

FEBRUARY 14, 2011 REGULAR TOWN BOARD MEETING MINUTES

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

ABSENT:                                John Dole                    Councilman

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 King led the meeting with the Pledge of Allegiance.

PUBLIC PARTICIPATION: None

APPROVAL OF THE JANUARY 10, 2011 REGULAR & ORGANIZATIONAL MEETING MINUTES:        Councilwoman Day, offered the following Resolution. RESOLVED that, the January 10, 2011 Regular and Organizational Town Board Meeting Minutes be approved as written. The Resolution was seconded by Councilman Beechler, who moved its adoption. 4 AYES. Motion carried.

RESOLUTION:                    Approve SEQR Resolution for Extension of Existing Melvin Hill Water District (see attached).

RESOLUTION:                    Approve SEQR Resolution for Creation of Routes 318/96/14 Water District (see attached).

RESOLUTION:                    Approve Phelps Ambulance Agreement for 2011 (see attached).

RESOLUTION:                    Approve Lyons National and Chase Banks (see attached).

RESOLUTION:                    Approve Transfer of Funds for Marbletown/White Road Water District Water Break (see attached).

Councilwoman Day thanked Water Superintendent Mike Vienna for all the hard work that was done to repair this break in such bad weather.

RESOLUTION:                    Schedule Public Hearing on Third Moratorium on Mining (see attached).

Supervisor Teed said Joyce Mitchell of the Mining Committee was kind enough

to come to the meeting tonight. He asked if she wanted to make any comments. Mrs. Mitchell said they reviewed the Mining Laws and the Comprehensive Plan. She said they met with the Senator Nozzolio and Paul D'Mato from DEC. She

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said they then reviewed the DEC Rules and Regulations. She said they came to the Board Meeting, with the attorney, and gave a rough overview of their findings. She stated they were then told they needed to find the history of all the mines; so they have had to go back to day one on all of this. Mrs. Mitchell said all the Town files have been photographed for their review and they did the same with the DEC files. She said they ended up with 1,162 documents that had to be reviewed. She stated they are now in the process of putting the history together and they will have a spreadsheet of all the mines. She said during all this time, we lost 3 members of our committee. She stated the very first was lost due to a conflict of interest because he was from one of the mines. Mrs. Mitchell said the other two members passed away; but we continue on in their memory. Supervisor Teed said everyone always thought the DEC controlled everything and their laws superseded our zoning laws; that is not the case. Mrs. Mitchell said we want to continue mining in the Town of Phelps; but we want to make sure everyone is following the same rules and they are in concert with the Comprehensive Plan. She thanked the Board for allowing them to do this because it is benefitting everyone involved. Supervisor Teed thanked her and the Mining Committee for their hard work.

HIGHWAY:

Highway Superintendent Featherly gave his January 2011 Highway Report. Councilman Beechler asked how the salt was holding and if they would have enough to get through the end of winter? Superintendent Featherly said that depends on the weather.

ZONING REPORT:

The Zoning Report for the month of January 2011 is on file in the Town Clerk's Office.

MONTHLY REPORT:

The Town Clerk's January 2011 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR:

A) Councilwoman Day asked who does the guide rail spraying for the Town. Superintendent Featherly said one of his highway men, Dave Rasmussen. She asked if he had to be certified every year? Superintendent Featherly said yes.

B) Councilman King said he would like to make a motion that we amend the 2011 Town Budget to give some money to the Phelps Community Center since it is a worthwhile endeavor. He said it is used by Town, as well as Village residents. He said he has spent time there lately and his own personal pride tells him the Town should be giving some money to it. He said he did not know if this would be the proper way to get it done. Councilman King said we could start out with \$2,000 to help them supplement their bills, which keep going up every year. He said he did not believe we have ever given anything to it and he understands the reasoning for that was because we have asked for and never

received an accounting of the breakdown between Village and Town residents using the facilities. Supervisor Teed said he did not know if the 2011 Budget can be amended once it has been approved. He said we do support the Youth Program through the Community Center. He asked Councilman King if he was talking about the cost of maintaining it. Councilman King said yes. He asked if we could

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run this by our attorney to see if it is possible. Supervisor Teed said he would be willing to do that. The motion was not seconded so it died on the table. It will be discussed again next month. Councilwoman Day said she had one comment to make and that is; with the present economy in New York State to balance the school budget from the cuts in State aid, you would need a 34% increase in school taxes. She said she understood where Councilman King was coming from; but it is going to get extremely tight next year. She said this is not only going to affect the schools; but the Towns and Villages as well. Supervisor Teed said the only way this is ever going to be fixed is major cuts everywhere. He said at the County level 83% of the County Budget is State mandated and a big part of that is Social Services.

NEXT TOWN BOARD MEETING:

The next Town Board Meeting will be held Monday, March 14, 2011 at the Phelps Town Court/Meeting Room, 1331 Rt. 88, Phelps at 7:00 PM.

STEVE VLASAK, WEB SITE:

Planning Board Chairman Ron Allen said Steve Vlasak had come to the meeting tonight to talk to the Board about putting the Planning and Zoning Board Meeting Minutes on a web site. He handed out a sheet describing what he would do (copy attached). He said he would set up and maintain the site specifically dedicated to the Planning and Zoning Boards free of charge to the Town. Town Clerk Nieskes said the phelpsny.com web site is not the Town's; it is maintained by the Chamber of Commerce. Mr. Vlasak said this is not going to be a frilly website; it is merely to get the information out to the Town residents. Councilwoman Day asked if the Town would be liable if these laws are published on the website and it is not kept up-to-date and correct. Mr. Vlasak said you could put a disclaimer before they even go into the site to view the laws stating that these laws are for information only and to receive a copy you would have to talk to a Planning, Zoning or Town Board Member. Planning Board Chairman Ron Allen said Farmington and Canandaigua have their laws on a website now. Supervisor Teed said it is a good idea and Councilwoman Day said it is worth the money. Councilman Beechler will contact Bette Collier to see if it is possible for the phelpsny.com site to have a link to this new site.

OPEN FORUM:

Supervisor Teed asked if anyone wished to address the Board.

BRUCE OAKS, 2094 CO. RD. 6, OAKS CORNERS, NY: Mr. Oaks said he was told to go to the Town Hall and meet with the Bookkeeper to obtain information as to why the Town Budget increased 60%. He said he went there and met with her and she told him the Town has to pay \$100,000 for a truck to haul garbage from the landfill. He said he has a problem paying for that in his Town Budget because he

does not use the landfill. He said he pays for a private garbage hauler to haul his away. He does not understand why we have to subsidize the landfill. He said people tell him he should take his garbage there because it is cheap and he understands why it is cheap because his tax dollars are paying for it. Supervisor Teed said the Transfer Station is open to any Town or Village resident. He said there is an expense to operate it and we share the cost and support it so it is there for the Town residents to use if they so wish. He said it is like your school taxes;

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you pay them whether you have children in school or not. Mr. Oaks said he wants to know why it is not on a paying basis. Supervisor Teed said it is. He said you have to purchase a card from the Village and that is used each time a person goes there. Mr. Oaks said then you are not charging enough for it; otherwise you would not have this huge amount on the tax bill. Supervisor Teed said it is one of the options for Town and Village residents and we support it. He said it is there for you to use if you wish; if you do not that is your choice; that is the way it works.

BILLS:

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

PREPAID GENERAL "A" - #21 - #26 IN THE AMOUNT OF \$34,253.25,  
GENERAL "A" - #27 - #63 IN THE AMOUNT OF \$61,056.57,  
PREPAID GENERAL "B" - #3 IN THE AMOUNT OF \$107.73,  
GENERAL "B" - #4 - #20 IN THE AMOUNT OF \$42,768.13  
PREPAID HIGHWAY "DB" - #8 IN THE AMOUNT OF \$4,354.74,  
HIGHWAY "DB" - #9 - #34 IN THE AMOUNT OF \$62,358.39,  
PREPAID SEWER - #1 IN THE AMOUNT OF \$20.15,  
SEWER - #2 - #5 IN THE AMOUNT OF \$20,438.09,  
PREPAID WHITE ROAD WATER DISTRICT #2 IN THE AMOUNT OF \$62.84,  
WHITE ROAD WATER DISTRICT #3 - #6 IN THE AMOUNT OF \$965.96,  
PREPAID RT. 96/488 WATER DISTRICT - #2 - #3 IN THE AMOUNT OF  
\$682.27,  
RT. 96/488 WATER DISTRICT - #4 - #7 IN THE AMOUNT OF \$489.70,  
PREPAID ORLEANS WATER DISTRICT - #2 - #3 IN THE AMOUNT OF  
\$1,276.48,  
ORLEANS WATER DISTRICT - #4 - #7 IN THE AMOUNT OF \$544.84,  
SPAFFORD RD. WATER DISTRICT - #2 - #4 IN THE AMOUNT OF

\$80.66,

PREPAID MELVIN HILL WATER DISTRICT - #1 - #2 IN THE AMOUNT OF  
\$373.13,  
MELVIN HILL WATER DISTRICT - #3 - #7 IN THE AMOUNT OF \$263.40,  
PREPAID TRUST & AGENCY - #4 - #6 IN THE AMOUNT OF \$727.56,  
TRUST & AGENCY - #7 IN THE AMOUNT OF \$78,106.47 be paid. The  
Resolution was seconded by Councilman Beechler, who moved its adoption. 4  
AYES. Carried.

EXECUTIVE SESSION:

Supervisor Teed said he would entertain a Resolution to go into Executive Session

on a personnel matter. Councilwoman Day offered the following Resolution. RESOLVED that, the Town Board move into Executive Session at 8:00 PM, with the Town Clerk and the Highway Superintendent in attendance, to discuss a personnel matter. The Resolution was seconded by Councilman Beechler. 4 AYES.  
Carried.

Councilman King offered the following Resolution. RESOLVED that, the Town Board come out of Executive Session at 8:48 PM. The Resolution was seconded by  
Councilwoman Day. 4 AYES. Carried.

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Supervisor Teed called the Regular Town Board Meeting back to order at 8:49 PM.

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. 4 AYES. Motion

carried.

TIME: 8:50 PM.

Respectfully submitted,

Linda Nieskes  
Town Clerk