

APRIL 8, 2013 REGULAR TOWN BOARD MEETING MINUTES

MEMBERS PRESENT: Norman Teed Supervisor
Carl Beechler Councilman
Dennis King Councilman
Kent Ridley Councilman
Arthur Ruthven 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 Ridley led the meeting with the Pledge of Allegiance.

PUBLIC PARTICIPATION: MR. DAVID SMITH, 2100 LESTER RD, PHELPS: Mr. Smith said he was asked to allow his trees to be trimmed up due to low hanging branches hitting a combine when it traveled down the road. He said they came on a Monday and trimmed them; then came back on that following Thursday and cleaned them out the rest of the way. He asked why they came on one day and trimmed the lower branches and then come back 2 days later and did further cutting of the trees way beyond what he thought should have been done. Superintendent Featherly said they trimmed the first tree on Monday and ran out of time because it was late in the day and they did not get back there until Wednesday and started on the next trees. Mr. Smith asked Superintendent Featherly if he knew the difference between trimming and pruning. Superintendent Featherly said he did. Mr. Smith and Superintendent Featherly went on to have a heated discussion regarding the tree cutting issue. There was no resolution to the problem; but Superintendent Featherly did apologize to Mr. Smith.

APPROVAL OF THE FEB. 28TH SPECIAL TOWN, MAR. 5TH EMERGENCY TOWN, MAR. 11TH REGULAR TOWN & MAR. 25TH SPECIAL TOWN BOARD MEETING MINUTES: Councilman King offered the following Resolution. RESOLVED that, the Feb. 28th Special Meeting on the Melvin Hill Water District, the Mar. 5th Emergency Meeting on the Melvin Hill Water District, the Mar. 11th Regular Town Meeting and the Mar. 25th Special Town Meeting Minutes be approved as written. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Carried.

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

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

RESOLUTION: Approve Highway Superintendent Featherly's Attendance at Ithaca Highway School, June 3-5, 2013 (see attached).

RESOLUTION: Approve Moving Ahead with Local Law #3 of 2013-Landscaping Review (see attached).

Councilman Ridley said he has a problem with this Local Law. He said we want businesses to come into the Town and he feels they are overstepping their boundaries by telling people what inches caliper trees they can have, what kind of trees they can have and where they have to put the trees. He said some businesses do not want all that landscaping. He said all they have to do is seed it and keep it nice. He does not see why we need all these restrictions in the law.

Councilman Beechler said sometimes commercial spots, like where Byrne Dairy is, are a high percentage of blacktop and driveways; so where would they ever put trees. Councilman Ridley said sometimes the trees grow and then they are in the way. He said you have to seed it anyway because that is already part of our code. He said they are telling the people what kind of shrubs, what kind of evergreens they can have and it is his feeling that should be up to the people that own the land.

Supervisor Teed said he too thinks it should go back to the Planning Board for further review. He said it would look great but if you are a small business opening up, we already have setbacks and lighting addressed in our code and it is too much to tell the property owners on commercial property that they will plant this many trees, this size caliper trees and what kind of trees they can plant. Councilman Ridley said this law goes all the way down to anything over a 2 unit housing. Councilman Beechler said that could become cost prohibitive for the owners.

Councilman Ruthven said he agrees with the other members of the Board. He said it would make it prohibitive to get people/businesses to come here.

Councilman King said we are trying to encourage business; not to put more restrictions on them. He said that is another reason we are working on the water for that corridor. Supervisor Teed said this law is not just for that corridor, it is town wide.

Supervisor Teed said the Planning Board has put a lot of time into this Local Law and he commends them for what they have done; but this tree and shrub issue does need to be revisited.

The Resolution was unanimously amended by the Town Board (see attached).

RESOLUTION: Approve the Water Superintendent's Attendance at the 2013 AWWA Conference in Saratoga Springs, April 16-18, 2013 (see attached).

HIGHWAY: Highway Superintendent Featherly gave his March 2013 Highway Report (see attached).

Superintendent Featherly said they went to Albany to meet with the Legislators regarding the CHIPS money. He said they were very successful. He said back in

2006 or 2007 Phelps got the CHIPS increased \$50,000 and we got another \$50,000 coming this year. He said he understands from the County that we will get another \$50,000 next year. Councilman Beechler asked if that money has to go in a certain way and Superintendent Featherly told him it has to go into the roads.

He said because of all the repairs, he can tell right now that we may need to transfer money to Account 5130.400 (Shop) when we get down to the end of the year.

Superintendent Featherly said he would like to declare the 1978 trailer that we bought from Victor and paid \$4,000 for, surplus equipment. He said he wants to take it to the Palmyra Auction. He said the Village has a trailer that we can probably use when we need to.

Councilman King offered the following Resolution. RESOLVED that, the Board declare the 1978 trailer that was purchased from Victor in 2008 as surplus equipment and take it to the Palmyra auction. The Resolution was seconded by Councilman Ruthven who moved its adoption. 5 AYES. Carried.

Superintendent Featherly said the Village DPW Superintendent Ken McAllister wanted to know if we wanted to buy the truck which they use to haul the roll-off from the landfill. Supervisor Teed said we already own half of the truck and we paid half of the new one they now have. Superintendent Featherly said he made Superintendent McAllister an offer of \$1,500 to take to the Village Board tonight. Supervisor Teed said they were going to put it in the Palmyra Auction. Superintendent Featherly said that is why he made the offer because the auction falls before our next Board Meeting. He said he will keep the Board advised.

ZONING REPORT: The Zoning Report for the month of March 2013 is on file in the Town Clerk's Office.

MONTHLY REPORT: The Town Clerk's March 2013 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR: A) Supervisor Teed said the Town has received a petition from all of the Pelis Road residents asking for water.
B) Supervisor Teed said the 2012 AUD has been filed with the Comptroller.
C) Supervisor Teed said the Town may need to have an alternate legal firm from time to time if there is a conflict of interest with our Town Attorney. He said he spoke with Attorney Graff and he said it would be a good idea to do so.

RESOLUTION: Resolution to Approve Alternate Attorney Firm (see attached).

OPEN FORUM: None.

NEXT TOWN BOARD MEETING: The next Town Board Meeting will be held Monday, May 13, 2013 at the Phelps Town Court/Meeting Room, 1331 Rt. 88, Phelps at 7:00 PM.

BILLS:

Councilman King offered the following Resolution. RESOLVED that the following bills:

PREPAID GENERAL "A" - #108 - #112 IN THE AMOUNT OF \$27,769.00,
GENERAL "A" - #113 - #122 IN THE AMOUNT OF \$3,146.04,
PREPAID GENERAL "B" - #30 IN THE AMOUNT OF \$97.53,
GENERAL "B" - #31 - #34 IN THE AMOUNT OF \$482.34,
PREPAID HIGHWAY "DB" - #63 - IN THE AMOUNT OF \$4,940.11,
HIGHWAY "DB" - #64 - #90 IN THE AMOUNT OF \$28,617.94,
PREPAID SEWER - #6 IN THE AMOUNT OF \$55.13,
PREPAID RT. 96/488 WATER DISTRICT - #11 - #12 IN THE AMOUNT OF \$1,006.37,
RT. 96/488 WATER DISTRICT - #13 IN THE AMOUNT OF \$347.00,
PREPAID ORLEANS WATER DISTRICT - #9 IN THE AMOUNT OF \$1,572.03,
ORLEANS WATER DISTRICT - #10 - #11 IN THE AMOUNT OF \$377.11,
SPAFFORD RD. WATER DISTRICT - #12 IN THE AMOUNT OF \$100.00,
PREPAID MELVIN HILL WATER DISTRICT - #9 - #10 IN THE AMOUNT OF \$517.10,
MELVIN HILL WATER DISTRICT - #11 IN THE AMOUNT OF \$100.00,
PREPAID TRUST & AGENCY - #10 - #11 IN THE AMOUNT OF \$2,717.22, be paid. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Carried.

ADJOURNMENT:

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

TIME:

7:36 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk