

The Milan Town Board held their Regular Town Board Meeting on 04/18/22 at 7:00 pm at the Milan Town Hall.

Present: Supervisor Alfred Lo Brutto
Councilpersons Debra Blalock, Jack Campisi, William Jeffway
Absent: Councilperson Douglas Raelson

The Supervisor opened the meeting with the Pledge of Allegiance.

BID:

Town Hall Exterior Painting:

Artisan Partners LLC
26 S. Franklin Street
Athens, NY 12015

Prep, painting and cleanup – labor and materials - \$31,800.00
Carpentry – labor and materials - \$9,000.00

JL Building and Renovations Inc.
79 Fancor Road
Clinton Corners, NY 12514

Scrape all loose paint and sand areas. Replace rotted trim boards, prime all sanded and filled areas with 0-94 oil based Benjamin Moore, caulk all gaps, apply 2 coats Benjamin Moore Regal, oil prime with 0-94 Benjamin Moore fast dry, 2 coats regal select low luster brilliant white.
\$18,875.00

BID:

Storage Shed Replacement Cover

The Autumn Breeze Group, Inc.
Brian Woodward
628 Sunset Lakes Blvd. SW
Sunset Beach, NC 28468

Bid Price: \$40,970.00

MINUTES: Public Hearing 03/21/2022 Local Law # 4 of 2022. **MOTION** by Supervisor Lo Brutto seconded by Council. Jeffway to accept these minutes as written. Roll was taken and carried. YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO-0

Absent – 1 Raelson

MINUTES: Regular Town Board Meeting – 03/21/2022. **MOTION** by Supervisor Lo Brutto seconded by Council. Jeffway to accept these minutes with correction. Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

CORRESPONDENCE

Resignation letter from Justice Mattson as of April 15, 2022.

Each board member received a copy of the Financial Report for the month of March.

BUSINESS

Ryan Morrison, PE from Tighe & Bond gave a presentation to the town board “of the goals and objectives of the Culvert Inventory and Prioritization” study that will be performed over the summer. He handed out to the board a brochure which would show “practical, effective, long-term solutions for protecting and restoring stream continuity”.

Local Law # 5 of 2022- Amending Sections 5 and 21 of Chapter 200 (Zoning) of the Code of the Town of Milan

MOTION offered by Council. Campisi seconded by Supervisor Lo Brutto

BE IT ENACTED by the Town Board of the Town of Milan Local Law No. 5 of 2022 amending Sections 5 and 21 of Chapter 200 (Zoning) of the Code of the Town of Milan as follows and waive its reading:

200-5 Definitions:

Wireless Communication Facility

Add the following to the beginning of the second sentence:

Small Cell Communication Facility, Distributed Antenna System,

And change Radio to radio.

Add the following to 200-21 B. (2) (c):

[1] Authorization from the owner of property on which any Wireless Communications Facility will be installed shall be provided verifying the granting of access and permission for the installation of all equipment and facilities on property.

[2] Certification of a licensed professional engineer that any supporting poles and foundation are properly sized and have sufficient strength to accommodate the equipment structural

loads, including, but not limited to weight, wind, ice and seismic activities in accordance with the NYS Building Code.

Add the following to 200-21 B. (3):

(d) All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the supporting pole.

Add the following to 200-21 C.:

(5) In the event that installation of a proposed Wireless Communications Facility requires disturbance to surrounding land, the applicant shall be responsible for restoring the site to its original condition.

Add the following to 200-21 E. (3)(e) after the sentence ending with "to show the view behind the barrier.":

If any portion of the proposed location of the facility is within a municipal right-of-way, the site plan shall show the legal bounds of the right-of-way and a drawing of the location of all equipment within the right-of-way, including the location of any buried conduit.

Delete the contents of 200-21 K. Insurance, and replace with the following:

(1) A holder of a Permit for a Wireless Communications Facility shall secure and maintain Public Liability Insurance for personal injuries, death, and property damage, and umbrella insurance coverage for the duration of the Permit in amounts as set forth below: (I) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate; (ii) Automobile Coverage: \$1,000,000.00 per occurrence/\$2,000,000 aggregate; (iii) Workers Compensation and Disability: Statutory amounts.

(2) The Commercial General Liability insurance policy shall specifically include the Town and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.

(a) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State of New York and with a Best's rating of at least A.

(b) The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town Clerk and Building Inspector with at least 30 days' prior written notice in advance of the cancellation of any insurance policy.

(c) Renewal or replacement policies or certificates shall be delivered to the Town Clerk and Building Inspector at least 15 days before the expiration of the insurance that such policies are to renew or replace.

(d) Before construction of a permitted Wireless Communication Facility is initiated, but in no case later than 15 days after the grant of the Permit hereunder, the holder of the Permit shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

(3) Indemnification.

(a) Any application for a Wireless Communications Facility that is proposed on Town-owned property shall contain a provision requiring the applicant, to the extent permitted by the Law,

to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of the facility, excepting, however, any portion, of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorney's fees, consultant's fees, and expert witness fees are included in those costs that are recoverable by the Town.

(b) Notwithstanding the requirements noted in subsection (a) of this section, an indemnification provision will not be required where the Town itself applies for and secures a Permit for a Wireless Communications Facility. Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

Rescind Appointment (Flood-Myers)

MOTION by Supervisor Lo Brutto seconded by Council. Blalock to rescind the appointment of Kelly Flood-Myers, Esq. as prosecutor to the Milan Town Court.

Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

Appointment – Assessor

MOTION by Supervisor Lo Brutto seconded by Council. Blalock to appoint Vicki McKenzie as assessor to fill the vacancy caused by the resignation of Thomas Darby, at an annual salary of \$12,000.00, prorated. Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

Resolution # 6 of 2022 – Temporary Appointment of Town Justice

Resolution offered by Council. Campisi seconded by Council. Blalock

WHEREAS, due to the resignation of a sitting Town Justice, there is a vacancy in the position of Town Justice in the Town of Milan; and

WHEREAS, the Town Board is authorized under Town Law to make a temporary appointment until the vacancy is filled at the general election in November; and **WHEREAS**, this is a position that requires certain training, knowledge and experience; and

WHEREAS, the Town Board is authorized to waive the residency requirements for such temporary appointment for up to one (1) year;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Milan hereby appoints JOHN B. KANE, JR. to the position of Town Justice at an annual salary of \$19,835.00, pro-rated, effective April 18, 2022 through December 31, 2022, and further waives the residency requirements for such appointment. Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

Cover for Storage Building/Highway

MOTION by Council. Campisi seconded by Council. Jeffway to accept the bid of Autumn Breeze Group for \$40,970.00 to replace the cover on the storage building at the Highway Department. Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

TRANSFERS:

MOTION by Council. Campisi seconded by Council. Blalock to transfer \$700.00 from 1220.4 (Supervisor Contractual) to 1220.2 (Supervisor Equipment). Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

MOTION by Council. Campisi seconded by Council. Blalock to transfer \$1,800.00 from 8020.4 (Planning Contractual) to 8020.2 (Planning Equipment). Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

Council. Campisi informed the board that the town has \$240,000.00 from the federal government that has to be spent. He suggested that the town put in electric vehicle chargers at the highway and some at the town hall. Supervisor said that the town should get some numbers so the board can decide how many to put at the town hall. Discussion continued and various comments were made on this issue.

BILLS: the bills were presented to the board for their audit and review. **MOTION** by Supervisor Lo Brutto seconded by Council. Blalock to pay General Abstract #4 Claims 115 thru 161, totaling \$18350.01 – Highway Abstract #4 Claims 38 thru 56, totaling \$36,676.78. Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent – 1 Raelson

MOTION by Supervisor Lo Brutto seconded by Council. Jeffway to adjourn this meeting. (7:50 pm). Roll was taken and carried.

YES 4 - Blalock, Campisi, Jeffway, Lo Brutto

NO – 0

Absent -1 Raelson