

Present: Mayor: James Cheney  
Trustee: Joe DeBrock Trustee: Greg DeRuyter  
Trustee: Brian Hemminger Trustee: Howard Hughson

Also Present: Clerk/Treasurer David Nieskes; Deputy Clerk/Treasurer Melissa Westfall; DPW: Ken McAllister; Wastewater: Carl Peake; Code Enforcement: Jim Murphy; Police Chief: John Storer (08:00 pm)

Also Present: Ron Nieskes and Matt Eldridge from Fire Department  
Heather DeRuyter (Bright Beginnings Early Learning Center)

7:00 PM Regular meeting opened by Mayor Cheney pledge to the flag

Fire Department: 1.) President Nieskes is asking the board to set a new policy for age limit on driving of vehicles. Years ago, it was set up that when a member reached the age of 65, they could no longer drive the vehicles. The Fire Department is asking to eliminate the maximum age. Any member that wishes to drive must pass a yearly internal driving test. There are members that are presently 65 or older that are still able to drive vehicles. They have checked with Selective Insurance and they have no age limit as to driving. Motion by Trustee Hemminger, 2<sup>nd</sup> by Trustee Hughson and unanimously carried to eliminate the maximum age limit for driving vehicles.

2.) Ken McAllister informed everyone that the water tank is presently off line. If there is any need for fire protection, the fire department should immediately call for tankers. They should not hook up to any hydrants. The fire department could fill portable ponds using the hydrants but hook any trucks up to the hydrants. This is only temporary for a couple of days. When the village starts to paint the tank, the tank could be off line for possibly a couple of months. The fire department will be notified when the tank is turned back on this week and when the tank's painting is to begin.

Bright Beginnings:

Heather will be starting an early learning center. She will be leasing three (3) rooms at the north section of the building. She had an inspection from OCFS and there are some issues that need some attention. The board reviewed her requests and had questions regarding the new closet that was built around the new furnace in room 315. OCFS is requiring a 1 hour rating on the dry wall and requesting that the drywall be extended up to the ceiling. Code Enforcement office Jim Murphy will check into this matter. OCFS is also requesting the installation of a heat detector within the closet that houses the heating unit in room 315. Clerk's office will get an estimate from Doyle. Trustee Greg DeRuyter indicated that he has a conflict of interest. A motion was made by Trustee Hughson, 2<sup>nd</sup> by Trustee DeBrock and carried to accept the renovation project by Bright Beginnings with Trustee DeRuyter abstaining.

#### REPORTS:

Community Center:

1. Exterminator: Carl Peake will check to see if we need a licensed exterminator to spray around the building for ants, etc.
2. New HVAC phase layout: HALCO started the project today.
3. Gas Inspection: Received letter from NYSEG (06/09/11) that under the authority of the Public Service law, the New York State Public Service Commission requires utilities to annually recommends that customers served by elevated gas pressure (in excess of 14 Inches Water Column), have their facilities inspected to insure the system is in compliance with the NYS Fuel Gas Code and the Natural Fuel Gas Code. HALCO inspected on July 11, 2011.
4. Master Key System: We received an estimate from Doyle Security to replace/fix some doors under the new master key system. The board decided to go with dead bolts and to plug up the existing door handles. The estimate was approximately \$954.00 for 7 doors. It was also discussed and agreed that the door handle on the P.C.C. office be replaced.
5. Boiler: Mayor Cheney would like Ken McAllister and Carl Peake to come up with options by next board meeting on how we are going to handle the BOCES wing with heat/air conditioning.

William St. Park 1. ADA: Trustee Hemminger, Trustee DeRuyter, Ken McAllister and Jim Murphy need to sit down and discuss ADA requirements for William Street Park.

DPW 1. No June report.

Water / Wastewater: 1. No June report.  
2. Carl attended a FEMA meeting regarding the recent flood. Carl informed the board that we would not receive any reimbursement for expenses occurred due to storm.

- 3. Water Tank: The board discussed the quotes that were received from 4 different companies.

**Resolution # 01 – 2011/2012**

Resolution offered by Trustee Hemminger, 2<sup>nd</sup> by Trustee Hughson:

**Resolution Authorizing the Transfer of Funds from the Village of Phelps “Water Reserve Accounts”:**

**WHEREAS**, THE Board of Trustees wishes to transfer up to \$255,000.00 from the “Water Reserve Funds” for the painting of the Mary Street Water Tank.

**WHEREAS**, funds are available for such purpose in the Reserve Funds for this purpose;

**NOW THEREFORE BE IT RESOLVED**, the Board of Trustees of the Village of Phelps authorizes as follows:

- 1. That the Treasurer of the Village of Phelps be, and he/she hereby is, empowered to transfer the funds from the “Water Tower Reserve Fund” (\$132,000.00) and the “Water System Improvement Fund” (\$123,000.00) to the Water checking account. Said funds to be used solely for the painting of the Mary Street Water Tank.
- 2. Such a transfer is subject to a 30-day permissive referendum. Petitions requesting a permissive referendum must be filed with the Village Clerk’s office within 30 days as provided by law.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on July 11, 2011, by the following vote:

	AYE	NAY
Mayor: Jim Cheney	XX	_____
Trustee: Joe DeBrock	XX	_____
Trustee: Brian Hemminger	XX	_____
Trustee: Greg DeRuyter	XX	_____
Trustee: Howard Hughson	XX	_____

**Resolution # 02 – 2011/2012**

Resolution offered by Trustee DeRuyter, 2<sup>nd</sup> by Trustee Hughson:

**Resolution Authorizing the Award of the Bid for the painting of the Village of Phelps Water Tank to Rockwood Corporation, 6979 Laura Street, Lyons Falls, NY 13368 depending upon DPW Superintendent Ken McAllister and Wastewater Treatment Plant Operator Carl Peak’s review and acceptance:**

**WHEREAS**, THE Board of Trustees has received four (4) bids from companies for the painting of the Village of Phelps water tank with Rockwood Corporation being the lowest and **WHEREAS** engineer, Chatfield Engineers, have reviewed the bids, checked out references and their recommendation to the Village Board is to accept Rockwood Corporation’s bid of \$254,900.00 for the painting of the water tower,

**WHEREAS**, a 30 day permissive referendum notification has been given and has expired authorizing the transfer of up to \$132,000.00 from the Water Tower Reserve Fund and up to \$123,000.00 from the Water System Improvement Fund for the purpose of the painting of the water tank;

**NOW THEREFORE BE IT RESOLVED**, the Board of Trustees of the Village of Phelps authorizes as follows:

- 1. That the Treasurer of the Village of Phelps be, and he/she hereby is, empowered to transfer the funds from the “Water Tower Reserve Fund” (up to \$132,000.00) and the “Water System Improvement Fund” (up to \$123,000.00) to the Water checking account. Said funds to be used solely for the painting of the Mary Street Water Tank.
- 2. The bid will be offered to Rockwood Corporation for \$254,900.00.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on August 15, 2011, by the following vote:

	<u>AYE</u>	<u>NAY</u>
Mayor: Jim Cheney	XX	_____
Trustee: Joe DeBrock	XX	_____
Trustee: Brian Hemminger	XX	_____
Trustee: Greg DeRuyter	XX	_____
Trustee: Howard Hughson	XX	_____

Code Enforcement:

- 1. No questions on June report.
- 2. ARC: Jim Murphy informed the board that the proposed handicapped ramp for ARC will not be going through. They are looking at alternative plans.
- 3. Telephone: Jim Murphy informed members that he has straightened out his phone and he is now carrying the phone with him.

Fire Department:

- 1. No questions on June report.
- 2. Old TP2131 truck: There has been no correspondence with Ontario County regarding their interest in acquiring the old fire truck.

Police: 1. No June report.  
2. Clerk's office received a complaint about people going through stop sign at the south corner of Ontario and William Street.

YP&R: 1. Concerts have started at Red Field Park.

Treasurer Rpt: 1. No questions on June's report.

Minutes: 1. Minutes of the June 13, 2011 regular monthly Village Board meeting were presented. Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Hemminger and carried to accept minutes as amended.

Correspondence: 1. Phelps Community Historical Society: Summer 2011 volume.  
2. Thank you card from Historical Society for yearly contribution.  
3. Time Warner: Letter (06/20/11) regarding possible station changes.  
4. Time Warner: Letter (07/01/11) regarding possible station changes.

New Discussion:

- Resolution #03 – 2011/2012 Closing of Main Street for Sauerkraut Week-End:**  
Resolution offered by Trustee DeRuyter, 2<sup>nd</sup> by Trustee Hemminger:  
**WHEREAS**, the annual Sauerkraut Festival Parade will be held on August 6, at 2:00 pm and,  
**WHEREAS** the parade will held on Main Street, starting at the intersection of North Wayne Street, South Wayne Street and Main Street (Route 96) and proceeding west to Eagle Street,  
**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees authorizes the closing of Main Street (Route 96) from the intersection of North & South Wayne Streets to the intersection of Main Street (Route 96) and Eagle Street between the hours of approximately 1:30 pm to approximately 5:00 pm on August 6, 2011.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on July 11, 2011, by the following vote:

	AYE	NAY
Mayor: Jim Cheney	XX___	___
Trustee: Joe DeBrock	XX___	___
Trustee: Brian Hemminger	XX___	___
Trustee: Greg DeRuyter	XX___	___
Trustee: Howard Hughson	XX___	___

- RESOLUTION #04 - 2011/2012 To Adjust Robert Goodman's 2011/2012 Village Tax Bill**

Resolution offer by Trustee DeRuyter, 2<sup>nd</sup> by Trustee Hemminger:

**WHEREAS**, there was a clerical error made on Robert Goodman's, 8 Walnut Street, 2011 – 2012 Village Tax Bill. Robert's tax bill did not reflect his Veteran's exception;

**WHEREAS**, Robert Goodman's Village Tax Bill of \$591.52 should be reduced by \$33.33 to \$558.19, per the Town of Phelps Assessor and the Ontario County Real Property Tax Services;

**NOW THEREFORE BE RESOLVED**, The Village of Phelps Board of Trustees authorizes David Nieskes, Tax Collector, to adjust Robert Goodman's 2011 – 2012 Village Tax bill to \$558.19 and wave the 07/02/11 – 08/01/11 5% penalty payment of \$29.58; if paid before July 29, 2011.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on July 11, 2011, by the following vote:

The following vote was taken:

	AYE	NAY
Trustee: Joe DeBrock	XX___	___
Trustee: Brian Hemminger	XX___	___
Trustee: Greg DeRuyter	XX___	___
Trustee: Howard Hughson	XX___	___
Mayor: Jim Cheney	XX___	___

Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter and unanimously carried authorizing Mayor Cheney to sign the "Application For Corrected Tax Roll" supplied to us by the Ontario County Department of Taxation. All paper work will be attached with the Tax Warrant.

- Band at Municipal Parking Lot: There has been a request that on July 30, 2011, a band would play in the corner of the municipal parking lot behind the Town Hall. The members present did not have an issue with that taking place.
- Zoning Changes: The members present agreed that there should be a joint meeting on August 15, 2011 at 7:00 pm with the Planning Board and Ron Brand.
- Mileage Rate: IRS mileage rate has gone up to 55.5 cents a mile effective July 1, 2011.

**ORGANIZATIONAL MEETING:**

**Village of Phelps Organizational Meeting for 2011/2012:**

The following appointments were offered by Mayor Cheney:

Motion made by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter to accept appointments:

**APPOINTMENTS:**

Deputy Mayor	Brian Hemminger
Village Attorney	n/a – fee basis
Village Clerk / Treasurer	David Nieskes
Deputy Clerk / Treasurer	Jill Seifert
	Melissa Westfall
Sewer Biller / Water Collector / Tax Collector	David Nieskes
Sewer Collector / Water Biller / Deputy Tax Collector	Jill Seifert
	Melissa Westfall
Street Commissioners	Trustee Greg DeRuyter
	Trustee Brian Hemminger
Water Commissioners	Trustee Joe DeBrock
	Trustee Brian Hemminger
Sewer Commissioners	Trustee Howard Hughson
	Harold Hebding
	Glen Webster - Chairperson
Youth, Parks & Recreation Commissioners	Trustee Greg DeRuyter
	Trustee Brian Hemminger
	Carol Lord
	Danielle Edgemon
	Michelle Dorr
	Heather DeRuyter
Historic District & Structures Commissioners	Trustee Brian Hemminger - Liaison
	Sandy Clise – Chairperson (Exp July 2013)
	Ginny Konz (Exp July 2012)
	Louise Ferber (Exp July 2012)
	Open (Exp July 2011)
	Robert Quigley (Exp July 2011)
	Dawn Cheney
	Alternates:
Police Commissioners	Trustee Joseph DeBrock
	Trustee Brian Hemminger
	David Tillman
	Peter Cheney - Chairperson
Planning Board	Randy Scott – Chairperson (Exp May 2011)
	Bob Springer (Exp May 2015):
	Vacant (Exp May 2014)
	Mike Blair (Exp May 2013)
	Ty Allen (Exp May 2012)
Zoning Board of Appeals	Pat Hemminger – Chairperson (Exp May 2014)
	Denise Schlossnagle (Exp May 2011)
	Dennis King (Exp May 2015)
	David Clark (Exp May 2013)
	Ronald Grube (Exp May 2012)
Fire Department Commissioners	Trustee Brian Hemminger
Building Committee	Mayor James Cheney
	Trustee Howard Hughson
Personnel Committee	Mayor Jim Cheney
	Trustee Howard Hughson
P.C.C. Non-voting Board Member	Mayor Cheney

The following vote was taken:

	<u>AYE</u>	<u>NAY</u>
Trustee: Joe DeBrock	XX__	_____
Trustee: Brian Hemminger	XX__	_____
Trustee: Greg DeRuyter	XX__	_____
Trustee: Howard Hughson	XX__	_____
Mayor: Jim Cheney	XX__	_____

**Procurement Policy:**

**RESOLUTION #05 - 2010/2011**

Motion made by Trustee DeRuyter, 2<sup>nd</sup> by Trustee Hughson:

**VILLAGE OF PHELPS**  
**PROCUREMENT POLICY**

To be attached to billing invoice (for audit trail).

**Purchase has been reviewed and it has been determined to be:**

NO QUOTES IF COST IS UP TO \$4,999.00

**Subject to Competitive Bidding**

----- **Public Works Contract (over \$35,000)**

----- **Purchase Contract (over \$20,000)**

OR

Three (3) Written/Faxed Quotes if Cost is Between

-----Public Works Contract (\$ 5,000-\$34,999)      -----Purchase Contract (\$5,000-\$19,999)

1a. Vendor Name: \_\_\_\_\_

b. Contact: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

c. Item Quoted: \_\_\_\_\_

d. Vendor Quote: \$ \_\_\_\_\_

2a. Vendor Name: \_\_\_\_\_

b. Contact: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

c. Item Quoted: \_\_\_\_\_

d. Vendor Quote: \$ \_\_\_\_\_

3a. Vendor Name: \_\_\_\_\_

b. Contact: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

c. Item Quoted: \_\_\_\_\_

d. Vendor Quote: \$ \_\_\_\_\_

**PROFESSIONAL SERVICES:**

Requests for proposals are to be solicited to obtain qualified professional services such as architects, engineers, accountants, auditors, lawyers, fiscal consultants and other professionals.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on July 11, 2011, by the following vote:

	<u>AYE</u>	<u>NAY</u>
Trustee: Joe DeBrock	XX__	_____
Trustee: Brian Hemminger	XX__	_____
Trustee: Greg DeRuyter	XX__	_____
Trustee: Howard Hughson	XX__	_____
Mayor: Jim Cheney	XX__	_____

**MILEAGE:**      The mileage rate will be as prescribed by the IRS rate.

**ADVANCED APPROVAL OF CLAIMS:**

Motion made by Trustee Hemminger, 2<sup>nd</sup> by Trustee Hughson:

**RESOLUTION #06 - 2010/2011**

**Advance Approval of Claims:**

**WHEREAS** the board of trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges, payment of sewer bond payment, and any other payment deemed necessary with authority of Mayor or Deputy Mayor,  
**WHEREAS** all such claims shall be presented at the next regular meeting for audit, and  
**WHEREAS** the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees,  
**NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the board of trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and payment of sewer bond payment and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees.

**Section 2.** That this resolution shall take effect immediately.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on July 11, 2011, by the following vote:

Vote:

	<u>AYE</u>	<u>NAY</u>
Mayor Cheney:	XXX	_____
Trustee DeBrock:	XXX	_____
Trustee Hemminger:	XXX	_____
Trustee DeRuyter:	XXX	_____
Trustee Hughson:	XXX	_____
Resolution adopted.		

**ATTENDANCE AT SCHOOLS:**

Motion made by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter:

**RESOLUTION #07 – 2010/2011**

**Attendance at schools:**

**WHEREAS** there is to be held during the coming official year

- a.) New York State Conference of Mayors Annual Meeting and Training School;
- b.) New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks;
- c.) Accounting II School;
- d.) Water conferences/meetings, Code Enforcement Schools, Planning Board and Zoning Board of Appeals training sessions; and

**WHEREAS** it is determined by the board of trustees that attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;

**NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the following officers and employees are hereby authorized to attend the following schools:

- a.) New York State Conference of Mayors Annual Training School: Mayor and/or Trustees;
- b.) New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks: Village Clerk/Treasurer and/or Deputy Village Clerk/Treasurer
- c.) Sewer/Water/ Conferences/Meetings: DPW, Wastewater, and Clerk/Treasurer and/or Deputy Clerk/Treasurer
- d.) Accounting II school; Deputy Village Clerk/Treasurer
- e.) NYCOM Main Street Conference: Mayor

**Section 2.** That this resolution shall take effect immediately.

I, David Nieskes, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on July 11, 2011, by the following vote:

Vote:

	<u>AYE</u>	<u>NAY</u>
Mayor Cheney:	XX	_____
Trustee DeBrock:	XX	_____
Trustee Hemminger:	XX	_____
Trustee DeRuyter:	XX	_____
Trustee Hughson:	XX	_____
Resolution adopted.		

**DESIGNATION OF DEPOSITORIES:**

**RESOLUTION #08 – 2010/2011**

Motion made by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter:

**Designation of Depositories:**

**WHEREAS** the board of trustees has determined that Village Law 4-412(3) (2) requires the designation of banks or trust companies for the deposit of all village monies:

**NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the board of trustees does hereby designate the following institutions as depositories of all monies received by the Village Clerk/Treasurer, and receiver of taxes: Community Bank, Bank of Finger Lakes, Lyons National Bank and Canandaigua National Bank.

**Section 2.** That this resolution shall take effect immediately.

Vote:

	<u>AYE</u>	<u>NAY</u>
Mayor Cheney:	XX	_____
Trustee DeBrock:	XX	_____
Trustee Hemminger:	XX	_____
Trustee DeRuyter:	XX	_____
Trustee Hughson:	XX	_____
Resolution adopted.		

Guidelines for Village Commissions and Committees will remain the same as last year.

**SUMMER HOURS:**

There was discussion and it was agreed upon by the members present there will be no early summer hour meetings this year.

Mayor Cheney informed everyone that there is discussion in Albany that all jobs that are hired or bid out will have to be at prevailing wages. He will keep the board and the departments informed.

Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter and unanimously carried by members present to accept previous resolutions and other sections of the Organization meeting.

**END OF ORGANIZATIONAL MEETING**

Old Discussion:

1. Status of easement with resident on Clifton Street.
2. Security at 8 Banta Street.
3. Code Enforcement – Municipal agreement.
4. Change Rest Haven law to no parking.

Transfers: None

Vouchers: Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter and carried to pay vouchers:

Abstr#02	General	Ck #'s: 11548 – 11602	In the amount of:	\$ 24,807.65
Abstr#02	Water	Ck #'s: 10305 – 10315	In the amount of:	\$ 2,603.40
Abstr#02	Sewer	Ck #'s: 10530 –	In the amount of:	\$ 3,767.40

Adjournment: 9:05 PM: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hemminger to adjourn the meeting.

Respectfully submitted,

David Nieskes  
Village Clerk/Treasurer