

JULY 13, 2009 REGULAR TOWN BOARD MEETING MINUTES

MEMBERS PRESENT: Norman Teed Supervisor
 Carl Beechler Councilman
 Doris Day Councilwoman
 John Dole Councilman
 James Mattoon 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 Mattoon led the meeting with the Pledge of Allegiance.

PUBLIC PARTICIPATION: Supervisor Teed welcomed Tom Filiatreau from the Phelps Community Memorial Library. Mr. Filiatreau turned the floor over to Louise Furber, Library Director. She thanked the Board for their time. She introduced her Board: President Sam Iraci, Vice-President Ginny Konz, Secretary Linda Norsen, Treasurer Tom Filiatreau, Trustees Mary Ann Gier, Marj Aude and Kevin Kelley. Mr. Filiatreau said he wanted to give an overview of the status of the Library (copy attached). He said we are in pretty good shape right now; we are paying our bills and meeting payroll. He said the Library is chartered to the Town of Phelps and they depend on the Town of Phelps, the Village of Phelps and private donations and bequeaths to keep the Library running. He said it is very important that they have the support of the Town. He introduced Sam Iraci, President. Mr. Iraci said the Library has more and more people coming in all the time. He said about 80% of the people are Town residents. He said one area we need to improve on is the children's area. He said we need to purchase more children's books. He again reiterated that we need the support of the Town and are asking that you double your support to the Library. He said he and the Board sincerely hope that the Town Board will consider this request in the new budget. Supervisor Teed said things are very tight right now with the Town and the County. He said the Board will definitely look at this when we start preparing our 2010 budget. He thanked the Library Board for their presentation.

CORRECTIONS TO THE JUNE 8, 2009 TOWN BOARD MINUTES: Councilman Mattoon, offered the following Resolution. RESOLVED that, the June 8, 2009 Regular Town Board Meeting Minutes be approved as written. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Motion carried.

RESOLUTION: Approve Sharing of Services between Town of Seneca and Town of Phelps Water Departments (see attached).

RESOLUTION: Supervisor Teed said he would like to discuss the matter of hiring the legal firm of Chamberlain D' Amanda to look into the mining issues of the Town. He said he

talked to two different firms and asked for a quote from them; the only one that responded was Chamberlain D’Amanda. He said they are very highly qualified. He said they have asked for a retainer of \$6,500 and charge \$200 per hour. He said he would like to have a resolution to move forward with this because our Town codes on mining are very vague and need to be reviewed.

Councilwoman Day offered the following Resolution. RESOLVED that, the Town of Phelps retain the law firm of Chamberlain D’Amando for a retainer of \$6,500 and a fee of \$200 per hour, to be paid out of the General Fund and hereby authorize Supervisor Norman Teed to send the retainer to them. The Resolution was seconded by Councilman Mattoon, who moved its adoption.

VOTE:	Councilman Beechler	AYE
	Councilman Dole	AYE
	Councilman Mattoon	AYE
	Councilwoman Day	AYE
	Supervisor Teed	AYE

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

HIGHWAY: Superintendent Featherly presented his June 2009 Highway Report to the Board (see attached).

Superintendent Featherly said he would like to add some roads to his 284 Highway Agreement for this year. He will be doing Pelis, Falkey and Stryker Roads. He said he had Bostwick and Wheat Roads on the agreement as questionable; but they will also be done. Councilman Beechler asked Superintendent Featherly if he was renting the milling machine again this year. Superintendent Featherly said he was and probably would have it until August. He said this is the cheapest one to rent. Councilman Beechler asked about the machine we purchased with the other towns a few years ago. Superintendent Featherly said that machine is good for small jobs but not for the bigger ones because it does not load. He said he did use it for a short time last year.

Superintendent Featherly said he had written the wrong account number on the bill for the truck painting. He said he had talked to Bookkeeper Middlebrook and she will do a transfer to correct it.

ZONING REPORT: The Zoning Report for the month of June 2009 is on file in the Town Clerk’s Office.

MONTHLY REPORT: The Town Clerk’s June 2009 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR: A) Supervisor Teed reminded everyone about the Sauerkraut Festival Parade on Saturday, August 1, 2009 at 2:00 PM. Line up is at 12:30 PM on South Wayne Street. He asked Clerk Nieskes to remind those participating in the parade: Supervisor Teed, Councilman Beechler, Councilman Mattoon, Councilwoman Day, Highway Superintendent Featherly and Clerk Nieskes. She said Councilman Dole will be marching with the Fire Department and will try to also be with the Town. Mike Vienna will drive the Town Water truck and pull a wagon so we can all ride as a group this year.

B) Supervisor Teed the Phelps Planning Board has sent the Town a letter advising us that they wish to move forward with the re-zoning of Rt. 96 as previously submitted. The Ontario Co. Planning Board reviewed the submission and talked with Supervisor Teed regarding the issue. Supervisor Teed said the Town Planning Board has asked to move forward and he feels we should do so. The Resolution follows:

RESOLUTION: Approve Moving Forward with the Rt. 96 Re-Zoning, Local Law #3 of 2009 (see attached).

OPEN FORUM: Superintendent Featherly said we need to get the speed limit request for Bankert Road sent into the State. Clerk Nieskes told Superintendent Featherly he needs to come to the Town Hall and do a letter for submission to the County regarding the request.

Councilman Beechler said he wanted to update the Board on the painting of the Town Hall. He said Roy Wilkes has repaired the molding and sills. He said Clingerman Painting will caulk between the stone. He said he had asked Mr. Wilkes for an estimate to replace the gutters. He has not received that estimate as yet. He asked about the color for the Town Hall. Supervisor Teed said that he and Clerk Nieskes had reviewed the colors with Jessie Scheckler and they are a very pale yellow with charcoal trim.

Mary Ann Gier, 24 Orchard Park, Phelps: Mrs. Gier said she is new to the community and enjoys Phelps very much. She said it is a very nice community. Supervisor Teed thanked her for her comments.

NEXT TOWN BOARD MEETING: The next Town Board Meeting will be held Monday, August 10, 2009, at the Phelps Town Court/Meeting Room, 1331 Rt. 88, Phelps at 7:00 PM.

BILLS: Councilman Mattoon offered the following Resolution. RESOLVED that the following bills:
PREPAID GENERAL "A" - #222 IN THE AMOUNT OF \$721.46,
GENERAL "A" - #189 - #221 THE AMOUNT OF \$55,139.09,
GENERAL "B" - #61 - #68 IN THE AMOUNT OF \$513.23,
PREPAID HIGHWAY - #122 IN THE AMOUNT OF \$2,636.40,
HIGHWAY "DB" - #123 - #151 IN THE AMOUNT OF \$124,245.85,

SEWER DISTRICT - #20 - #23 IN THE AMOUNT OF \$434.48,
WHITE ROAD WATER DISTRICT #15 - #17 IN THE AMOUNT OF \$852.08,
RT. 96/488 WATER DISTRICT - #29 - #35 IN THE AMOUNT OF \$814.93,
ORLEANS WATER DISTRICT - #35 - #42 IN THE AMOUNT OF \$1,250.18,
SPAFFORD RD. WATER DISTRICT - #15 - #19 IN THE AMOUNT OF \$170.12,
PREPAID MELVIN HILL WATER DISTRICT - #23 IN THE AMOUNT OF
\$5,979.75,
MELVIN HILL WATER DISTRICT - #24 - #28 IN THE AMOUNT OF \$514.63,
PREPAID TRUST & AGENCY - #21 IN THE AMOUNT OF \$3,227.44
TRUST & AGENCY - #18 - #20 IN THE AMOUNT OF \$2,019.74 be approved.
The Resolution was seconded by Councilwoman Day, who moved its adoption. 5
AYES. Carried.

ADJOURNMENT: Councilman Mattoon offered the following Resolution. RESOLVED that, the
Town Board Meeting be adjourned. The Resolution was seconded by
Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

TIME: 7:47 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk

