

**MINUTES** of a Special Meeting of the Village Board of Trustees held Friday, February 26<sup>th</sup>, 2016 at 9:00AM Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT:** Mayor L MacKerchar; Trustees C. Benedict; C. Christensen; D. Reeve; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen

**ABSENT:** Trustees W. Allison, B. Church; Police Chief M. Hulse; CEO B. Lyon; Fire Chief M. Clancy

**News Media present:** Gwen Chamberlain, Chronicle Express, David Specksgoor, and Dundee Observer

**PUBLIC:**

Mayor MacKerchar called the Special Village Board meeting to order at 9:00 AM

Atty. Brockman explained we have 3 easements, 2 are permanent and 1 is a temporary. These are regarding Monell Street, Roto Salt and a temporary access easement. These are for the improvement of the infrastructure on Lake / Monell Streets. Atty. Brockman mentioned the SEAF goes with the 3 easements, an area that was part of Monell Street down towards the outlet, where the village had used as a turn around. Roto Salt is requesting the Village to convey that to Roto Salt. Brent Bodine mentioned the Village no longer needs it. Atty. Brockman explained there is a Quit Claim Deed that would convey any interest the Village has in that property to Roto Salt. The property is a parking lot - 36' X 77'. Atty. Brockman stated the SEAF and Resolution cover the easements and Quit Claim Deed.

Atty. Brockman reviewed in full the SEAF (Short Environmental Assessment Form) regarding the Easements for municipal utility infrastructure – Monell Street area.

**MOTION** by Trustee Benedict, Seconded by Trustee Christensen to adopt the (Short Environmental Assessment Form) SEAF (Part 1 and Part 2) regarding the Easements for municipal utility infrastructure and authorize the Mayor to execute it.

**ADOPTED** Ayes 5 MacKerchar, Benedict, Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Allison, Church

Atty. Brockman explained Resolution 31-2016 is to authorize 3 easements (PE-1, PE-2 and TE-1) as well as the Quit Claim deed.

**MOTION** by Trustee Reeve, seconded by Trustee Christensen to authorize Resolution No 31-2016 Proposed Easement across Premises Owned by Roto Salt Company, Inc. for Utility Infrastructure.

**WHEREAS**, the Village of Penn Yan requires easements for municipal utility infrastructure on property owned by Roto Salt Company, Inc., in the Village of Penn Yan and the Village will transfer to Roto Salt Company, Inc. as consideration for those easements, the Village's interest in an abandoned portion of Monell Street; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan intends to act as "Lead Agency" for this action for SEQRA purposes;

**Now Therefore, Be It Resolved That:**

1. The Board of Trustees designates itself as "Lead Agency" for SEQRA purposes of this action, declares this to be an "Unlisted Action" and therefore a Short Environmental Assessment Form (SEAF) will be prepared.

2. The Board of Trustees approves the acquisition of the easements from the Roto Salt Company, Inc., for municipal utility infrastructure and the Mayor is authorized and directed to execute such easement agreements as well as any documents required with respect thereto in a format approved by the Director of Public Works and the Village Attorney. The Board of Trustees further approves the transfer to Roto Salt Company, Inc. of its interest in an abandoned portion of Monell Street as consideration for the granting of said easements and the Mayor is authorized and directed to execute documents required to effectuate said transfer.

**ADOPTED** Ayes 5 MacKerchar, , Benedict, Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Allison, Church

**MOTION** by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 32-2016 Regarding Annexation of Territory for an Extension of Elmwood Avenue.

**WHEREAS**, the Village of Penn Yan (Village) in undertaking annexation of territory in the Town of Milo, which territory is owned by the Village, for the purpose of extending Elmwood Avenue to Himrod Road; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan duly adopted a Resolution, which declared the Board of Trustees as lead agency for SEQRA purposes, determined the action to be “unlisted” and directed the Mayor to request the consent of the Town Board of the Town of Milo for such annexation, which consent was granted by Resolution duly adopted by the Town Board of the Town of Milo on January 19, 2016 pursuant to the provisions of Section 706 of Article 17 of the General Municipal Law; and

**WHEREAS**, a public hearing was held by the Board of Trustees of the Village of Penn Yan, on that issue upon due notice having been given, on February 16, 2016; and

**WHEREAS**, discussion has been had by the Board of Trustees regarding the issues of whether it is in the overall public interest to effectuate the annexation; and

**WHEREAS**, the Board of Trustees has reviewed and completed a proposed Short Environmental Assessment Form (SEAF) pertaining hereto and adopted same.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees determines that it is in the overall public interest to approve the proposed annexation considering:

A. The effects on the territory to be annexed. – The territory to be annexed will be used exclusively for municipal purposes, primarily as a Village Street providing access for ingress and egress for a residential area of the Village that presently has insufficient means of ingress and egress.

B. The effects upon the local government to which the territory is to be annexed.

The annexation of the subject territory will not have any negative effect on the Village. The territory will be used as a Village Street to provide additional access to a residential area.

C. The effects upon the remaining territory of the municipality in which the territory proposed to be annexed is presently located.

The territory proposed to be annexed is approximately two (2) acres. The loss of tax base to the Town of Milo will be minimal. The location of the territory is not of significance to the Town.

D. The effects upon the school district of the proposed annexation.

The territory proposed to be annexed is in the Penn Yan Central School District. Annexation will not result in any negative changes that affect the Penn Yan Central School District.

2. The Board of Trustees hereby approves the proposed annexation and directs that a certified copy hereof, subsequent to signature hereon by members of the Board of Trustees present at the Meeting at which this Order, was adopted, be filed with the Town Clerk of the Town of Milo and that such other actions as are necessary to implement and effectuate such annexation be carried out by the Mayor and the Village Clerk/Treasurer.

3. In the event that there is any existing municipal debt on the part of the Town of Milo applicable to the territory proposed to be annexed, such debt shall be apportioned for such territory and shall be a charge upon and be paid by the Village of Penn Yan pursuant to the provisions of §708 of the General Municipal Law.

4. Rights with respect to real or personal property pertaining to the territory to be annexed shall be disposed of pursuant to §707 of the General Municipal Law.

5. Any real property taxes and other charges against the territory proposed to be annexed shall be disposed of pursuant to §710 of the General Municipal Law.

**ADOPTED** Ayes 5 MacKerchar, Benedict, Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Allison, Church

Discussion: Atty. Brockman asked that each Trustee sign Resolution No 32-2016.

**ADJOURNMENT:**

At 9:20AM **MOTION** by Trustee Benedict, seconded by Trustee Christensen to adjourn the Special Village Board meeting

**ADOPTED** Ayes 5 MacKerchar, Benedict, Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Allison, Church

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Mary Ann Martin/ Deputy Village Clerk