

OCTOBER 12, 2010 REGULAR TOWN BOARD MEETING MINUTES

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

ABSENT: Carl Beechler Councilman

PUBLIC ATTENDANCE: See listing in book.

CALL TO ORDER: Supervisor Teed called the Regular Meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE: Supervisor Teed led the meeting with the Pledge of Allegiance.

PUBLIC PARTICIPATION: None.

CORRECTIONS TO THE SEPTEMBER 13, 2010 TOWN BOARD MINUTES: Councilman King, offered the following Resolution. RESOLVED that, the September 13, 2010 Regular Town Board Meeting Minutes be approved as written. The Resolution was seconded by Councilman Dole, who moved its adoption. 4 AYES. Motion carried.

RESOLUTION: Adopt Preliminary Budget for 2011 (see attached).

RESOLUTION: Recognize Mining Training for Planning and Zoning Board Members (see attached).

RESOLUTION: Accept Audit Findings for Phelps Town Justice Court (see attached).

RESOLUTION: Schedule Public Hearing for 2011 Budget (see attached).

RESOLUTION: Forward Expense to County for Salisbury Demolition and Cleanup (see attached).

HIGHWAY: Superintendent Featherly presented his September 2010 Highway Report to the Board (see attached).

Superintendent Featherly said he would like the Board's permission to get Truck #9 painted because it is getting rusty and would like to get it done before it gets really bad. He said he has gotten an estimate of \$3,500 for the painting.

Councilman Dole offered the following Resolution. RESOLVED that, Superintendent Featherly get Truck #9 painted for the estimated price of \$3,500. The Resolution was seconded by Councilman King. 4 AYES. Carried.

ZONING REPORT: The Zoning Report for the month of September 2010 is on file in the Town Clerk's Office.

PAGE 2 – OCTOBER 12, 2010 REGULAR TOWN BOARD MEETING MINUTES

MONTHLY REPORT: The Town Clerk's September 2010 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR: A) Supervisor Teed said the Dog Licensing will now be done by the Town. He asked Clerk Nieskes to speak on that subject. She said she had given each of the Board Members a copy of the questions that the Attorney needs answered to move forward with the Local Law. There was discussion regarding those questions and the Board agreed with the fees, etc. presented by the Clerk. Clerk Nieskes told the Board that most of the Town Clerk's had gone together to purchase the dog tags, because they could get better pricing that way. She told the Board that she had order 3,000 tags because all the dogs presently licensed within the Town and Village would have to have new tags, as the NYS Ag and Markets tag will no longer be valid. She feels the 3,000 tags should last for a considerable time. Supervisor Teed said this is the way the State is trying to balance their budget, by putting these things over onto the local municipalities. He said every County is dealing with it.

B) Supervisor Teed advised the Board that we did not receive the Records Management Grant again this year. He said this is the third time we have applied for the Grant and each time they give us a different reason for not receiving it. He said this time they said there was no justification that the second floor of the old Town Court would withstand the weight load of the old records. This was included in this Grant Application, as well as the previous 2 Grant Applications. He was told the real reason was because they ran out of funds.

C) Supervisor Teed said we have received a letter from the NYSDOT stating that they will investigate the Town's request for a speed reduction from the Phelps Village line to Rockefeller Road.

D) Supervisor Teed said there will be an Informational Meeting for the White Road Water District residents on Monday, October 25, 2010 at 7:00 PM at the Phelps Town Court/Meeting Facility, 1331 St. Rt. 88, Phelps. He said letters will be sent to each resident in the district advising them of the meeting. As discussed previously, we need to establish the \$150.00 Maintenance Fee on that district; the same as every other water district in the Township. We need to get this done to meet the deadline to have it on the 2011 Town and County Tax Bill.

E) Councilman King asked Superintendent Featherly about the Safety Rain Gear for the Highway employees. He asked if there is room in the budget for that. He said he feels very strongly about it, as does the rest of the Board. Superintendent Featherly said he wanted to talk to Supervisor Teed because he was not sure if the

money would come out of the employee's clothing allowance or out of our Highway Shop money for safety gear. Councilman King said he had a quote from Admar. Supervisor Teed asked Superintendent Featherly if he could get them through the County. He said the County buys them in a big quantity and he

PAGE 3 – OCTOBER 12, 2010 REGULAR TOWN BOARD MEETING MINUTES

wondered if we could “piggyback” with them. Superintendent Featherly said he would check. Councilman King said he would appreciate Superintendent Featherly getting right on it. He will check with him next month to see how he made out.

OPEN FORUM:

MR. JOHN OAKS, CO. RD. 6, OAKS CORNERS: Mr. Oaks said he lives across the road from the Oaks Corners Post Office. He said the last couple of years, Hanson (old General Crushed Stone) used to come out and sweep the road occasionally for the stones that were brought out onto the road by the truck tires. He said and then the County would come around occasionally with their vacuum and clean it up. He said they have not seen anyone down there in the last 3-4 months. He said it is all piled up and when we have rain it all ends up in his driveway. Mr. Oaks said he complained to the County a year ago and they came down and “piddled around” in the driveway and then last year when they paved the road again, we are back to the same thing. He said he did not know if there was an agreement with the County or the Town to keep the roads clean. He said when it rains all that stone dust settles on the road and then when it dries and the trucks go by; it looks like we live on a dirt road. He would like to know what can be done about this. Mr. Oaks went on to say that there is a garbage truck parade going down that road. He said he was under the impression that the Troopers and the DOT told them to stay off the county and town roads and use Rt. 14. He said that worked for a while. He said they are all back running down the County Road and some are even coming across Cross Rd. to County Road 6. Mr. Oaks said we are supposed to have a 45 mph speed limit down there and that does not work very well either. He said one of the gentlemen that lives in Oaks Corners had a deputy sheriff sitting in his driveway one day; and he asked the deputy what he was giving them and the deputy said 5-10 mph. He said the deputy said he could not keep up with writing the tickets because there is so many of them and they were going fast. He said he does not know what can be done about these situations. He said he would appreciate it if the mess could be cleaned up and get the trucks back on Rt. 14 where they belong. Supervisor Teed asked Superintendent Featherly to check on this. Superintendent Featherly said he would check with Hanson's first and then he will check with the County. He said Hanson's has always been good about cleaning up the mess on the road, he does not know what has happened. Supervisor Teed asked Mr. Oaks if he had an idea of how many trucks are coming up Cross Road. Mr. Oaks said 10-12 and that is the ones from out-of-state also. Supervisor Teed asked if anyone else wished to address the Board. There were no further comments.

NEXT TOWN BOARD MEETING:

The next Town Board Meeting will be held Monday, November 8, 2010 at the Phelps Town Court/Meeting Room, 1331 Rt. 88, Phelps at 7:00 PM.

BILLS:

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

GENERAL "A" - #286 - #317 THE AMOUNT OF \$50,642.83,

GENERAL "B" - #73 - #80 IN THE AMOUNT OF \$1,615.69,

HIGHWAY "DB" - #210 - #241 IN THE AMOUNT OF \$15,118.23

PAGE 4 – OCTOBER 12, 2010 REGULAR TOWN BOARD MEETING MINUTES

SEWER DISTRICT - #23 - #24 IN THE AMOUNT OF \$35.98,

WHITE ROAD WATER DISTRICT - #21 - #23 IN THE AMOUNT OF \$1,116.93,

RT. 96/488 WATER DISTRICT - #41 - #44 IN THE AMOUNT OF \$602.49,

ORLEANS WATER DISTRICT - #35 - #38 IN THE AMOUNT OF \$518.09,

SPAFFORD RD. WATER DISTRICT - #24 - #25 IN THE AMOUNT OF \$17.34,

MELVIN HILL WATER DISTRICT - #34 - #36 IN THE AMOUNT OF \$169.28,

TRUST & AGENCY - #29 - #32 IN THE AMOUNT OF \$2,169.85 be approved.

The Resolution was seconded by Councilman King, who moved its adoption. 4 AYES. Carried.

HIGHWAY DISCUSSION: Councilman King asked how Superintendent Featherly made out with the agreement he was going to have drawn up to work off the right-of-way on the corner of Bohner and Maryland Roads. Superintendent Featherly said he did not have anything written up because it is actually in the law that we have the right to go off the right-of-way. He said he had talked to Supervisor Teed about that. Supervisor Teed said you have the right to remove a hazard, with Board resolution, if it is on the property or if it is a threat to the traveling public. He said you have the right to do it; but be ready to defend yourself. Superintendent Featherly said he talked with Attorney Jeff Graff and he said we would have to have a separate one set up for every different situation. Superintendent Featherly said that will cost us money every time we have to go off the right-of-way to take care of something. He said he talked to the Association of Towns and he said the only time you are going to run into a problem is if you do not have an agreement with the property owner and they do not want you to go onto the property. Councilman King said so we do not have anything drawn up for that. Superintendent Featherly said no. Councilman King said that was his question 2 or 3 months ago when you first approached this project. Supervisor Teed said it would be good to have something for the owner to sign. Councilman King asked if the work had been done. Superintendent Featherly said they cut some of the trees back when they had the tree people here; that way they are ready to start and they will not have to worry about the trees. He said he talked to the owner and the gentleman that lives in the house. He stated they told him to do what he needed to do. Supervisor Teed said he thinks if we just have something written regarding what we are going to do and have it signed by the owner that should take care of the situation. Superintendent Featherly said he would take care of it.

ADJOURNMENT:

Councilwoman Day offered the following Resolution. RESOLVED that, the

Town Board Meeting be adjourned. The Resolution was seconded by
Councilman Dole, who moved its adoption. 4 AYES. Motion
carried.

TIME: 7:45 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk