

Town of Milo
Special Meeting
May 2, 2018

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

Others Present: Patricia L. Christensen, Town Clerk
Robert Fox, EFPRSolutions (9:15)
Shelby Bennett, EFPRSolutions (9:15)
Tina DeNigro, EFPRSolutions (9:15)

Supervisor Church opened the special meeting at 9:00 AM at the Town of Milo Hall, 137 Main Street, Penn Yan, NY.

Introduced by: Councilperson Hallings
Seconded by: Councilperson Harris

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 9:00 AM.

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 9:10 AM.

Resolution No. 24 -2018

Approval of Payment of Claim For Town Highway Department Truck Motor Vehicle Accident

Motion by Councilperson Spanneut,

seconded by Councilperson Hallings to adopt the following resolution:

WHEREAS, on or about January 1, 2018 at 8:35 A.M. a Town Highway Department vehicle was involved in a property damage accident at the intersection of Main Street with Water Street/Seneca Street in the Village of Penn Yan; and

WHEREAS, a claim has been filed against the Town by the owner of the motor vehicle involved in that accident, to wit: Charles Freeland, seeking payment in the amount of \$965.13 for damages to his automobile; and

WHEREAS, an estimate for repair of the Freeland automobile has been received from Marble's Automotive Inc., substantiating the amount of the damage claim; and

WHEREAS, legal counsel has been consulted by the Town on the issue of liability of the Town for the damage to the Freeland automobile and legal counsel has submitted a written memorandum advising that the Town may be liable pursuant to the rules of negligence applicable to the circumstances of the subject accident; and

WHEREAS, the Town's motor vehicle liability insurance policy deductible amount exceeds the amount of the claim for damages and accordingly insurance coverage for payment of the claim is unavailable..

NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board of the Town of Milo determines and finds that the Town is liable for the damage caused to the automobile owned by Charles Freeland, that being a 2014 Ford Focus, in the accident with a Town owned and operated pickup truck on January 1, 2018 at approximately 8:35 A.M. at the intersection of Main Street with Water Street/Seneca Street in the Village of Penn Yan.
2. The Town Supervisor is authorized and directed to make payment to Charles Freeland in the amount of \$965.13 as and for the damages to the 2014 Ford Focus automobile, from the appropriate Town account fund.
3. As a condition precedent to such payment, the execution of an appropriate release shall be required, which executed release shall be filed in the office of the Town Clerk of the Town of Milo.

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

Noes: none

This resolution was hereby adopted.

May 2, 2018

Patricia L. Christensen

Town Clerk

Tina DeNigro, EFPRSolutions presented the board the financial summary from the annual update document filed with the Office of the State Comptroller.

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 Supervisor Church

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

Noes: none

Abstentions: none

Meeting adjourned at 10:22 AM.

Respectfully submitted,

Patricia L. Christensen
Town Clerk