is authorized to sell the mower for \$1,675.00.

**Duly put to a vote as follows**

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

Noes: none

**Resolution 27-18  
Grinder Pump Replacement Cost**

Introduced by: Councilperson Sorensen  
Seconded by: Councilperson Spanneut

**WHEREAS**, the Town Board of the Town of Milo at a regular meeting on July 20, 2015 established fees for replacement of grinder pumps upon determination that replacement is warranted by the homeowner's negligence, and

**WHEREAS**, the Water and Sewer Committee reviewed the current fee and recommends an increase in cost of replacement pumps from \$578.00 to \$1,500.

**NOW,**

**THEREFORE, BE IT RESOLVED**, that the fee for replacement of grinder pumps, due to homeowner's negligence is \$1,500.

Duly put to a vote as follows:

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

Noes: none

**Resolution 28-18  
Water-Sewer Operator Equipment Purchases**

Introduced by Councilperson Spanneut  
Seconded by: Councilperson Harris

**WHEREAS**, tools and equipment are needed for the water and sewer department,  
and

**WHEREAS**, a budget was adopted for equipment and tools,

**NOW,**

**THEREFORE, BE IT RESOLVED**, the Water/Sewer Operator of the Town of Milo is authorized by the Town Board of the Town of Milo to purchase equipment, tools and other implements up to \$2,000 without prior approval of the Water/Sewer Committee or the Town Board, providing purchases are within the adopted budget line item.

Duly put to a vote as follows:

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

Noes: none

**Resolution 29-18  
Dundee Recreation Program**

Introduced by: Councilperson Hallings

Seconded by: Councilperson Harris

Authorizing Supervisor Church to sign agreement with the Village of Dundee for the Village of Dundee Recreation Program for the period June 1, 2018 – August 31, 2018.

Duly put to a vote as follows:

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

Noes: none

**Resolution 30-18  
NYS Unified Court System-Audit**

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

**WHEREAS**, Section 2019-a of the Unified Justice Court requires that town and village justices annually provide their court records and dockets to their respective town auditing board, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings, and

**WHEREAS**, the 2017 annual audit has been completed by EFPR Solutions

**NOW, THEREFORE BE IT RESOLVED**, that the Town Clerk of the Town of Milo is directed to send the completed audit to the New York State Unified Court System, and further be it

**RESOLVED**, that the Town Clerk is directed to send copy of said resolution to the NYS Unified Court System, and further be it

**RESOLVED**, that the Town Clerk is directed to enter the resolutions into the Town of Milo board minutes

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: May 21, 2018

Patricia L. Christensen

Patricia L. Christensen  
Town Clerk  
Town of Milo

S E A L

**Resolution 31-18  
RESOLUTION AUTHORIZING ATTORNEY  
TO INSTITUTE ACTION**

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

**WHEREAS**, the Town of Milo did, in 1997 with subsequent amendments, adopt legislation, which is titled the Building Construction and Fire Prevention Law of the Town of Milo, providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code, and

**WHEREAS**, the Town of Milo did, in November 1974 with subsequent amendments, adopt legislation, which is titled the Zoning Law of the Town of Milo, implementing zoning regulations to promote the health, safety and general welfare as well as to preserve the rural character of the Town by providing direction for orderly growth and development; and

**WHEREAS**, the legislation regarding the enforcement of the New York State Uniform Fire Prevention and Building Code provides for procedures for the Town of Milo to enforce any alleged violation(s), and

**WHEREAS**, the legislation regarding the enforcement of the Zoning Law provides for procedures for the Town of Milo to enforce any alleged violation(s), and

**WHEREAS**, Anthony Validzic, the Code Enforcement Officer of the Town of Milo, has brought to the attention of the Town Board of said Town that:

1. **Samuel W. McElwee** has permitted violations to remain unabated at **1646 Milo Center Road, Penn Yan**, which is more specifically known as **Tax Map Identification Numbers 74.02-1-2**. Such violations are not in compliance with the New York State Uniform Fire Prevention and Building Code; and
2. **Marsyl A. Sorce** has permitted violations to remain unabated at **3612 Route 14, Himrod**, which is more specifically known as **Tax Map Identification Numbers 100.01-1-3**. Such violations are not in compliance with the Building Construction and Fire Prevention Law as well as the Zoning Law of the Town of Milo.

**NOW THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Milo, Yates County, New York as follows:

**RESOLVED**, the Town Board of the Town of Milo hereby authorizes and directs Robert C. Foster, as attorney for the Town of Milo, to institute any and all legal proceedings necessary against:

1. **Samuel W. McElwee** who is the owner(s) of real property located at **1646 Milo Center Road, Penn Yan**, which is more specifically known as **Tax Map Identification Numbers 74.02-1-2**; and
2. **Marsyl A. Sorce** who is the owner(s) of real property located at **3612 Route 14, Himrod**, which is more specifically known as **Tax Map Identification Numbers 100.01-1-3**; and

in order to enforce the legislation of the enforcement of the New York State Uniform Fire Prevention and Building Code, the Building Construction and Fire Prevention Law of the Town of Milo as well as the Zoning Law of the Town of Milo.

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

AYES: Church, Hallings, Harris, Sorensen, Spanneut

NAYES: none

ABSTENTIONS: none

The Resolution was thereupon declared adopted.

Dated: May 21, 2018

**Patricia L. Christensen**

Patricia L. Christensen  
Town Clerk  
Town of Milo

**Resolution 32-18  
Payroll Liability**

Introduced by: Councilperson Hallings  
Seconded by: Councilperson Spanneut

**WHEREAS**, payroll liabilities are created with the bi-weekly payroll deductions, and

**WHEREAS**, the payment due date for payroll liabilities invoices are due prior to the regular Town Board meeting,

**NOW,**

**THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Milo authorizes the payment of the payroll liability bills prior to the regular board meeting held on the third (3<sup>rd</sup>) Monday of the month.

Duly put to a vote as follows:

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

                              Noes: none

**Resolution 33-18**

Standard Work Day-Elected Officials- Attached

**New Business**

Information was provided concerning Seneca Lake Watershed management plan memorandum of understanding for Seneca Lake Municipalities. Further discussion at the next board meeting.

Town of Canandaigua polices were provided for the Town Board to consider for the Town of Milo. Further discussion at the next board meeting.

**Outstanding Business**

A phone conference was held on May 15<sup>th</sup> with Town Engineer Firm, Larson Design, Yates County Airport Engineer, Financial Consultants, Municipal Solution, Town Clerk and Town Supervisor regarding the Bath Road sewer extension. Legalities are being worked on pertaining to grants and administration.

**Monthly Reports-reviewed**

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Harris

To pay abstracts as presented in the following amounts:

General A: \$ 12,466.19

General B: \$ 874.75

Highway DA: \$ 4,470.29

Highway DB: \$ 4,481.18

SS-Sewer: \$ 17,034.00

SW-Water: \$ 7,733.05

TA-Trust & Agency: \$

V-Debt Service: \$

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

                              Noes: None



Abstentions: none

### Public Comment

None

Introduced by: Councilperson Harris  
Seconded by: Councilperson Spanneut

To enter into executive session for discussions relating to discuss the employment history of a particular person and to include, Town Clerk Patricia Christensen and Assessor Patrick Grimaldi.

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

Noes: None

Abstentions: none

The board entered into executive session at 8:35 PM.

Introduced by: Councilperson Spanneut  
Seconded by: Councilperson Sorensen

To reconvene to regular session.

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

Noes: None

Abstentions: none

The board reconvened at 9:05 PM.

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

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

Noes: none

Abstentions: none

Meeting adjourned at 9:10 PM.

Respectfully submitted,

Milo Town Board  
Regular Meeting  
2018-05-21

Patricia L. Christensen  
Town Clerk