

OCTOBER 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: Supervisor Teed led the meeting with the Pledge of Allegiance.

PUBLIC HEARING ON LL #3 of 2009, Manure Storage Facilities Regulations: Supervisor Teed called the Public Hearing on Local Law #3, 2009 to order at 7:02 PM. He asked the Town Clerk to read the public notice that appeared in the Finger Lakes Times. He asked if anyone wished to address the Board regarding Local Law #3, 2009 Manure Storage Facilities Regulations.

JAMES PECK, 2269 DeWindt Road, Newark, NY: Mr. Peck said he was here representing a number of people in this room that are concerned about this proposed law and we would like to ask the Town Board to table this until it can be further studied and reviewed. He said we have a number of issues with it as it is proposed in terms of the language. He said some of the provisions in it are very encumbering and would be difficult to deal with. He said we are also concerned because we have had Ag and Markets look at this informally and they have some objections to some of the provisions in it. Mr. Peck said a fax was sent to Supervisor Teed from Ag and Markets. He said it would be in the best interest of everybody to look at this law and find the proper language and the proper provisions to have it be workable. He said he is not going to list the objections that they have. He said at the same time we would like to have the Town consider setting up an Ag Advisory Board; not necessarily to deal with just this issue but a Board that would be contacted and involved in decisions that relate back to agriculture in the Town of Phelps. He said they are upset that they became aware of this by accident and that they were not involved in this early on in terms of having some input from some people that could really bring good advise and expertise to this issue. He said it would be very important to set this up; not just to respond to this issue; but to have it be a more global thing. He said agriculture is really important in the Town of Phelps. He stated we need to find a way to get the agricultural interest involved in the issues that affect them.

DALE HEMMINGER, 2630 Orleans Rd., Phelps, NY: Mr. Hemminger said his

business is in both the Town of Phelps and the Town of Seneca. He said he just wants to echo Jim Peck's sentiments that no one in production ag had any involvement in this document. He said he had talked with Supervisor Teed about

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the issue and then Sunday he went and met with one of the parties that had some of the issues. He said he feels everything is settled down in regard to the ongoing issue on Toll Road.

CHRIS DZULA, 1757 Co. Rd. 43, Clifton Springs, NY: Ms. Dzula said she is the one that has the farm on Toll Road that a fair amount of this is in regard to. She said she had a conversation with Supervisor Teed a couple of months ago that the main complaint was to move the fence back the 100 feet. She said she told Supervisor Teed she would do that; but did not give a specific timeframe it would be done because of the summer season and the planting. She said it was done yesterday; so that has been handled. Ms. Dzula said she would like to follow up on what Mr. Peck and Mr. Hemminger had said that none of them were notified about the issue. She said she found out about it on Sunday and she is a direct party involved in this. She said she had spoken to Councilwoman Day and specifically asked if there was anything she should know about and Councilwoman Day said no, everything was quiet since she had gotten rid of the cows. She said when she talked to Supervisor Teed, she was getting rid of the cows that week and his comment was that should relieve the issues at hand. She said all she had left at the time was the 150 ewe lambs and that is about equivalent to 30 head of full-size dairy cows and nowhere in comparison to the animals she had there. She said she would like to know if the Simmon's received a copy of the Right to Farm Law when they got their building permit. Supervisor Teed said all he wanted is to get this all straightened out and what we are proposing is something that is going to benefit the public and the farmer.

ED SCHOEN, 65 Co. Rd. 6, Phelps, NY: Mr. Schoen said he appreciated the opportunity to address the Board. He said as we look at the proposed law, there are portions of it that have not been reviewed by Ag and Markets. He said it would be extremely important to have that occur to make sure we get whatever is already on the books in line with what we are trying to propose on the books and get additional input from the other agricultural people. He said he is very much in favor of this being postponed and getting more information.

Supervisor Teed asked twice if anyone else wished to address the Board in favor or against this proposed Local Law. He said we have done a lot of work on this and he had asked Ron Allen, Chairman-Elect of the Planning Board, to be here tonight. He said Mr. Allen would also like to bring it back to the table. Supervisor Teed said it would be great to have people from the Community get involved in this.

NOAH SARGENT, 2420 Rt. 488, Clifton Springs, NY: Mr. Sargent said he would

like to suggest that if there is going to be a new law to be followed by the Ag community that a committee be formed that is both members of the ag community and other community members that do not agree with the it to meet together and write a law that is actually overseen by one of the Board Members. He said that is what was done in another town in Seneca Co. when they dealt with hog farms. Supervisor Teed said the Planning Board would be involved in that also. He said we need a committee to oversee this.

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Supervisor Teed asked if anyone else wished to address the Board. Councilman Dole said more work definitely needs to be done on this. He said we have a Mining Committee; so we should have an Ag Committee; as they are probably the two largest industries in this Town. He said he was in favor of tabling the Local Law.

Councilman Beechler said he agrees. He said as he was looking through the Ag and Markets Laws, some of the provisions included in the Local Law were not covered anywhere near where they are covered in the Ag and Markets Law. He said the proposed law would put some pretty heavy restrictions on farming.

Supervisor Teed said this always has been, and he hoped it always would be, a rural community, and he wants to protect that above all. He said if anyone would like to serve on that Committee, please call the Town Hall and we will move forward immediately. He said he appreciates everybody's comments.

Supervisor Teed said if there is no further comment, he would entertain a motion to table this for further review.

Councilman Mattoon offered the following Resolution. RESOLVED that, Local Law #3 of 2009, Manure Storage Facilities, be tabled until there can be further review. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Carried.

Supervisor Teed closed the Public Hearing at 7:20 PM.

PUBLIC HEARING ON
Ontario Co. Multi-
Jurisdictional All Hazard
Mitigation Plan:

Supervisor Teed called the public hearing on the Ontario Co. Multi-Jurisdictional All Hazard Mitigation Plan to order at 7:22 PM. He asked the Town Clerk to read the public notice that appeared in the Finger Lakes Times. Supervisor Teed asked if there was anyone that wished to address the Board regarding this Plan. He said this is a County-wide plan and if it is not adopted, we would not be eligible for any of the federal aide during a disaster. He said every municipality in the County is doing this. Supervisor Teed asked twice if anyone wished to address the Board regarding this plan. There were no comments. Supervisor Teed declared the Public Hearing closed at 7:23 PM.

PUBLIC PARTICIPATION: Mr. Richard Fagner had asked to speak at the meeting; but was unable to attend.

CORRECTIONS TO THE SEPTEMBER 14, 2009 BOARD MINUTES: Councilman Mattoon, offered the following Resolution. RESOLVED that, the September 14, 2009 Regular Town Board Meeting Minutes be approved as written. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Motion carried.

RESOLUTION: Adopt Preliminary Budget for 2010 (see attached).

RESOLUTION: Resolution of Support for General Efficiency Planning Grant (see attached).

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RESOLUTION: Accept Resignation of Planning Board Chairman (see attached).

RESOLUTION: Approve Local Law #3, 2009, Manure Storage Facilities (see attached). **TABLED**

RESOLUTION: Approve Snow and Ice Contract with Ontario County for 2009-2010 (see attached).

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

RESOLUTION: Schedule Public Hearing for 2010 Budget (see attached).

RESOLUTION: Accept Ontario Co. Multi-Jurisdictional All Hazard Mitigation Plan (see attached).

RESOLUTION: Approve Purchase of Highway Truck (see attached).

RESOLUTION: Approve Transfer of Funds to Cover Fuel for Remainder of Year (see attached).

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

Superintendent Featherly said they were going to pave Bankert Road with the Economic Stimulus Grant this year; but it is running late so it looks like it is going to be put off until next year.

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

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

DISCUSSION WITH THE SUPERVISOR: There was no discussion with the Supervisor.

OPEN FORUM: NONE.

NEXT TOWN BOARD The next Town Board Meeting will be held Monday, November 9, 2009, at the

MEETING: 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" - #277 - #284 IN THE AMOUNT OF \$44,115.68,
GENERAL "A" - #285 - #307 THE AMOUNT OF \$6,051.16,
PREPAID GENERAL "B" - #85 - #86 IN THE AMOUNT OF \$119.15,
GENERAL "B" - #87 - #93 IN THE AMOUNT OF \$2,796.10
PREPAID HIGHWAY "DB" - #186 - #187 IN THE AMOUNT OF \$3,317.96,
HIGHWAY "DB" - #188 - #200 IN THE AMOUNT OF \$39,946.51,

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PREPAID SEWER DISTRICT - #24 IN THE AMOUNT OF \$.61,
WHITE ROAD WATER DISTRICT #25 IN THE AMOUNT OF \$734.38,
PREPAID RT. 96/488 WATER DISTRICT - #48 - #49 IN THE AMOUNT OF \$477.47,
RT. 96/488 WATER DISTRICT - #50 - #53 IN THE AMOUNT OF \$892.16,
PREPAID ORLEANS WATER DISTRICT - #58 - #59 IN THE AMOUNT OF \$697.47,
ORLEANS WATER DISTRICT - #60 - #61 IN THE AMOUNT OF \$8,225.45,
SPAFFORD RD. WATER DISTRICT - #26 IN THE AMOUNT OF \$1,288.00,
PREPAID MELVIN HILL WATER DISTRICT - #35 - #37 IN THE AMOUNT OF \$51.70,
MELVIN HILL WATER DISTRICT - #38 - #39 IN THE AMOUNT OF \$37.65,
TRUST & AGENCY - #29 - #30 IN THE AMOUNT OF \$584.05 be approved.
The Resolution was seconded by Councilman Dole, 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: 7:45 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk

