

JANUARY 11, 2010-TOWN OF PHELPS REGULAR & ORGANIZATIONAL BOARD MEETING MINUTES

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

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 HEARING
FIRE CONTRACTS:

Supervisor Teed called the Public Hearing to order at 7:01 PM. He asked the Town Clerk to read the public notice that appeared in the Finger Lakes Times. Supervisor Teed asked twice if anyone wished to speak for or against the Fire Contracts with Phelps, Clifton Springs and Oaks Corners. There were no comments. The Public Hearing was closed at 7:02 PM.

PUBLIC

PARTICIPATION: None.

APPROVE THE
MINUTES OF
DECEMBER 14, 2009/
DECEMBER 28, 2009:

Councilman Dole, offered the following Resolution. RESOLVED that, the minutes of the December 14, 2009 Regular Town Board Meeting Minutes and the December 28, 2009 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 Dole, offered the following Resolution. RESOLVED that, the Finger Lakes Times will be the official newspaper for the Town of Phelps, NY, for the year 2010. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

OFFICIAL BONDS:

Councilman Beechler, offered the following Resolution. RESOLVED that, the Official Bonds for the Town of Phelps, New York, for the year 2010 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 Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

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OFFICIAL SALARIES: Councilwoman Day, offered the following Resolution. RESOLVED that, the Official Salaries for the Town of Phelps, New York, for the year 2010, are as follows:

Supervisor	\$17,035.00
Town Clerk	37,510.00
Assessor (Appointed)	45,964.00
Councilman	3,899.50
Councilman	3,899.50
Councilman	3,899.50
Councilman	3,899.50
Justice	15,409.00
Justice	15,409.00
Highway Supt	56,584.00

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

TOWN HISTORIAN: Councilman King, offered the following Resolution. RESOLVED that, Donald Tiffany be appointed as the Town of Phelps, New York, Historian, for the year 2010. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Motion carried.

TRUST & AGENCY: Councilman Dole, offered the following Resolution. RESOLVED that, Supervisor Teed, be appointed as Trust & Agency, for the Town of Phelps, New York, for the year 2010. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

MACHINE RENTAL: Councilman Beechler, 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 2010. The Resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

MILAGE: Councilwoman Day, offered the following Resolution. RESOLVED that, anyone traveling for the Town of Phelps, New York, for the year 2010 be paid \$.50 per mile, to be consistent with Ontario County. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

FULL AND PART- Councilman King, offered the following Resolution. RESOLVED that, Part-time

TIME HIGHWAY
EMPLOYEES:

Highway Employees be paid \$11.50 per hour for 2010. Full-time Highway Employees will receive \$21.39 per hour and new full-time hires will be paid according to the schedule in the Highway Department Agreement for 2010. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Motion carried.

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REGISTRAR OF
VITAL STATISTICS:

Councilman Dole, 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 2010. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

PART-TIME
EMPLOYEES:

Councilman Beechler, offered the following Resolution. RESOLVED that, the deputies for the Town Clerk, Court Clerk, Tax Collector, PT Clerk and Zoning and Planning Board Clerk be paid \$10.61 per hour, for the year 2010. The Resolution was seconded by Councilwoman Day. 5 AYES. Motion carried.

BANK DEPOSITS:

Councilwoman Day, 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 2010. This bank is Community Bank, NA of Phelps, New York. The Resolution was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.

DEPUTIES:

Councilman King, offered the following Resolution. RESOLVED that, the following be appointed as Deputies for the Town of Phelps, New York, for the year 2010: Supervisor-Carl Beechler; Town Clerk-Peggy Scharett; Tax Collector-Peggy Scharett; Court Clerk-Peggy Scharett and Highway Superintendent-Clarence Guard. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Motion carried

COMMITTEES:

Supervisor Teed, offered the following appointments for 2010:

Fire & Ambulance	D. King & D. Day
Building	D. Day & C. Beechler
Right of Way	J. Dole & C. Beechler
Legislation	J. Dole & D. King
Planning	C. Beechler & D. King
Youth	D. Day & D. King
Insurance	C. Beechler & D. Day
Conservation	J. Dole & D. Day
Parks & Cemeteries	D. Day & J. Dole
Highway	C. Beechler & D. King
Historical	J. Dole & C. Beechler

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Councilman Dole, offered the following Resolution. RESOLVED that, the above appointments be accepted for the Town of Phelps, New York, for the year 2010. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

FIRE DEPARTMENT &
SCHOOL AID:

Councilman Beechler, 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 2010. This resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

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 2010. The Resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

SMALL TOOLS:

Councilwoman Day, offered the following Resolution. RESOLVED that, the Highway Superintendent be allowed to purchase small tools not to exceed \$1,500.00 for the year 2010. 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 2010. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Motion carried.

HEALTH OFFICER:

Councilman Dole, offered the following Resolution. RESOLVED that, Dr. Marc Zarfes be appointed as the Town of Phelps, New York Health Officer through the year 2010. 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 2010, 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 Day, who moved its adoption. 5 AYES. Motion carried.

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INVESTMENT
POLICY:

Councilwoman Day, 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 2010. 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 2010 official meetings on the second Monday of every month, 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 Dole, who moved its adoption. 5 AYES. Motion carried.

RECORDS
MANAGEMENT OFFICER:

Councilman Dole, offered the following Resolution. RESOLVED that, the Town Board does hereby appoint Linda Nieskes as the Town of Phelps Records Management Officer. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

RESOLUTION:

Approve Fire Department Contracts (see attached).

RESOLUTION:

Accept Pinewood Cemetery (see attached).

RESOLUTION:

Approve Annual Excavation Permit for NYSEG (see attached).

RESOLUTION:

Approve New Forms for Employee Medical Reimbursement (see attached).

RESOLUTION:

Approve Dog Contract with Ontario Co. (see attached).

RESOLUTION: Approve Sending Local Law #1 of 2010 to Ontario Co. Planning (see attached).

HIGHWAY: Superintendent Featherly gave his Highway Report for the month of December 2009 (see attached).
Superintendent Featherly said the roller was delivered on December 21, 2009.
Councilman Beechler said he had a couple of pretty heavy bills from Beam Mack and Tenco for repairs to equipment. Superintendent Featherly said he hoped that he would get the one from Beam Mack reimbursed because we had a problem with the turbo. He said we put a new one on the truck, took it out, tested it and it started going off like a siren. He said we went back to the shop and took it apart and a washer inside went

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right through the turbo. Supervisor Teed asked if it was one of Beam Mack's rebuilds. Superintendent Featherly said it was one of theirs and he is disputing it because he looked at the washer and it is nothing that the Highway Department carries. He said it is the one that came off the band that holds the hoses on the turbo. He said he went up and told them it looked like it came from the factory defective. Councilman Beechler said we should not pay that bill. The Board agreed that Voucher #6, invoice #187287R for \$1,408.58 should not be paid because Superintendent Featherly was not satisfied with the repair. Clerk Nieskes will inform Bookkeeper Middlebrook of the Board's decision and the bill will not be paid.

ZONING REPORT: The Zoning Report for the month of December 2009 was available for the Board's review and is on file in the Town Clerk's office.

MONTHLY REPORTS: The Town Clerk's December 2009 Monthly Report and the 2009 Annual Report were reviewed by the Board Members for their approval.

DISCUSSION WITH
SUPERVISOR:

A) Supervisor Teed said the 2009 Justice Report had been received. He reviewed the report with the Board. Supervisor Teed said the Court heard 2,741 cases and submitted \$327, 491.50 to the Town. He said this is a lower amount of cases and money than the previous year. He said the money received is for closed cases only. He stated that there were 3,850 cases still open and that money is outstanding.

B) Supervisor Teed said he had seen Stu Brown at a meeting and talked to him about the downtown restoration. He said there is grant money available for small businesses. He said he went to the meeting and municipal buildings are not included in the funds available; so anything we wanted to do would not be included. He said it would help the

Mary Preston Foundation and the BDTC as it pays for restoration for the structure of the buildings. He stated it would also cover apartments and stores for remodeling. Supervisor Teed said it is strictly for small business; big businesses do not qualify. He said it is nice to see something come through for the small businesses. He said he also talked to him about an energy grant that might be available. He said his main concern is the Town Hall. He stated our utility bills are about \$1,250.00 per month. He said this would all have to go before the Historical Commission. He said you can have windows made to match what we have in there now; but it will not be cheap. He said there are funds available; but first we have to have the scope of the project, the remedy and a year's worth of utility bills. He said he has asked Steve Studley to work on gathering some preliminary numbers for us. He said Steve would talk to some contractors regarding how we could insulate the inside walls of the outside perimeter of the building. He said he was going to talk to Bud Nayeart to see if he could give us some guidance on this. He said he would get back to the Board when he has some figures.

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- NEXT TOWN BOARD MEETING: The next Phelps Town Board Meeting will be held Monday, February 8, 2010, at the Phelps Town Court/Meeting Facility, 1331 Rt. 88, Phelps at 7:00 PM.
- BILLS: Councilwoman Day offered the following Resolution: RESOLVED that, GENERAL "A" - #1-#24 IN THE AMOUNT OF \$55,487.40, GENERAL "B" - #1-#9 IN THE AMOUNT OF \$30,786.61, HIGHWAY. "DB" - #1-#9 IN THE AMOUNT OF \$10,027.45, with the exception of Invoice #187287R, for \$1,408.58, which is included in Voucher #6. WHITE RD. WATER DISTRICT - #1-#2 IN THE AMOUNT OF \$530.73, ORLEANS WATER DISTRICT - #1 IN THE AMOUNT OF \$17.45, MELVIN HILL WATER DISTRICT - #1-#2 IN THE AMOUNT OF \$1,905.75, TRUST & AGENCY - #1-#2 IN THE AMOUNT OF \$217.00 be paid. The motion was seconded by Councilman King, who moved its adoption. 5 AYES. Motion carried.
- OPEN FORUM: ED SCHOEN, 65 CO. RD. 6, PHELPS: Mr. Schoen said he wanted to thank the Highway Department for the roads being in very good condition. He said "hats off" to Terry Featherly and the Highway Department.
- ADJOURNMENT: Councilman King offered the following Resolution. RESOLVED that, the meeting be adjourned. This resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.
- TIME: 7:45 PM.

RESPECTFULLY SUBMITTED,

Linda B. Nieskes
Town Clerk