

Town of Milo
Town Board
Special Meeting
Joint Meeting with Village of Penn Yan
July 18, 2017

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

Excused: Dale Hallings, Councilperson

Others Present: Patricia L. Christensen, Town Clerk
Sign In Sheet on file

Supervisor Church opened the special meeting with the pledge of allegiance at 6:00 PM at the Village of Penn Yan Hall, 111 Elm Street, Penn Yan, NY.

A **Motion** was made by Councilperson Spanneut and seconded by Councilperson Sorensen authorizing Mayor MacKerchar to preside over the meeting

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

Noes: none

Introduced by: Councilperson Spanneut

Seconded by: Councilperson Sorensen

To open the public hearing for the proposed annexation of approximately 4.464 acres on the easterly side of New York State Route 14A being part of Tax Map Parcel No. 61.02-1-6.

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

Noes: none

The public hearing was opened at 6:05 PM.

All persons desiring to be heard, having been heard, a **Motion** was made by Councilperson Spanneut to close the public hearing, seconded by Councilperson Harris.

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

Noes: none

The Public hearing was closed at 6:15 PM.

TOWN OF MILO
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
PURSUANT TO 6 NYCRR, PART 617
DETERMINATION OF NON-SIGNIFICANCE
NEGATIVE DECLARATION
FOR PROPOSED ANNEXATION OF REAL PROPERTY IN
TOWN OF MILO TO VILLAGE OF PENN YAN

RESOLUTION #39 - 2017

At a Special Meeting of the Town Board of the Town of Milo, Yates County, New York, held at the Village of Penn Yan Hall, 111 Elm Street, Penn Yan, New York on July 18, 2017 at 6:00 p.m. there were:

PRESENT: Leslie Church
James Harris
Arden Sorensen
Gene Spanneut

ABSENT: Dale Hallings

being all the members of the town board.

Mr. Gene Spanneut offered the following Resolution and moved its adoption:

WHEREAS, a Petition for Annexation, pursuant to Section 703 of the General Municipal Law, having been presented to the Town Board of the Town of Milo by The McFetridge Irrevocable Family Trust in regard to real property situate on New York State Route 14A, in the Town of Milo, Yates County, New York, as more particularly described in Schedule A attached hereto; said Petition having been received and filed by the Town of Milo on May 30, 2017, and

WHEREAS, the Petition proposes to annex the above mentioned real property from the Town of Milo to the Village of Penn Yan, and

WHEREAS, the Petitioner/Applicant has submitted a completed Part I of the Short Environmental Assessment Form (SEAF), in order to perform a New York State Environmental Quality Review (SEQR) of the proposed Unlisted Action, which said review is an Uncoordinated Review, and

WHEREAS, the Town Board has reviewed Part I of the SEAF and has determined that the proposed action is an Unlisted Action, requiring SEQR review, and

WHEREAS, 6 NYCRR §617.6(b)(4) states that for an Uncoordinated Review of an Unlisted Action, each Involved Agency may proceed as if it were the only Involved Agency when making its determination of significance before acting on the matter before it, and

WHEREAS, the Town Board intends to act as a Lead Agency and to independently conduct an environmental review and determine the significance of the proposed Annexation under the provisions of the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617, and

WHEREAS, the Town Board has independently considered the information written within the submitted SEAF and has considered the criteria contained in 6 NYCRR §617.7(c) to determine if the proposed Action will have a significant impact on the environment, and

WHEREAS, the town board has reviewed and completed with professional assistance Part II of the SEAF.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Milo is hereby designated as a Lead Agency in accordance with 6 NYCRR, Part 617, in compliance with Article 8 of the New York State Environmental Conservation Law, for the purpose of determining the environmental significance of this proposed action to Annex the real property referred to above from the Town of Milo to the Village of Penn Yan, and be it further

RESOLVED, that the proposed Annexation will not result in any large and important certain environmental impacts and, therefore, is one which will not have a significant impact on the environment, and be it further

RESOLVED, that the Town's file for this proposed Annexation shall contain the completed SEAF and all related environmental correspondence, and shall be available for public examination at the office of the Town Clerk during regular office hours, and be it further

RESOLVED, that the Supervisor of the Town of Milo is hereby authorized to sign Part III of the Short Environmental Assessment Form containing the Determination of Non-Significance, indicating the project will not have a significant impact on the environment; i.e. a Negative Declaration, and be it further

RESOLVED, that the Town clerk is Directed to post a copy of the Negative Declaration in the town office and to file a copy of this Resolution in the Town of Milo Office and with the other Lead Agency, the Village of Penn Yan, and be it further

RESOLVED, that this Resolution and Appropriate Notice be deemed a Determination of Non-Significance in accordance with 6 NYCRR, Parts 617.6, 617.7 and 617.12.

Seconded by Mr. James Harris and duly put to a vote with the following results:

AYES: Church, Harris, Sorensen, Spanneut

NOES: none

ABSTENTIONS: none

DATED: July 18, 2017

Patricia L. Christensen

Patricia L. Christensen
Town Clerk
Town of Milo

S E A L

Milo fld
2017/McFet Trst Annex
Reso neg dec (SEAF)

SCHEDULE "A"

PROPOSED DESCRIPTION OF LANDS TO BE ANNEXED TO THE VILLAGE OF PENN YAN

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the Town of Milo, County of Yates, State of New York, known and distinguished as part of Lot No. 30 in said Town and being more particularly bounded and described as follows:

Beginning at a point on the easterly highway boundary of New York State Route 14A (Dundee-Penn Yan S.H. No. 5324) as shown on New York State Department of Transportation of Appropriation Map 15 as Parcel 18 at its intersection with the division line between the lands now or formerly of The McFetridge Irrevocable Family Trust as described in Deed Instrument No. 20Q7-00001628 on the south and the lands now or formerly of Yates County Industrial Development Agency as described in Liber 397 of Deeds at Page 795 on the north, said line also being the division line between the Town of Milo on the south and the Village of Penn Yan on the north; thence North 88 deg. 22 min. 32 sec. East along the said Town/Village line and the division line between the said lands of The McFetridge Irrevocable Family Trust on the south and the said lands of Yates County Industrial

Development Agency & the lands now or formerly of Coach & Equipment Manufacturing Corp. as described in Deed Instrument No. 2010-00001615 in part by each, on the north, a distance of 588.56 feet to a point; thence through the said lands of The McFetridge Irrevocable Family Trust, the following two (2) courses and distances: 1.) South 29 deg. 19 min. 18 sec. East a distance of 236.58 feet; and 2.) South 58 deg. 40 min. 50 sec. West a distance of 503.02 feet to a point on the said easterly highway boundary of New York State Route 14A (Dundee-Penn Yan S.H. No. 5324); thence North 31 deg. 19 min. 10 sec. West along said easterly highway boundary of New York State Route 14A (Dundee-Penn Yan S.H. No. 5324), a distance of 528.00 feet to the point of beginning. Containing 4.464 acres of land, more or less.

TOWN BOARD
TOWN OF MILO
DETERMINATION, RESOLUTION, & ORDER

RESOLUTION #40 -17

At a Special Meeting of the Town Board of the Town of Milo, Yates County, New York, held at the Village of Penn Yan Hall, 111 Elm Street, Penn Yan, New York on July 18, 2017 at 6:00 p.m. there were:

PRESENT: Leslie Church
James Harris
Arden Sorensen
Gene Spanneut

ABSENT: Dale Hallings

being all of the members of the town board.

Mrs. Leslie Church offered the following Determination, Resolution and Order and moved its adoption:

WHEREAS, a Petition for Annexation, together with supporting documentation, having been received by the Town Clerk on or about May 30, 2017 on behalf of The McFetridge Irrevocable Family Trust for Annexation to the Village of Penn Yan of 4.464 acres on the easterly side of New York State Route 14A being part of Tax map parcel NO.61.02-1-6, and

WHEREAS, copies of the Petition for Annexation, together with supporting documents have been provided to the individual members of the Town Board, and

WHEREAS, subsequent to receipt of said Petition, the Town Board of the Town of Milo duly adopted a Resolution scheduling a Joint Public Hearing with the Board of Trustees of the Village of Penn Yan, 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 Joint Public Hearing was held between the Town Board of the Town of Milo and the Board of Trustees of the Village of Penn Yan, on July 18, 2017 at 6:00 p.m. at the Penn Yan Village Hall, 111 Elm Street, Penn Yan, New York, upon due notice having been given by publication and posting, together with a mailing of copies thereof to the Petitioner herein, the Penn Yan Central School District, and the Fire Chief of the Village of Penn Yan Fire Department, and

WHEREAS, the Town Board of the Town of Milo has adopted Resolution #34-17, which declared the Town Board as Lead Agency for SEQR purposes and determined the action to be "Unlisted", and

WHEREAS, discussion has been had by the Town Board regarding the issues of whether the Petition complies with Article 17 of the General Municipal Law and whether it is in the over-all public interest to approve the Annexation, and

WHEREAS, the Town Board has reviewed and completed a proposed Short Environmental Assessment Form (SEAF) pertaining hereto, and

NOW, THEREFORE BE IT DETERMINED, RESOLVED, & ORDERED that in regard to said Petition for Annexation, the following Findings are made:

1. The Town Board determines that the Petition herein complies with the provisions of Article 17 of the GML in that: it states the number of inhabitants of the territory proposed to be annexed; 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 Town of Milo Assessor, as to the territory proposed to be annexed is attached to the Petition; the Petition has been duly served upon the Clerk of the Town of Milo, as well as, upon information and belief, the Clerk of the Village of Penn Yan and the Petitioner's signature thereon has been duly acknowledged.

2. That the Town Board finds that the approval of the Annexation is in the over-all public interests of:

A. The effects on the territory to be Annexed. The Petition requests that upon Annexation, that it be able to receive Village of Penn Yan water. The Town of Milo does not have a Water District in this part of the Town and there are no Districts in that part of Town contemplated at this time. Also, the Village of Penn Yan has a policy of not providing water and sewer service to individual properties outside the Village unless part of a water and/or sewer district. The annexed territory will also receive police services from the Village Police Department.

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. Upon information and belief, the territory will be used for construction of a commercial business to serve the residents of the area. Any additional municipal services that may be required will not place any undue burden upon the municipal government. The territory will be added to the Village tax roll.

C. The effects upon the remaining territory of the municipality (Town of Milo) in which the territory proposed to be annexed is presently located. The territory proposed to be annexed is 4.464 acres. The territory to be annexed will remain subject to Town taxation, but at a lower rate than presently.

D. The effects upon the school district, fire district or other district corporation, public benefit corporation, fire protection district or town or county improvement district situate wholly or partly in the territory proposed to be Annexed. The territory proposed to be annexed is in the Penn Yan Central School District. Annexation will not result in any changes that will negatively affect the Penn Yan Central School District. This parcel will continue to be served for fire protection by the Village of Penn Yan Fire Department.

3. The Town Board hereby approves the proposed Annexation and directs that certified copies hereof, subsequent to signature hereon by members of the Town Board present at the Meeting at which this "Determination, Resolution and Order" was adopted, be filed with the Village Clerk of the Village of Penn Yan, and that such other actions as are necessary to implement and effectuate such annexation be carried out by the Town Supervisor and the Town Clerk.

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

Seconded by Mr. Gene Spanneut and duly put to a vote as follows:

AYES: Church, Harris, Sorensen Spanneut

NOES: none

ABSTENTIONS: none

This Resolution & Order was thereupon adopted and shall take effect immediately.

DATED: July 18, 2017

Signature on File
Leslie Church, Supervisor

_____ Absent

Dale G. Hallings, Councilperson

_____ Signature on File

James Harris, Councilperson

_____ Signature on File

Arden Sorensen, Jr., Councilperson

_____ Signature on File

Gene Spanneut, Councilperson

Milo fld
2017/McFet Trst Annex
Det, Res & Ord Cert Clk Approv Annex

Town of Milo
Resolution 41- 17
Reclassification

At a Special Meeting of the Town Board of the Town of Milo, Yates County, New York,
held at the Village of Penn Yan Hall, 111 Elm Street, Penn Yan, New York on July 18, 2017
at 6:00 p.m. there were:

PRESENT: Leslie Church
James Harris
Arden Sorensen
Gene Spanneut

ABSENT: Dale Hallings

being all the members of the town board.

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

WHEREAS, Heavy Equipment Operators, (HEO) Doug Marchionda Jr., Jeffrey Finger and Joshua Smith have completed a job classification questionnaire, and

WHEREAS, Yates County Personnel Officer Kerry Brennan reviewed the job classification questionnaire, and

WHEREAS, Doug Marchionda Jr., Jeffrey Finger and Joshua Smith job duties support the reclassification of this non-competitive position of heavy equipment operator to the non-competitive title of Public Works Maintenance Worker,

THEREFORE BE IT RESOLVED, that Doug Marchionda Jr., Jeffrey Finger and Joshua Smith position is reclassified as public works maintenance worker.

Seconded by Mr. Gene Spanneut, and duly put to a vote with the following results:

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

Noes: None

DATED: July 18, 2017

Patricia L. Christensen

Patricia L. Christensen

Town Clerk

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

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

Noes: none

Abstentions: none

Meeting adjourned at 6:25 PM.

Respectfully submitted,

Patricia L. Christensen
Town Clerk