

AUGUST 8, 2011 REGULAR TOWN BOARD MEETING MINUTES

MEMBERS PRESENT: Norman Teed Supervisor
Carl Beechler Councilman
Doris Day Councilwoman
John Dole Councilman
Dennis King Councilman
Terry Featherly Highway Superintendent
Linda Nieskes Town Clerk

PUBLIC ATTENDANCE: See listing in book.

CALL TO ORDER: Supervisor Teed called the Regular Meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE: Councilman Beechler led the meeting with the Pledge of Allegiance.

PUBLIC PARTICIPATION: Mr. Doug Burnett presented the Resolution and Petition from the Phelps Memorial Community Library to have the request for \$175,550 to be collected on the Town and County Tax Bill instead of the School Tax Bill placed on the November ballot for the general public vote.

Councilman King offered the following Resolution. RESOLVED that, the Town Board accept the Resolution and Petition from the Phelps Community Memorial Library to be forwarded to the Ontario County Board of Elections for the November 2011 Ballot. The Resolution was seconded by Councilman Beechler, who moved its adoption. 4 AYES. Carried.

APPROVE TO THE JULY 12, 2011 TOWN BOARD MINUTES: Councilman King, offered the following Resolution. RESOLVED that, the July 11, 2011 Regular Town Board Meeting Minutes be approved as written. The Resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

RESOLUTION: Transfer Funds for Minimum Requirement of OGS for Salt (see attached).

RESOLUTION: Approve Moving Forward with a One-Year Moratorium Prohibiting Well Drill Fracturing (see attached).

After much discussion it was decided to amend the One-Year Moratorium Prohibiting Well Drill Fracturing Resolution.

Councilwoman Day offered the following Resolution. Resolved that, the Town Board amend the Resolution to move forward with the one-year moratorium on well drill fracturing to include the words: well drill hydro fracturing for one year. The Resolution was seconded by Councilman King, who moved the adoption.

VOTE: COUNCILMAN DOLE AYE
COUNCILMAN KING AYE
COUNCILWOMAN DAY AYE

RESOLUTION

ADOPTED
5 AYES

DEFEATED
0 NAYS

RESOLUTION: Schedule Public Hearing for Local Law #2, 2011, Fourth Mining Moratorium (see attached).

RESOLUTION: Transfer Funds for Dog Enumeration (see attached).

RESOLUTION: Approve Use of Tiger Hill Field for Finger Lakes IMPACT Men's Amateur Football Team Practice (see attached).

RESOLUTION: Approve Highway Superintendent's Attendance at Fall Highway School (see attached).

HIGHWAY: Superintendent Featherly presented his August 2011 Highway Report to the Board (see attached).

Councilwoman Day asked how the truck inspections were going and if the trucks were back yet. Superintendent Featherly said there are 2 trucks not back yet. He said one was at Beam Macke and was taken to Tenco last Friday and the other one is still at Hawk Frame being painted.

Councilman King asked why we are cutting down on the salt and adding more sand. He asked if that did not cause the crew to go out more often because it is not a good mixture to get rid of the ice. Superintendent Featherly said we are not putting as much salt down and the sand is mixed with the liquid so it gives you a little bit of a grip on the road. He said what our problem is, we are going through less salt; but we are going through more fuel. Councilman King said that is because you are going out more frequently. Superintendent Featherly said no not really and it is saving us a lot of money on salt.

ZONING REPORT: The Zoning Report for the month of July 2011 is on file in the Town Clerk's Office.

MONTHLY REPORT: The Town Clerk's July 2011 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR: A) Supervisor Teed said it rained on our Sauerkraut Festival Parade. He said it was not a cold rain so it was ok. He said he was glad to see the people hang in for the parade. Councilman Beechler said the crowd was pretty light on Saturday night because of the rain.

OPEN FORUM: Supervisor Teed asked if anyone wished to address the Board.

DAVID SMITH, 2100 LESTER RD., PHELPS: Mr. Smith gave the Board a copy of a letter from his attorney with a letter to the Town Board Members attached regarding his concern over the blasting at the Hanson location on Lester Road. Supervisor Teed asked Mr. Smith if he was presenting this or if his attorney was. Mr. Smith said that depends; he said right now he is presenting it. Supervisor Teed asked Mr. Smith to highlight the letter. Mr. Smith said the blasting is rocking the house and terrifying the dog. He said it knocks things off the tables inside the house. He said they have 8 holes marked for blasting again. He said he is not asking them to stop mining; just lighten up the loads. He said there are cracks all over. He said they put in a new bathroom and it cracked the concrete the slate is on. Mr. Smith stated he has doors that will not shut and the marble fireplace has opened up. He said they are customers of his and he does not want to fight them; but they have to ease up by his house. Councilman Beechler asked if he had contacted the DEC. Mr. Smith said no, he is trying to be descent about the situation. He said his well went dry with this last blast. He stated he told Hanson about it and they said they would drill a new well. He said he was looking over the berm and there are cracks opened up 4" wide in the shale. He said he does not know what to do about it and he is trying to be descent about the situation. Supervisor Teed asked Mr. Smith how long after the last blast did the well go dry. Mr. Smith said he has a 1700 gallon holding tank and a day and one-half later it went dry. He said he is getting about a half-gallon a minute now. He said Hanson said they would drill him a new one; but he said let's wait and see which way we are going with this and we will go from there. He said they had a cleaning lady at the house and she dropped to the floor because the house was shaking so badly. He said they are just too close to his house and his house is built right on that rock. He said he is just trying to protect his property. Councilwoman Day asked about the statement in the letter regarding the ceasing of mining and excavation around the Smith property. She asked if that was Mr. Smith's request or the attorney's. Mr. Smith said the attorney put it in there; but they have to do something about lightening the loads. He said let them come back and tell me what we can do to work this out. He said I cannot have this destroying my property. Supervisor Teed asked Mr. Smith if they contact him when they are going to blast. Mr. Smith said no, we do not know until we come home and stuff is on the floor. He said he has nothing against Hanson's, they are in business; but you cannot go around ruining other people's property. Supervisor Teed thanked Mr. Smith. Councilwoman Day said she noticed in the letter that they wanted to install an in-ground pool and no company would do it. Mr. Smith said they had 3 different companies come and look at it and they said they would not guarantee it. Councilman Dole asked if it was true that they are impeding the roads and debris is coming into the road when they blast. Mr. Smith said last year they did close off the road; but he is not usually there when they do it. Councilwoman Day asked Highway Superintendent Featherly if he was ever notified when they are closing down the road. Superintendent Featherly said no.

LEE DERUYTER, 1600 CO. RD. 6, PHELPS: Mr. DeRuyter wanted to know if there was any date set for budget talks. Supervisor Teed said it would probably be

the first part of September when we get started on the budget. Mr. DeRuyter wanted to know if those meetings will be advertised. Supervisor Teed said when we have our Budget Workshops, those will be advertised.

NEXT TOWN BOARD MEETING:

The next Town Board Meeting will be held Monday, September 12, 2011, at the Phelps Town Court/Meeting Room, 1331 Rt. 88, Phelps at 7:00 PM.

BILLS:

Councilwoman Day offered the following Resolution. RESOLVED that the following bills:

GENERAL "A" - #232 - #261 THE AMOUNT OF \$55,799.40,
GENERAL "B" - #65 - #75 IN THE AMOUNT OF \$3,819.12,
HIGHWAY "DB" - #164 - #182 IN THE AMOUNT OF \$116,951.31,
SEWER DISTRICT - #18 - #21 IN THE AMOUNT OF \$20,530.90,
WHITE ROAD WATER DISTRICT #21 - #23 IN THE AMOUNT OF \$31.46,
RT. 96/488 WATER DISTRICT - #38 - #43 IN THE AMOUNT OF \$764.06,
ORLEANS WATER DISTRICT - #28 - #32 IN THE AMOUNT OF \$1,109.13,
SPAFFORD RD. WATER DISTRICT - #19 - #20 IN THE AMOUNT OF \$20.02,
MELVIN HILL WATER DISTRICT - #26 - #30 IN THE AMOUNT OF

\$366.00,

TRUST & AGENCY - #26 - #28 IN THE AMOUNT OF \$3,064.83
be approved. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Carried.

HIGHWAY GARAGE

Superintendent Featherly asked if there was any update on the Highway Garage. Supervisor Teed said Councilman Beechler talked with the insurance company. Councilman Beechler said Councilman King was also there. He said the Insurance Company came to inspect the building in response to MRBs report. He said the gentleman had a laser with automatic leveling and plum line so he could measure every several feet. He did point out that the concrete block forms on the front of the building between the doors probably provide additional support to the building. Councilman King said they also took a piece of the charred wooden beam so they could identify the wood and test to see how much of a load it could take. Superintendent Featherly asked if we were waiting for them to finish all their testing before we make a decision to clean the garage. Supervisor Teed said yes, they should be getting back to us shortly. He said the actual damage to the building and to bring it up to code are two different things. The policy says total replacement cost. He stated that if it had burned to the ground there would be no question. He said the question is do they have to bring it up to code or do they pay to put it back the way it was before the fire. Superintendent Featherly asked if a decision has been made as to whether they are going to total the truck. Supervisor Teed said he had not heard anything on that as yet. Supervisor Teed asked Superintendent Featherly how many trucks go out each time and how long does it take them to do their runs. Superintendent Featherly said there are 6 trucks and it takes about 3 hours depending on the amount of snow they are pushing, sometimes it is only 2-1/2 hours.

ADJOURNMENT:

Councilwoman Day offered the following Resolution. RESOLVED that, the Town Board Meeting be adjourned. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Motion carried.

TIME:

7:50 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk