

APRIL 12, 2010 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

ALSO PRESENT: Charles Morgan Town Assessor

PUBLIC ATTENDANCE: See listing in book.

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

PLEDGE OF ALLEGIANCE: Councilwoman Day led the meeting with the Pledge of Allegiance.

PUBLIC HEARING ON LOCAL LAW #2 OF 2010 AMEND A PORTION OF THE TOWN OF PHELPS ZONING MAP: Supervisor Teed called the Public Hearing on Local Law #2 of 2010, Amend a Portion of the Town of Phelps Zoning Map, to order at 7:02 PM. He asked if anyone wished to address the Board either for or against this proposed local law. He asked a second time.

ED NICHOLSON: Mr. Edward Nicholson said he owns the Finger Lakes Beagle Club which is north of the railroad tracks and he wanted to know how this would affect their assessment. Supervisor Teed said it is vacant land, so it should not affect the assessment at all. He asked Charles Morgan, Town of Phelps Assessor if that was correct. Mr. Morgan said it would not affect the assessment until the use changes. Mr. Nicholson thanked Supervisor Teed.

JERRY DRISCOLL: Mr. Driscoll said he owned property on both sides of Rt. 96, east and west of Everson Road. He said he did not understand about the area behind Everson's Kennels east, up to the Beagle Club. He said he also owned that property. He asked if that was included in this change. Supervisor Teed said it was; anything east of the dirt end of Everson Road. Mr. Driscoll said then north of Rt. 96 to the Thruway would be C-1? Supervisor Teed said that is correct.

Supervisor Teed asked three times if there was anyone else that wished to speak for or against this zoning change. There were no more comments. Supervisor Teed declared the Public Hearing closed at 7:09 PM.

EXECUTIVE SESSION: Supervisor Teed said the Board would enter into Executive Session with Charles Morgan, Town Assessor and Linda Nieskes, Town Clerk in attendance to discuss possible litigation.

Councilwoman Day offered the following Resolution. RESOLVED that, the Town Board enter into Executive Session at 7:10 with Charles Morgan, Town Assessor and Linda Nieskes, Town Clerk in attendance to discuss possible litigation. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

Councilman Dole offered the following Resolution. RESOLVED that, the Town Board come out of Executive Session at 7:25 PM. The Resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

Supervisor Teed called the Regular Town Board Meeting back to order at 7:25 PM. He asked for a Resolution regarding the settlement with Countryside MHC, LLC.

Councilman Beechler offered the following Resolution. RESOLVED that, the proposed settlement includes a three year assessed value for Countryside MHC, LLC of \$800,000 for 2010 Assessment Roll, \$825,000 for 2011 Assessment Roll and \$850,000 for the 2012 Assessment Roll, with all prior contested year cases dropped and no property tax refunds to be sought by the Petitioner. Per the proposed settlement, the assessed values for the 2011 Assessment Roll and the 2012 Assessment Roll will be subject to review based on any physical changes to the property, such as addition to or removal of manufactured home units from the property. The proposed settlement is endorsed by Charles R. Morgan, Town of Phelps Assessor; Michael Roulan, Attorney representing the Town of Phelps in the case and David Briggs, Appraiser representing the Town of Phelps in the case as fair to all parties concerned in the case. The Resolution was seconded by Councilman King, who moved its adoption.

VOTE:	Councilman Beechler	AYE
	Councilman King	AYE
	Councilwoman Day	AYE
	Councilman Dole	AYE
	Supervisor Teed	AYE

RESOLUTION:	ADOPTED	DEFEATED
	<u>5 AYES</u>	<u>0 NAYS</u>

PUBLIC PARTICIPATION: None.

CORRECTIONS TO THE MARCH 8, 2010 REGULAR March 8, 2010 Regular Town Board Meeting Minutes and the Special Town

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TOWN BOARD MEETING Board Meeting of March 24, 2010 minutes be approved as written. The
MINUTES AND SPECIAL Resolution was seconded by Councilman Beechler, who moved its adoption.
TOWN BOARD MEETING 5 AYES. Motion carried.
OF MARCH 24 2010

RESOLUTION: Approve Use of Tiger Hill for Midlakes Babe Ruth Baseball League Practice
During the Month of April (see attached).

RESOLUTION: Approve Town Hall Summer Hours (see attached).

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

RESOLUTION: Appoint 2 New Members to the Board of Assessment Review (see attached).

RESOLUTION: Approve Local Law #2 of 2010, To Amend a Portion of the Town of Phelps Zoning
Map (see attached).

RESOLUTION: Agree to Send Letter of Support for the Village's Grant Application for the
New York Main Street Program (see attached).

HIGHWAY: Highway Superintendent Featherly gave his March 2010 Highway Report.

Superintendent Featherly said new Truck #5 came in on March 26th and is now
down at Tenco getting set up for plow equipment.

Superintendent Featherly said he talked with Mack Truck out of Pennsylvania
about the Turbo for which we did not pay the bill. He said they have denied our
claim that it was defective and will not stand behind it. He said he talked with
Beam Mack and they said they would pay half of the bill. He said it is not really
their problem, so it is really good of them to offer to pay half the bill.

Superintendent Featherly said the Palmyra Auction is coming up and he has several
items he wants to take to the auction. They are:

1. 1974 Trailer
2. 1981 John Deere 401 B. Tractor
3. 2003 5 ft. Woods Rear Mount Mower
4. 1996 MB 8 ft. Broom
5. 2001 (old Truck #5) Mack Dump Truck with Plow and Wing

He would like to get the Board's permission to take these items to the auction. Supervisor Teed said he would entertain a motion to declare these pieces of equipment surplus and take them to the auction.

Councilman King moved to declare the listed equipment as surplus and take them to the Palmyra action in May.

Councilman Dole seconded the motion. 5 AYES.

Motion carried.

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ZONING REPORT: The Zoning Report for the month of March 2010 is on file in the Town Clerk's Office.

MONTHLY REPORT: The Town Clerk's March 2010 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR: A) Supervisor Teed said we received a letter asking for a monetary donation for the Midlakes Chemical Free Graduation Party. Town Clerk Nieskes said the Town cannot donate to anything like this because we are not allowed to use taxpayers money in that way. She said she needs the Board's approval to send a letter explaining that we cannot contribute to the Midlakes Chemical Free Graduation Party.

Councilwoman Day moved to authorized the Town Clerk to send a letter explaining the fact that the Town cannot contribute to the Graduation Party. Councilman King seconded the motion. 5 AYES. Motion carried.

B) Supervisor Teed said we received a letter from the Sulphur Springs Festival Committee. Town Clerk Nieskes said the Festival Parade will be Saturday, June 5, 2010 at 6:00 PM, more details will be sent to us. She said the Committee just wants to get an idea of the number of people that will be participating. The following will tentatively be participating in the parade: Supervisor Teed, Councilman Dole, Councilman King, Councilman Beechler, Councilwoman Day and Town Clerk Nieskes.

OPEN FORUM: Supervisor Teed asked if anyone wished to address the Board. There were no comments.

NEXT TOWN BOARD MEETING: The next Town Board Meeting will be held Monday, May 10, 2010, 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" - #94 - #129 IN THE AMOUNT OF \$83,684.09,
GENERAL "B" - #26 - #34 IN THE AMOUNT OF \$8,340.44,
HIGHWAY "DB" - #53 - #82 IN THE AMOUNT OF \$36,688.87
SEWER - #8 - #9 IN THE AMOUNT OF \$120.07,

WHITE ROAD WATER DISTRICT #7 - #9 IN THE AMOUNT OF \$620.40,
RT. 96/488 WATER DISTRICT - #11 - #17 IN THE AMOUNT OF \$1,973.70,
ORLEANS WATER DISTRICT - #12 - #15 IN THE AMOUNT OF \$1,807.51,
SPAFFORD RD. WATER DISTRICT - #7 - #10 IN THE AMOUNT OF
\$5,413.00,
MELVIN HILL WATER DISTRICT - #10 - #13 IN THE AMOUNT OF \$238.86,
TRUST & AGENCY - #11 - #13 IN THE AMOUNT OF \$2,505.87
be paid. The Resolution was seconded by Councilman King, who moved its
adoption. 5 AYES. Carried.

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

TIME: 7:52 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk