

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

Absent: Trustee: Brian Hemminger

Also Present: Deputy Village Clerk/Treasurer: Jill Seifert; Deputy Clerk/Treasurer: Melissa Westfall; DPW: Ken McAllister and Chief of Police: John Storer

Also Present: Resident: Bonnie Dixon (left at 7:05 pm)

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

Bonnie Dixon: She would like to plant trumpet vines at the base of the chain link fence that borders her property at 14 Banta Street and the Community Center property at 8 Banta Street; the plant will grow up the fence providing her lawn with some privacy and hopefully attracting butterflies and hummingbirds. The Board has no objection to the vines growing on the fence and Jill will inform Carl so no weed killer is sprayed on it next spring.

#### REPORTS:

##### Community Center:

- 1.) Cafeteria Floor: Ken and DPW crew will start work on the floor removal on Monday, October 17<sup>th</sup>.
- 2.) Heating System: Jim informed the Board that Carl Peake and Mike Price will be conducting a walk thru; Halco feels that they are done; Carl wants to be sure this is the case, to his and Mike's satisfaction.
- 3.) Heating System @ BOCES wing: Mike Price feels that the previously presented Halco proposal is overkill; we have received a modified proposal late Friday, October 7<sup>th</sup>. Due to the fact that we just received this from HALCO, the board requests that Mike, Carl, Joe and Ken review and ask some questions before making a decision. Mike feels that the boiler can be started up and will work; we aren't forced to make a decision now. Jill to contact Carl per the Board's request, the thermostats do not appear to be programmed correctly, air conditioning running in rooms that are not used on a daily basis; also please move the thermostat that controls the boiler to the 400 wing.

William St. Park 1. Greg reports that the committee needs to get back together; nothing will be done with picnic tables and benches until spring; does Brian have anything to report regarding the lighting?

DPW 1. September report: no questions  
2. Ken reiterated that he and his crew will be spending substantial time at the Community Center.

Red Field Park: 1. Nothing to report.

Water / Wastewater: 1. September report: no questions  
2. Water tank: Jim informed the Board per his discussion with Carl, the tank is full and the water was tested today. Carl is awaiting the test results.  
3. Received a letter from DOH; Newark's water has tested positive for elevated copper, Carl is in contact with DOH. Our water is fine due to the added Seaquest.  
4. Experiencing problems with the auto controls to the pumps and wastewater at the plant, Sloth Electric to be called in.

##### Code Enforcement:

1. September report: no questions

Fire Department: 1. September report: no questions  
2. Repairs to Brush Truck 2151 are complete and it is back in service.

Police: 1. July & September reports: no questions  
2. Scott Avedisian is back to work after months out due to hand surgery. Lack of hours by certain officers continues to be an issue; Chief Storer to talk to the individuals.  
3. Problems with teenagers, vandalism and thefts continue in the Redfield Park and surrounding neighborhood.

YP&R: 1. Harvest Festival is coming up on October 22<sup>nd</sup>; then will start planning for the Christmas Tree Lighting event.

Treasurer Rpt: 1. September report: no questions

Minutes: 1. Minutes of the September 12, 2011: Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeBrock and carried by members present to accept the minutes.

Correspondence: 1. Phelps Chamber of Commerce newsletter: Sept/Oct issue  
2. Received a Public hearing notice on Establishing a Moratorium on Horizontal and Directional Gas Drilling and Hydraulic Fracturing from the Phelps Town Clerk: meeting will be held Tuesday, October 11, 2011.  
3. Time Warner Cable letter dated 10/01/11 outlining possible channel changes.

New Discussion: 1. Property Tax Law: Received two separate versions of the Property Tax Cap Override from Attorney Jeff Graff; upon review both Mayor Cheney and Trustee DeRuyter prefer the original wording (09/23/11). David and Jill to review for accuracy and forward the Board’s decision to Jeff. Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee DeRuyter to schedule a public hearing regarding Local Law #1 – 2011 Property Tax Cap Override at next month’s meeting, November 14<sup>th</sup>, 2011. Motion offered Trustee DeBrock, 2<sup>nd</sup> by Trustee DeRuyter:

**RESOLUTION #09 – 2011/2012 Public Hearing to Override Tax Cap**

**WHEREAS**, the Village Board of the Village of Phelps, after due deliberation, finds it in the best interests of the Village to schedule a public hearing to solicit public comment upon a proposed Local Law entitled “A local law to override the tax levy limit established in General Municipal Law §3-c”; and

**WHEREAS**, the Village Board of the Village of Phelps has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Village of Phelps to proceed in accordance with the Code of the Village of Phelps and the Laws of the State of New York in adopting said Local Law; and

**NOW THEREFORE, BE IT RESOLVED**, that the proposed Local Law entitled “A local law to override the tax levy limit established in General Municipal Law §3-c”, be and it is hereby introduced before the Board of Trustees of the Village of Phelps, New York, and

**BE IT FURTHER RESOLVED**, that the Board of Trustees hold a public hearing on said proposed Local Law at the Village Hall, 8 Banta Street in the Village of Phelps, New York, at 7:00 p.m. on November 14, 2011; and

**BE IT FURTHER RESOLVED**, that the Village Clerk publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least five (5) days prior thereto; and

**BE IT FURTHER RESOLVED**, that the Village Clerk be, and he hereby is, directed to post a copy of the proposed Local Law on the Village of Phelps sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Village Board of the Village of Phelps for its consideration; and

**BE IT FURTHER RESOLVED**, that the Village Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, David Nieskes, Village Clerk 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 October 10, 2011, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Jim Cheney	XX	_____
Howard Hughson	XX	_____
Joe DeBrock	XX	_____
Brian Hemminger (absent)	_____	_____
Greg DeRuyter	XX	_____

2. Pedestrian cross walk signs: Received information from NYS DOT, after reviewing the information provided, the Board feels that it is not a good set up for our Village considering the amount of traffic on Main Street (Route 96), the layout of turning lanes, etc. No pedestrian crossing signs shall be purchased or installed.

3. Halloween will be celebrated on October 31, 2011; parade from Exchange Street to PCC starts at 5:30 pm. Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter and carried by members present to close Main Street from 5pm – 7pm to facilitate Halloween parade.

4. PCC is having a joint fund raiser with the House of John on February 25, 2012; they would like to serve beer and wine. The rest of the building will be closed during this event. The Board has no objections to this request.

5. Budgeted \$200,000.00 for painting the water tank, cost is just over \$250,000.00; we need to raise the F511R (Revenue) and raise F8340.2R (Expenditures) by \$55,000.00. Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried by members present to adjust the Budget accordingly.

6. Sublease between PCC and James Rowley: Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeBrock and carried by members present to accept the lease as presented with the condition that any electrical changes that may need to be made need to be authorized by Village of Phelps personnel prior to work commencing.

7. Ontario County ARC lease renewal: Due to statewide funding cuts; ARC has requested a freeze of their current lease amount with a month to month clause; the Board has no objection to this request and recognize the County as a superb tenant.

8. Sq ft pricing of 200 & 400 wings: Janie has a real estate agent interested in showing the property, \$10/sq ft has been and continues to be the desired lease amount but the Board would be willing to negotiate.

Old Discussion:

1. Status of easement with residents on Clifton Street: Trustee DeRuyter wants this removed; history discussed; needs to remain on the list of things to do, Jill to contact Trustee Hemminger.
2. Security at 8 Banta Street.
3. Change Rest Haven law to no parking, will update with Zoning Code revisions.
4. Lawrence Tillack / Family Dollar Project: Mayor Cheney disclosed that the developer stopped at his residence for the second time, Sunday, October 9<sup>th</sup>, Mr. Tillack was informed that the project is before the Planning Board and that the Planning Board must work thru the process.

Transfers: None

Vouchers: Motion by Trustee DeRuyter, 2<sup>nd</sup> by Trustee Hughson and carried to pay the vouchers except Rockwood Corp's.  
Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter and carried to pay the voucher to Rockwood Corp., holding the check until satisfactory water testing results have returned from NYS DOH.

Abstr#05	General	Ck #'s: 11732 – 11786	In the amount of:	\$ 46,642.70
Abstr#05	Water	Ck #'s: 10339 – 10352	In the amount of:	\$ 246,953.66
Abstr#05	Sewer	Ck #'s: 10579 – 10596	In the amount of:	\$ 5,914.61

Adjournment: 8:10 PM: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert  
Village Deputy Clerk/Treasurer