

MARCH 14, 2011 REGULAR TOWN BOARD MEETING MINUTES

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

PUBLIC HEARING: Supervisor Teed called the Public Hearing regarding Local Law #1 of LL #1, 2011-THIRD 2011 entitled Third Moratorium on Mining to order at 7:03 PM. He asked the MORATORIUM ON Town Clerk to read the Public Notice that appeared in the Finger Lakes Times. MINING: He asked if anyone wished to address the Board in favor or against this Local Law.

RICHARD WESTFALL, 123 ST. RT. 318, PHELPS, NY: Mr. Westfall said this is the third moratorium and wanted to know if the Town Board is trying to keep mining out of the Town of Phelps. Supervisor Teed said absolutely not. Mr. Westfall asked if the DEC overrides the Town. Supervisor Teed said no the DEC does not override local law. Supervisor Teed said the Mining Committee is reviewing where the mines are and if they are in the allowed M-1 Zone. He said there are some in the RAG districts that have been in existence. He said they are looking at expansion of those already in, whether they will be allowed to expand. He said we are trying to get control on where they are and how big they get. Mr. Westfall said DEC cannot come in and say a mine is going in a certain location regardless of what the Town says. Supervisor Teed said no, they cannot. Mr. Westfall asked if there was anything in writing that says that. Supervisor Teed told Mr. Westfall to stop down on Thursday and he would give him a copy.

Supervisor Teed asked if anyone else wished to address the Board either for or against this Local Law.

JOHN OAKS, 2094 CO. RD. 6, OAKS CORNERS, NY: Mr. Oaks asked if this had anything to do with the existing ones. Supervisor Teed said it will affect everybody. He said any that are not already in an M-1 Zone, would have to get rezoned from an RAG or a C-1, whatever they are already in. He stated that the zoning for that area would have to be changed to M-1, because the mining will not be allowed in any other zone except M-1. Mr. Oaks asked if the Leon Adams

property was in an M-1 Zone. Supervisor Teed said it is not; but he is in the process of trying to get it rezoned. Mr. Oaks said about 2 years ago they tore up

PAGE 2 – MARCH 14, 2011 REGULAR TOWN BOARD MEETING MINUTES

all that property. Supervisor Teed said he has met with Hanson. He said that is why the Mining Committee is looking at all these mines. He said they will be bringing their report back to the Town Board. Mr. Oaks asked what happens when ELAM leaves. Supervisor Teed said they have to do reclamation on all that land. He said DEC has control of the reclamation. Mr. Oaks said he remembered they had to put down a sum of \$75,000 for reclamation of that land. He said \$75,000 is not going to be nearly enough to do that. Planning Board Member Steve McCarrick said a certain percentage is charged per acre and he believes that depth is also taken into consideration for the reclamation. He said that money is all set aside and if they walk away from it, that money is available for the reclamation. Mr. Oaks said he understands that; but \$75,000 is not going to begin to be enough for that area. Mr. McCarrick said each time they renew their permit it is added to that amount. Supervisor Teed said we are looking at the “life of mine”; if you are operating already and have 5 or 20 acres that they have permitted in an RAG, they can mine it yet but they would never get an expansion on it. Mr. Oaks asked about the Waddell Road one. Supervisor Teed told him he believed the reclamation had already been done on that one.

Supervisor Teed asked twice if anyone else wished to address the Board either for or against the Local Law. He closed the Public Hearing at 7:10 PM.

PUBLIC PARTICIPATION: None

APPROVAL OF THE FEBRUARY 14, 2011 REGULAR TOWN BOARD MINUTES: Councilman King, offered the following Resolution. RESOLVED that, the February 14, 2011 Regular Town Board Meeting Minutes be approved as as written. The Resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Motion carried.

RESOLUTION: Approve Third Moratorium on Mining (see attached).

RESOLUTION: Intent to Declare Lead Agency-SEQR Resolution-Melvin Hill Water District and District Extension (see attached).

RESOLUTION: Approve Water Superintendent’s Attendance at Conference (see attached).

RESOLUTION: Accept Bid for 2011 85 PTO Horsepower 4-Wheel Drive Tractor w/Cab (see attached).

RESOLUTION: Accept Bid for 2011 50 PTO Horsepower 2-Wheel Drive Tractor w/Cab (see attached).

RESOLUTION: Accept Bid for 2011 All Wheel Steer Skid Loader with 2-Speed and High Flow

Hydraulics (see attached).

RESOLUTION: Accept Notice of Retirement-Clarence Guard (see attached).

PAGE 3 – MARCH 14, 2011 REGULAR TOWN BOARD MEETING MINUTES

HIGHWAY: Highway Superintendent Featherly gave his February 2011 Highway Report (see attached).

Superintendent Featherly said he was appointing Lee G. Walters as the new Deputy Highway Superintendent and was hiring Kyle Tiffany to replace the retiring Clarence Guard as an MEO.

ZONING REPORT: The Zoning Report for the month of February 2011 is on file in the Town Clerk's Office.

MONTHLY REPORT: The Town Clerk's February 2011 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR: A)
B)

NEXT TOWN BOARD MEETING: The next Town Board Meeting will be held Monday, April 11, 2011 at the Phelps Town Court/Meeting Room, 1331 Rt. 88, Phelps at 7:00 PM.

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

JOHN OAKS, 2094 CO. RD. 6, OAKS CORNERS, NY: Mr. Oaks said he understood that the Town Highway bought some new equipment and wanted to know what is going to be done with the old equipment. Superintendent Featherly said they will be taken to the auction in Palmyra. Mr. Oaks asked who was appointed as Deputy Highway Superintendent. Superintendent Featherly told him Lee G. Walters. Mr. Oaks asked what the pay was for that position. Supervisor Teed told him it is \$2,000.00 a year.

BILLS: Councilwoman Day offered the following Resolution. RESOLVED that the following bills:

PREPAID GENERAL "A" - #64 - #72 IN THE AMOUNT OF \$29,729.05,
GENERAL "A" - #27 - #73 - #101 IN THE AMOUNT OF \$7,981.69,
PREPAID GENERAL "B" - #21 - #22 IN THE AMOUNT OF \$148.44,
GENERAL "B" - #23 - #26 IN THE AMOUNT OF \$545.30,
PREPAID HIGHWAY "DB" - #35 IN THE AMOUNT OF \$4,354.74,
HIGHWAY "DB" - #36 - #59 IN THE AMOUNT OF \$51,098.72,
PREPAID SEWER - #6 IN THE AMOUNT OF \$40.41,
WHITE ROAD WATER DISTRICT - #7 - #8 IN THE AMOUNT OF \$4,119.85,

PREPAID RT. 96/488 WATER DISTRICT - #8 - #9 IN THE AMOUNT OF \$317.01,
RT. 96/488 WATER DISTRICT - #10 - #17 IN THE AMOUNT OF \$6,719.99,
PREPAID ORLEANS WATER DISTRICT - #8 - #10 IN THE AMOUNT OF \$700.78,
ORLEANS WATER DISTRICT - #11- #13 IN THE AMOUNT OF \$3,362.81,

PAGE 4 – MARCH 14, 2011 REGULAR TOWN BOARD MEETING MINUTES

PREPAID SPAFFORD RD. WATER DISTRICT - #5 IN THE AMOUNT OF \$1.32,
SPAFFORD RD. WATER DISTRICT - #6 - #8 IN THE AMOUNT OF \$5,203.79,
PREPAID MELVIN HILL WATER DISTRICT - #8 - #9 IN THE AMOUNT OF \$193.68,
MELVIN HILL WATER DISTRICT - #10 - #11 IN THE AMOUNT OF \$283.06,
PREPAID TRUST & AGENCY - #11- #14 IN THE AMOUNT OF \$2,915.83, be paid. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Carried.

ADJOURNMENT: Councilman King 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: 7:33 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk