

**MINUTES** of a Special Meeting of the Village Board of Trustees held Friday, October 26, 2012 at 10:00AM Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT:** Mayor R. Church; Trustees; M. Christensen; D. Reeve; R. Stewart; B. Winslow; Attorney Ed Brockman

**ABSENT:** Trustees W. Allison; C. Christensen; Clerk/Treasurer S. Wilber; Police Chief Hulse; Director of Public Works B. Bodine Assistant Director of Public Works B. Jensen; CEO B. Lyon; Fire Chief R Simpson

**News Media present:** None

**PUBLIC:** None

Mayor Church called the Special Village Board meeting to order at 10:05 AM

MOTION by Trustee M. Christensen, seconded by Trustee Winslow to call for an Executive Session for medical and employment history of employees.

ADOPTED Ayes 5 Church, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Absent: Allison, C. Christensen

**MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to authorize Resolution No 52-2012 – Regarding Petition for Annexation by Dale Lane for property on Sherman Street.

**WHEREAS**, A Petition was received by the Village Clerk on or about September 4, 2012 on behalf of Dale A. Lane for annexation to the Village of Penn Yan of the premises located on the west side of Sherman Street, Penn Yan, New York 14527, pursuant to Article 17 of the General Municipal Law of the State of New York; and

**WHEREAS**, copies of the Petition For Annexation, together with supporting documents have been provided to the individual members of the Board of Trustees; and

**WHEREAS**, subsequent to receipt of said Petition the Board of Trustees of the Village of Penn Yan duly adopted a resolution scheduling a joint public hearing with the Town Board of the Town of Milo, pursuant to the provisions of Article 17 of the General Municipal Law, the subject premises being situate in said Town of Milo; and

**WHEREAS**, a public hearing was held jointly between the Board of Trustees of the Village of Penn Yan and the Town Board of the Town of Milo, upon notice having been given as pertains to the Board of Trustees, on October 16, 2012 at 6:00p.m. at the Penn Yan Village Hall, 111 Elm Street, Penn Yan, New York 14527; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan has adopted Resolution No. \_\_\_ - 2012, which declared the Board of Trustee as lead agency for SEQRA purposes and determined the action to be “unlisted”; and

**WHEREAS**, discussion has been had by the Board of Trustees regarding the issues of whether the Petition complies with Article 17 of the General Municipal Law and whether it is in the overall public interest to approve the annexation; and

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

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees adopts the SEAF and directs that a Negative Declaration be issued with respect thereto and that said SEAF and Negative Declaration be posted.
2. The Board of Trustees determines that the Petition herein complies with the provisions of Article 17 of the General Municipal Law in that, it describes the territory proposed to

Be annexed, is signed by the owner of 100% of the assessed valuation of the territory proposed to be annexed, a certified statement by the Assessor for the Town of Milo as to the territory proposed to be annexed is attached to the petition; the petition has been duly served upon the Clerk of the Village of Penn Yan, as well as, upon information and belief, the Clerk of the Town of Milo and the petitioner’s signature thereon has been duly acknowledged.

3. 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 annexation will permit that territory to be served by the Village water, sewer and electric systems. The Village has policy of not providing water and sewer service to individual properties outside the Village unless part of a water and/or sewer district.

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 for construction of dwellings. Any additional municipal services that may be required will not place any undue burden upon the municipal government.

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 0.623 acre. The loss of tax base 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 changes that affect the Penn Yan Central School District.

4. The Board of Trustees hereby approves the proposed annexation and directs that certified copies hereof, subsequent to signature hereon by members of the Board of Trustees present at the Meeting at which this "Order, Resolution and Determination" 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.

5. 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.

6. 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.

7. 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.

8. In the event that the Town Board of the Town of Milo determines that it is not in the over-all public interest to approve the proposed annexation, the Clerk shall file a certified copy of the "Order, Resolution and Determination" made by each of the Village of Penn Yan and the Town of Milo with the Yates County Clerk within ten (10) days of filing of such "Order, Resolution and Determination" with the Clerk of the Village of Penn Yan.

**ADOPTED** Ayes 5 Church, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Absent: Allison, C. Christensen

At 10:20AM Enter into Executive Session.

At 11:10AM **MOTION** by M. Christensen, seconded by Trustee Reeve to leave Executive Session and return to the Special Village Board meeting.

**ADOPTED** Ayes 5 Church, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Absent: Allison, C. Christensen

At 11:10 AM, **MOTION** by Trustee Winslow, seconded by Trustee Reeve to adjourn the Special Village Board meeting

**ADOPTED** Ayes 5 Church, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Absent: Allison, C. Christensen

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Mary Ann Martin, Deputy Clerk