

July 14, 2016

A special joint meeting - public hearing of the Village Board and the Town of Phelps Town Board held on the above date was called to order at 9:00 a.m at the Village Hall, 1 West Main Street, Clifton Springs, NY 14432.

Presiding: Bill Hunter Mayor and Norm Teed Phelps Town Supervisor

Village Board Members Present: Jeff Linsner, Melissa Kumkey, Earl Lincoln

Town Board Members Present: Carl Beechler and Dennis King

Board Members Absent: Dan Blondell (Village) and Ron Allen and Kent Ridley (Town)

Also Present: Linda Nieskes, Town Clerk

Other people present: None

Mayor Hunter and Supervisor Teed opened the public hearing at 9AM. The public hearing was properly advertised by both the Village and the Town. The Village properly advertised this meeting in THE DAILY MESSENGER on June 17, 2016 and on the Village website.

The purpose of this public hearing was to consider annexation of property that is owned by the Village of Clifton Springs from the Town of Phelps to the Village of Clifton Springs. The parcel has the wastewater treatment on the parcel and vacant land. The Village has requested this annexation as the property is contiguous to the Village and it makes sense to make it part of the Village municipal boundary lines.

Discussion was held on the SEQR. The Village was the lead agency and the completed SEQR was supplied to the town around June 6, 2016. After reviewing the SEQR Trustee Lincoln made a motion 2<sup>nd</sup> by Trustee Linsner to declare a negative declaration on the SEQR. All members present voting AYE. Carried.

**RESOLUTION OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF CLIFTON SPRINGS**

**WHEREAS**, the Village of Clifton Springs and the Town of Phelps have received the petition of the Village of Clifton Springs dated June 13, 2016 for the annexation of certain lands as described therein (the "Petition"); and

**WHEREAS**, the Village Board held a joint public hearing on July 14, 2016 with the Town of Phelps Town Board in relation thereto and proper notice of said joint public hearing was published and posted according to law.

**NOW, THEREFORE, BE IT RESOLVED**, that, upon consideration of the Petition and upon consideration of the testimony, evidence and information received at the joint public hearing, the Petition complies with the provisions of Article 17 of the General Municipal Law in that it describes the territory proposed to be annexed, states the number of inhabitants thereof as zero (0), is signed by the owner of 100% of the assessed valuation of the territory proposed to be annexed, has a certificate attached to it from the Town of Phelps Assessor certifying that the Owner does own 100% of the territory proposed to be annexed, has the Owner's signature properly attested by a Notary Public and has been properly filed with the Village Clerk of the Village of Clifton Springs, and, upon information and belief, with the Town Clerk of the Town of Phelps; and be it further

Meeting of July 14, 2016 continued:

**RESOLVED**, that after considering the effects of the requested annexation, the Village Board makes the following findings:

1. the proposed annexation will have no adverse effect upon the territory sought to be annexed.
2. The proposed annexation will have no adverse effect upon the local government, namely, the Village of Clifton Springs, to which the said lands are sought to be annexed.
3. The proposed annexation will have no adverse effect upon the remaining area of the Town of Phelps.
4. The proposed annexation will have no adverse effect upon any school district, public benefit corporation, fire protection district, fire district or other district corporation, fire alarm district or town or county improvement district, situated wholly or partly in such territory; and be it further

**RESOLVED**, that no separate agreement with the Town of Phelps relating to the assumption of indebtedness and or liability, or apportionment of same, is necessary; and be it further

**RESOLVED**, that it is in the over-all public interest to approve such proposed annexation; and be it further

**RESOLVED**, that no persons reside in the area to be annexed and, therefore, no special election is needed for the approval of this annexation; and be it further

**RESOLVED**, that the Order which the Village is required to adopt and file pursuant to General Municipal Law §711 2. b. is hereby approved and adopted and the Village Board members shall each sign the Order and the Village Clerk shall file such Order, with copies of the Petition, the notice of public hearing, any written objections to the Petition, and the minutes of the public hearing, in the offices of the Village Clerk of the Village of Clifton Springs and shall send all such documents to be filed with the Town Clerk of the Town of Phelps.

I, Lori Reals, Village Clerk/Treasurer of the Village of Clifton Springs do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Clifton Springs on July 14, 2016 by the following vote:

	Aye	Nay
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	was not present	
Melissa Kumkey	X	
Jeffrey Linsner	X	

Dated: July 14, 2016

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Lori Reals, Village Clerk/Treasurer

SEAL

Meeting of July 14, 2016 continued:

At a special, joint meeting of the Village Board of the Village of Clifton Springs and the Town Board of the Town of Phelps, held at the Clifton Springs Village Hall, Village of Clifton Springs, New York, on July 14, 2016.

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In the Matter

ORDER

of

The Annexation of Territory in the Town  
of Phelps, County of Ontario and State  
of New York to the Village of Clifton Springs,  
County of Ontario and State of New York

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**WHEREAS**, the Village of Clifton Springs and the Town of Phelps have received the petition of the Village of Clifton Springs dated June 13, 2016 for the annexation of certain lands as described in said petition (the "Petition"); and

**WHEREAS**, the Village Board held a joint public hearing on July 14, 2016 with the Town of Phelps in relation thereto and proper notice of said joint public hearing was published and posted according to law; and

**WHEREAS**, after said public hearing and within 90 days after said public hearing, the Town Board adopted a resolution making the following determinations:

1. The Petition complies with the provisions of Article 17 of the General Municipal Law in that it describes the territory proposed to be annexed, states the number of inhabitants thereof as zero (0), is signed by the owner of 100% of the assessed valuation of the territory proposed to be annexed, has a certificate attached to it from the Town of Phelps Assessor certifying that the Owner does own 100% of the territory proposed to be annexed, has the Owner's signature properly attested by a Notary Public and has been properly filed with the Town Clerk of the Town of Phelps, and, upon information and belief, with the Village Clerk of the Village of Clifton Springs
2. The proposed annexation will have no adverse effect upon the territory sought to be annexed.
3. The proposed annexation will have no adverse effect upon the local government, namely, the Village of Clifton Springs, to which the said lands are sought to be annexed.
4. The proposed annexation will have no adverse effect upon the remaining area of the Town of Phelps.
5. The proposed annexation will have no adverse effect upon any school district, public benefit corporation, fire protection district, fire district or other district corporation, fire alarm district or town or county improvement district, situated wholly or partly in such territory.
6. No separate agreement with the Town of Phelps relating to the assumption of indebtedness and or liability, or apportionment of same, is necessary.
7. It is in the over-all public interest to approve such proposed annexation.
8. No persons reside in the area to be annexed and, therefore, no special election is needed for the approval of this annexation.

Meeting of July 14, 2016 continued:

**IT IS HEREBY ORDERED**, that the Town Board approves the annexation of land to the Village of Clifton Springs as requested in the Petition.

Dated: July 14, 2016.

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William Hunter, Mayor

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Earl Lincoln, Trustee

Daniel Blondell, Trustee, was not present

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Melissa Kumkey, Trustee

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Jeffrey Linsner, Trustee

**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE  
VILLAGE OF CLIFTON SPRINGS OF LOCAL LAW NO. 1 OF 2016 ENTITLED "A  
LOCAL LAW ANNEXING CERTAIN TERRITORY TO THE VILLAGE OF CLIFTON  
SPRINGS"**

**WHEREAS**, a resolution and order were adopted by the Board of Trustees of the Village of Clifton Springs on the 14<sup>th</sup> day of July, 2016 approving and ordering the annexation of land from the Town of Phelps to the Village of Clifton Springs as requested in the petition of the Village of Clifton Springs for the annexation of certain lands as described in said petition; and

**WHEREAS**, a resolution and order were adopted by the Town Board of the Town of Phelps on the 14<sup>th</sup> day of July, 2016 approving and ordering the annexation of land from the Town of Phelps to the Village of Clifton Springs as requested in the petition of the Village of Clifton Springs for the annexation of certain lands as described in said petition; and

**WHEREAS**, no special election is required for this annexation as no persons reside within the territory being annexed; and

**WHEREAS**, Section 714 of the New York General Municipal Law requires the adoption of a local law, without further notice or public hearing, following the adoption of said resolution and order to effectuate the annexation, and

**WHEREAS**, the Village Board of the Village of Clifton Springs, after due deliberation, finds it in the best interest of the Village of Clifton Springs to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Clifton Springs hereby adopts said Local Law No. 1 of 2016, entitled "A Local Law Annexing Certain Territory to the Village of Clifton Springs", a copy of which is attached hereto and made a part of this resolution, and be it further

Meeting of July 14, 2016 continued:

**RESOLVED**, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Clifton Springs, and to give due notice of the adoption of said local law to the Secretary of State of New York.

**I, Lori Reals, Village Clerk/Treasurer of the Village of Clifton Springs do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Clifton Springs on July 14, 2016 by the following vote:**

	Aye	Nay
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	was not present	
Melissa Kumkey	X	
Jeffrey Linsner	X	

Dated: July 14, 2016

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Lori Reals, Village Clerk/Treasurer

SEAL

**Adjournment**

There being no further business to come before the Board, motion made by Trustee Lincoln 2nd by Trustee Kumkey to adjourn. All members present voting AYE. Meeting adjourned at 9:08 a.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer