

JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

MEMBERS PRESENT: Norman Teed Supervisor  
Carl Beechler Councilman  
Dennis King Councilman  
Kent Ridley Councilman  
Arthur Ruthven Councilman  
Terry Featherly Highway Superintendent  
Barb Middlebrook Town Bookkeeper

PUBLIC ATTENDANCE: See list attached in Minutes Book.

CALL TO ORDER: The Regular & Organizational Town Board Meeting was called to order by Supervisor Teed at 7:00 PM.

PLEDGE OF ALLEGIANCE: Supervisor Teed led the meeting with the Pledge of Allegiance.

PUBLIC PARTICIPATION: MR. AARON NEWTON, PHELPS FIRE DEPARTMENT/AMBULANCE: Supervisor Teed said Mr. Newton is here tonight to give a presentation on the Automatic External Defibrillators (AEDs) attached. Mr. Newton said each Board Member has a packet regarding the AEDs. He said Councilman King approached him a couple months ago and asked that he put together a proposal for public access to defibrillation for the Town facilities. He said just a brief overview on the purpose of the public access to the defibrillators. Mr. Newton said the State has had this program going back as far as 2007 or before where they encourage public access defibrillators be placed in public locations where they can be used for early defibrillation in cardiac arrest. He said since the program has been established, over 135,000 people have been trained and it has been successful in saving many lives across the State. He stated that survival rates for cardiac arrest are directly related to how soon victims are defibrillated; every minute of delay the chance of survival declines by 10%. Mr. Newton said as a public entity, all you need to do is submit notification of intent to establish a Public Access Defibrillation Program, known as PAD. He said that request goes to REMSCO, which is the Regional EMS Council and also to the NYS Department of Health. He said there are no approvals needed, it is just the notice of intent. A full narrative is attached to these minutes. Mr. Newton said these AEDs would be placed in the Town Hall (shared with the Town Assessor and Town Zoning Office), Town Highway Garage and the Town Court. He stated all Town employees will be trained on the AEDs. He said he is proposing the training through the American Heart Association and he has two instructors that are members of the Ambulance that can provide that training; they are John Dole and David Frasca. He said the training includes CPR, the use of the AED and the

PAGE 2 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

certification is for 2 years. He said the cost of the 3 AED units is \$4,547.10, training \$25.00 per person, replacement pads (2-year life) \$51.95 each and battery (4-year installed life) \$147.30 each. Supervisor Teed said it is a great idea; something you hope you never need though. Mr. Newton said when you have them, they save lives. Supervisor Teed said they are now in all the Sheriff's Deputies' cars. Councilman King talked to Mr. Casella regarding the funding of all or some of these AEDs. He said he had not heard back from him until today. He said Mr. Casella would let him know in a couple weeks whether his company would fund all or any of it. Supervisor Teed said if the Board does decide to purchase the AEDs and then Mr. Casella comes through with the funding, that money would be put back into our account. Councilman King said he wanted to thank Aaron for all his work on this and helping us through the completion of the process. Supervisor Teed said he also wanted to thanked the Fire Department for working with us on this and all 3 fire departments for their dedication and the tremendous job they all do. The Board collectively thanked Aaron Newton for his presentation and help.

Councilman King offered the following Resolution. RESOLVED that, the Town Board approve taking \$1,515.70 out of each of the following accounts; A1620.400 Town Hall Contractual, A5132.410 Highway Contractual and A1110.400 Court/Meeting Facility Contractual for a total of \$4,547.10. This amount will purchase three (3) Defibrillator units per the quote. These units will be placed in the Town Hall, Town Highway Garage and the Town Court/Meeting Facility. All Town employees shall be required to take and pass necessary courses, at the Town's expense. The Resolution was seconded by Councilman Ruthven, who moved its adoption.

VOTE:	Councilman Beechler	AYE
	Councilman Ruthven	AYE
	Councilman King	AYE
	Councilman Ridley	AYE
	Supervisor Teed	AYE

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

TOWN CLERK  
ABSENT:

Supervisor Teed said Town Clerk Linda Nieskes is not here tonight as she was in the hospital during the past weekend. She just got home late this afternoon, is doing well and is home resting.

PAGE 3 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

APPROVE THE MINUTES OF DECEMBER 10, 2012 & DECEMBER 27, 2012: Councilman King, offered the following Resolution. RESOLVED that, the minutes of the December 10, 2012 Regular Town Board Meeting and the December 27, 2012 Year-end Town Board Meeting Minutes be approved as written. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

OFFICIAL PAPER: Councilman King, offered the following Resolution. RESOLVED that, the Finger Lakes Times will be the official newspaper for the Town of Phelps, NY, for the year 2013. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

OFFICIAL BONDS: Councilman Ridley, offered the following Resolution. RESOLVED that, the Official Bonds for the Town of Phelps, New York, for the year 2013 will be as follows: Justices (2) \$1,000.00 each; Supervisor \$100,000.00; Deputy Supervisor \$10,000.00; Highway Superintendent and Deputy \$1,000.00 each; Town Clerk and Bookkeeper \$1,000.00 each; and Tax Collector \$100,000.00. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

OFFICIAL SALARIES: Councilman Beechler, offered the following Resolution. RESOLVED that, the Official Salaries for the Town of Phelps, New York, for the year 2013, are as follows:

Supervisor	\$18,242.70
Town Clerk/Tax Collector	39,994.20
Assessor (Appointed)	37,000.00
Councilman	4,194.49
Councilman	4,194.49
Councilman	4,194.49
Councilman	4,194.49
Justice	16,759.00
Justice	16,759.00
Highway Superintendent	59,447.64

The Resolution was seconded by Councilman Ruthven, who moved its adoption. 5 AYES. Motion carried.

PUBLIC HEARING: LOCAL LAW #1, 2013 EXTERIOR Supervisor Teed said he got ahead of himself. He called the Public Hearing to order at 7:29 PM regarding Local Law #1 of 2013, a Local Law Amending Exterior Lighting Law and Site Plan Law. Supervisor Teed read the Public Notice that appeared in the

PAGE 4 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

LIGHTING LAW AND SITE PLAN LAW: Finger Lakes Times, the Town's official newspaper. He asked if anyone wished to address the Board either in favor of or against this Local Law. He asked 3 times if anyone wished to address the Board regarding this Local Law. There were no comments. The Public Hearing was closed at 7:31 PM.

TOWN HISTORIAN: Councilman Ruthven, offered the following Resolution. RESOLVED that, Donald Tiffany be appointed as the Town of Phelps, New York, Historian, for the year 2013. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

TRUST & AGENCY: Councilman King, offered the following Resolution. RESOLVED that, Supervisor Teed, be appointed as Trust & Agency, for the Town of Phelps, New York, for the year 2013. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

MACHINE RENTAL: Councilman Ridley, offered the following Resolution. RESOLVED that, the machine rental and operator, be set up by the State rates, for the Town of Phelps, New York, for the year 2013. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

MILAGE: Councilman Beechler, offered the following Resolution. RESOLVED that, anyone traveling for the Town of Phelps for the year 2013 be paid \$.565 per mile, to be consistent with Ontario County. The Resolution was seconded by Councilman Ruthven, who moved its adoption. 5 AYES. Motion carried.

FULL AND PART-TIME HIGHWAY EMPLOYEES: Councilman Ruthven, offered the following Resolution. RESOLVED that, Part-time Highway Employees be paid \$12.09 per hour for 2013. Full-time Highway Employees will receive \$22.47 per hour and new full-time hires will be paid according to the schedule in the Highway Department Agreement for 2013. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

REGISTRAR OF VITAL STATISTICS: Councilman King, offered the following Resolution. RESOLVED that, Linda Nieskes, be appointed Registrar of Vital Statistics and Peggy Scharett be appointed Deputy of Vital Statistics, for the Town of Phelps, New York, for the year 2013. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

PART-TIME EMPLOYEES: Councilman Ridley, offered the following Resolution. RESOLVED that, the deputies for the Town Clerk, Court Clerk, Tax Collector, PT Clerk and Zoning and Planning

PAGE 5 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

Board Clerk be paid \$11.15 per hour, for the year 2013. The Resolution was seconded by Councilman Beechler. 5 AYES. Motion carried.

**BANK DEPOSITS:** Councilman Beechler, offered the following Resolution. RESOLVED that, the Town of Phelps, New York, use one (1) bank for deposits of the Town's money, for the year 2013. This bank is Community Bank, NA of Phelps, New York. The Resolution was seconded by Councilman Ruthven, who moved its adoption. 5 AYES. Motion carried

**DEPUTIES:** Councilman Ruthven, offered the following Resolution. RESOLVED that, the following be appointed as Deputies for the Town of Phelps, New York, for the year 2013: Supervisor-Carl Beechler; Town Clerk-Peggy Scharett; Tax Collector-Peggy Scharett; Court Clerk-Peggy Scharett and Highway Superintendent-Lee G. Walters. The Court Clerk must be amended to read Lisa Javier. The Resolution was seconded as amended by Councilman King, who moved its adoption. 5 AYES. Motion carried as amended.

**COMMITTEES:** Supervisor Teed, offered the following appointments for 2013:

Fire & Ambulance	D. King & K. Ridley
Building	C. Beechler & A. Ruthven
Right of Way	K. Ridley & C. Beechler
Legislation	D. King & K. Ridley
Planning	D. King & C. Beechler
Youth	A. Ruthven & D. King
Insurance	C. Beechler & K. Ridley
Conservation	A. Ruthven & D. King
Parks & Cemeteries	A. Ruthven & K. Ridley
Highway	A. Ruthven & K. Ridley
Historical	A. Ruthven & C. Beechler
Water District	D. King & A. Ruthven

Councilman King, offered the following Resolution. RESOLVED that, the above appointments be accepted for the Town of Phelps, New York, for the year 2013. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

**FIRE DEPARTMENT & SCHOOL AID:** Councilman Ridley, offered the following Resolution. RESOLVED that, the Town Board of the Town of Phelps, New York, give the Highway Department of the Town of Phelps, New York, approval to aid all Fire Departments (Phelps, Clifton Springs and Oaks Corners), as well as Phelps Ambulance Inc. in emergencies under the jurisdiction of the Highway Superintendent for the year 2013. This resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

PAGE 6 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

Councilman Beechler, offered the following Resolution. RESOLVED that, the Town Board of the Town of Phelps, New York, give approval for the Highway Department to aid Phelps-Clifton Springs Schools, in emergencies, under the jurisdiction of the Highway Superintendent for the year 2013. The Resolution was seconded by Councilman Ruthven, who moved its adoption. 5 AYES. Motion carried.

**SMALL TOOLS:** Councilman Ruthven, offered the following Resolution. RESOLVED that, the Highway Superintendent be allowed to purchase small tools not to exceed \$3,000.00 for the year 2013. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

**TOWN VOUCHERS:** Councilman King, offered the following Resolution. RESOLVED that, it will not be necessary to have a Town voucher to pay legitimate bills for the Town of Phelps, New York, for the year 2013. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

**HEALTH OFFICER:** Councilman Ridley, offered the following Resolution. RESOLVED that, Dr. Marc Zarfes be appointed as the Town of Phelps, New York Health Officer through the year 2013. This Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

**PROCUREMENT POLICY:** Councilman Beechler, offered the following Resolution. RESOLVED that, WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are now required by law to be publicly bid, WHEREAS, comments have been solicited from all officers involved in the procurement process now therefore be it RESOLVED that, the Town of Phelps, New York, does hereby adopt the procurement policy of Ontario County for the year 2013, which is intended to apply to all goods and services which are not required by law to be publicly bid. The Resolution was seconded by Councilman Ruthven, who moved its adoption. 5 AYES. Motion carried.

**INVESTMENT POLICY:** Councilman Ruthven, offered the following Resolution. RESOLVED that, WHEREAS, the law requires the governing body of every Municipality to adopt an Investment Policy, and WHEREAS, we have been provided with the proper format, now therefore be it RESOLVED, the Town Board does hereby adopt the Investment Policy for the Town of Phelps, New York, for the year 2013. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

**TOWN BOARD MEETINGS:** Councilman King, offered the following Resolution. RESOLVED that, the Town Board will hold its 2013 official meetings on the second Monday of every month,

PAGE 7 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

7:00 PM at the Phelps Town Court/Meeting Facility, 1331 Rt. 88, Phelps, NY. If a holiday falls on the second Monday, the Board will establish another date for that month's meeting. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

RECORDS  
MANAGEMENT  
OFFICER:

Councilman Ridley, offered the following Resolution. RESOLVED that, the Town Board does hereby appoint Linda Nieskes as the Town of Phelps Records Management Officer and Peggy Scharett as Deputy Records Management Officer for 2013. The Resolution was seconded by Councilman Beecher, who moved its adoption. 5 AYES. Motion carried.

TOWN AUDITOR

Councilman Beechler, offered the following Resolution. RESOLVED that, Paul Wagner be appointed as the Town Auditor at a rate of \$65.00 per hour for the year 2013. The Resolution was seconded by Councilman Ruthven, who moved its adoption. 5 AYES. Motion carried.

PREPAID BILLS:

Councilman Ruthven, offered the following Resolution. RESOLVED that, the Town Board has determined to authorize payment in advance of vouchered claims for public utility services, postage, freight and express charges, payment of sewer bond payment and any other payment deemed necessary with authority of the Supervisor or Deputy Supervisor. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

COPIES AND FAXES:

Councilman King, offered the following Resolution. RESOLVED that, the Town Board approves the increase of copies and faxes to \$1.00 per page. The Resolution was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

RESOLUTION:

Resolution of Determination of Significance Exterior Lighting Legislation (Review of SEQR) (see attached).

RESOLUTION:

Approval of Local Law #1 of 2013, Amending the Exterior Lighting Law and the Site Plan Law (see attached).

RESOLUTION:

Approve NYSEG Excavation Permit for 2013 (see attached).

RESOLUTION:

Schedule Public Hearing for Local Law #2 of 2013, Tax Cap Override for 2014 (see attached).

RESOLUTION:

Establish Ontario Co Workmen's Compensation Payment as an Acceptable Prepaid Expense (see attached).

RESOLUTION:

Transfer Funds for Unemployment for Aaron Cook (see attached).

PAGE 8 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

HIGHWAY: Superintendent Featherly gave his Highway Report for the month of December 2012 (see attached).

Councilman Ruthven said he saw they spent 4 days with a crew and bucket truck cutting trees. He asked if it would be cheaper to rent the bucket truck and use our own guys to cut the trees. Superintendent Featherly said they had looked into that before. He said he believes Wayne County does that. He said he has not looked into the liability on that. Supervisor Teed said he would be extremely hesitant about putting our employees in a bucket truck. Superintendent Featherly said the Highway Crew would like to meet with the Highway Committee. Supervisor Teed said that will be done.

ZONING REPORT: The Zoning Report for the month of December 2012 was available for the Board's review and is on file in the Town Clerk's office.

MONTHLY REPORTS: The Town Clerk's December 2012 Monthly Report and 2012 Annual Report was reviewed by the Board Members for their approval.

DISCUSSION WITH SUPERVISOR: A) Supervisor Teed said the 2012 Justice Report has been received.

NEXT TOWN BOARD MEETING: The next Phelps Town Board Meeting will be held Monday, February 11, 2013, at the Phelps Town Court/Meeting Facility, 1331 Rt. 88, Phelps at 7:00 PM.

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

KARA SIMMONS, 2258 TOLL RD., PHELPS: Mrs. Simmons questioned the increase for faxes and copies. She asked where the Town Barns issue stands. Supervisor Teed told her the Board was going into Executive Session on a contractual matter regarding the Town Barns. She wanted to know if there were minutes from the November Executive Session and she was told there are no decisions made or minutes taken during an Executive Session.

DR. THOMAS PULVINO, 928 RT. 96, PHELPS: Dr. Pulvino wanted to know where we stand on the water district. He said his main well went dry but he has another one. He stated that it is full of iron so he has to put in a \$6,200 system or he will wait a little while for the water. Supervisor Teed said at this point there is no plan to come down through there with water.

JOHN UVEGES, 803 MARYLAND RD., PHELPS: Mr. Uveges wanted to extend his thank you for including in the tax bills the slip that listed the unfunded mandates. He said the public needs to be aware of these issues. He said he would like to see shared services



PAGE 9 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

to help relieve the tax burden. Supervisor Teed said when the Village built their new Highway Garage that was looked into; but the Town did not have the funds at that time to do so. He said the Town and Village do work together and help one another. He said working together is something we would always be glad to look into to help lessen the tax burden on the public.

Supervisor Teed asked if anyone else wished to address the Board. There were no further comments.

**BILLS:** Councilman King offered the following Resolution: RESOLVED that, PREPAID GENERAL "A" - #1 - #5 IN THE AMOUNT OF \$28,993.17, GENERAL "A" - #2 - #32 IN THE AMOUNT OF \$25,473.84, PREPAID GENERAL "B" - #1 IN THE AMOUNT OF \$97.61, GENERAL "B" - #2 - #5 IN THE AMOUNT OF \$997.98, PREPAID HIGHWAY. "DB" - #1 IN THE AMOUNT OF \$4,940.11, HIGHWAY. "DB" - #2 - #16 IN THE AMOUNT OF \$25,215.82, PREPAID SEWER - #1 IN THE AMOUNT OF \$32.23, WHITE RD. WATER DISTRICT - #1 IN THE AMOUNT OF \$597.56, PREPAID RT. 96/488 WATER DISTRICT - #1 IN THE AMOUNT OF \$255.58, PREPAID ORLEANS WATER DISTRICT - #1 IN THE AMOUNT OF \$18.98, SPAFFORD RD. WATER DISTRICT - #1 - #3 IN THE AMOUNT OF \$363.50, PREPAID MELVIN HILL WATER DISTRICT - #1 - #2 IN THE AMOUNT OF \$1,735.17, MELVIN HILL WATER DISTRICT - #3 IN THE AMOUNT OF \$14.81, PREPAID TRUST & AGENCY - #1 - #2 IN THE AMOUNT OF \$2,717.22 be paid. The motion was seconded by Councilman Ridley, who moved its adoption. 5 AYES. Motion carried.

**EXECUTIVE SESSION:** Supervisor Teed moved to go into Executive Session with the Board on a Contractual Matter at 8:12 PM. Councilman King seconded the motion. 5 AYES. Motion carried.

Councilman King moved to come out of Executive Session at 8:23 PM. Councilman Ruthven seconded the motion. 5 AYES. Motion carried.

Supervisor Teed called the Regular Meeting back to order at 8:23 PM.

Councilman Beechler offered the following Resolution. RESOLVED that, the Town Board approve hiring MRB Group to do the design and the entire work that is necessary to give us a good plan for the Highway Garage. They will be our Project Manager. The Resolution was seconded by Councilman Ruthven, who moved its adoption.

PAGE 10 - JANUARY 14, 2013 TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

VOTE:	Councilman Beechler	AYE
	Councilman Ruthven	AYE
	Councilman King	AYE
	Councilman Ridley	AYE
	Supervisor Teed	AYE

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

ADJOURNMENT: Councilman Ruthven offered the following Resolution. RESOLVED that, the meeting be adjourned. This resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

TIME: 8:26 PM.

RESPECTFULLY SUBMITTED,

Linda B. Nieskes  
Town Clerk