

SEPTEMBER 14, 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: Councilwoman Day led the meeting with the Pledge of Allegiance.

PUBLIC HEARING ON LL #2 of 2009, Amend Portion of Town of Phelps Zoning Map: Supervisor Teed called the Public Hearing on Local Law #2, 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 the Local Law #2, Amend Portion of Town of Phelps Zoning Map.

JOE FREELAND, 1358 Bankert Road, Clifton Springs, NY: Mr. Freeland said he opposed the local law, at least the portion that included Bankert Road to Co. Rd. 13. He said it would have a negative impact on residential property values in that area. He said when he built his house there 15 years ago, that was one of the key considerations, that it was not zoned commercial, it was residential-agricultural. He said he sees it as a real negative impact on the neighborhood. Councilwoman Day asked what side of the road Mr. Freeland lived on. He said it is the west side of Bankert Road.

DAN BLONDELL, 61 Hibbard Ave., Clifton Springs, NY: Mr. Blondell said he was here on behalf of himself and the Village of Clifton Springs. He said he had questions as to what types of things were taken into considerations before the Town decided to rezone these properties. Supervisor Teed said this was in line with our Comprehensive Plan that was done 3 years ago. He said that is the most logical area to develop to C-1 because we have water, gas and sewer through a portion of this property and we also have a railroad there for a possible siding. He said what he is hoping for is light manufacturing like Z-Axis and Magnus. Mr. Blondell asked what the last date was the C1 codes were updated. Donald Springer, Planning Board Chairman said we have had the C1 codes for many years. He asked why Mr. Blondell was asking that question. Mr. Blondell said the Village of Clifton Springs had updated all of their zoning codes for Commercial. Mr. Springer said we had worked for 7 years on the Comprehensive Plan and what came out of that study was that the Rt. 96 corridor should be a commercial zone. Mr. Blondell said he understood that; but wanted to know what had been done to update the codes. Mr. Springer said our codes are sufficient for what the Town is

doing. Mr. Blondell again said when were the codes updated. Mr. Springer said he did not know the date of the last time all the codes were updated. He said the Town adds to the codes as necessary. Mr. Springer said as Supervisor Teed had said, we would look for light industry such as Magnus and Z-Axis. He said our codes also address that anyone that comes in must provide for green space. Mr. Blondell said when one someone purchases the property; they can pretty much do whatever they want to with the property, as long as it is in the codes. Mr. Springer said that is correct. Mr. Blondell said that is my point, if you haven't updated the codes, than this person can have this kind of lighting another person could have a different kind of lighting. Mr. Springer said no they can't do that. They have to come in with a site plan and that is reviewed to make sure it meets all the codes. Mr. Blondell said this local law affects our entrance into the Village from Kendall St. Supervisor Teed told Mr. Blondell that the Town of Phelps does not go up to Kendall St. in Clifton Springs. Mr. Blondell said it is still impacting our residents because it is in the back of their properties. He said there should be a 500 foot buffer. Mr. Springer said we would insist on a buffer in that area.

RICHARD FAGNER, 2320 Co. Rd 13, Clifton Springs, NY: Mr. Fagner said he and Mr. Franklin, who lives next door to him, are both opposed to this local law. He said there are 5 lots going down on the east side of Bankert Road that are not being changed and he wanted to know why. Mr. Springer said they were not changed because they are residential. Mr. Fagner said he and Mr. Franklin are residential also. Mr. Springer said they are not changing their lots. Mr. Fagner said they are and Mr. Springer disagreed, he said it is going behind the property. Supervisor Teed said the map does show the houses being included. Mr. Springer said that is not the way it is supposed to be. Mr. Fagner said he is not opposed to Mr. Haers' building his storage units. Mr. Springer said there is a mistake on the map and the map will have to be redone as well as the narrative.

WILLIAM BOUNDS, 74 Hibbard Ave., Clifton Springs: Mr. Bounds stated that his property is one of the ones affected by this zoning change. He said according to the information he got from the Village and his map, this change would come right up to the back of his shed. He said his other issue is by owning the Dippers II and being commercial he has had a couple of problems trying to sell it. He said if this area is changed to commercial; it will be even harder for him to sell his property. He said he does not have a problem with Mr. Haers building the storage units on their property. He does not feel that it is necessary for the commercial area to go all the way up through there. Mr. Bounds said his main concern is he does not want some "craphole" in his back yard.

DAN BLONDELL, 61 Hibbard Ave., Clifton Springs, NY: Mr. Blondell asked if the minutes from the Ontario Co. Planning Board were taken into consideration. Mr. Springer said they were and they still wanted to move forward. Mr. Blondell

proceeded to read the comments of the Ontario Co. Planning Board, which are available to the public.

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Supervisor Teed asked twice if anyone else wished to address the Board. There was no more discussion. Supervisor Teed thanked everyone for their input. The public hearing was adjourned at 7:46 PM.

PUBLIC PARTICIPATION: CAROL CONKIN, Church St., Phelps, NY: She said she is on the Board of the Resthaven Cemetery. She said she was at a meeting the other night and she brought literature in and put it in the Board Member's boxes (see attached). She said New York State says that someone can be buried on private property if the wish. She said she was concerned about this so she went to see Steve Studley at the Code Enforcement Office to see if there was anything regarding this in our code book. She said there is nothing regarding burials. She said they do know that ashes have been spread on many farms and private properties, which is not a big impact. She said it has also been recently brought to mind that there is such a thing as "green burial". The State did at one time mandate that all bodies be placed within a vault; they have since rescinded that. She said the body does not even have to be in a cardboard box for burial and because NYS does not have any rulings; you could be buried in your back yard as long as you are 100 ft. from a water source. She said what the Town does with this is certainly your business; but because we are concerned about knowing where people are buried, I would like to see, if people do wish to do this, that a permit would be required. She said this way the landowner will have to place a marker on the property where a body is buried, and it will be noted if there is a future sale of that property. She said the ashes part of it, we have already addressed it in our policy at Resthaven Cemetery. She said we are asking for a permit to even do that. She said placing human remains on your property needs to be addressed; but that is my opinion. She said it was also brought to her attention today that something should be done for future planning of cemeteries. She said we know that there are cemeteries being formed in other areas and maybe this needs to be addressed in some form also. She asked if there were any questions. She said there is one village in NYS that has all green burials and there are no markers. She said you are actually given a GPS number to find a person. Councilman Dole asked if any other Towns in Ontario Co. had codes regarding private property burials. Mrs. Conklin said she did not know.

CORRECTIONS TO THE AUGUST 10, 2009 TOWN BOARD MINUTES: Councilwoman Day, offered the following Resolution. RESOLVED that, the August 10, 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 Local Law #2, 2009, To Amend a Portion of the Town of Phelps Zoning Map (see attached).

RESOLUTION: Appoint Town Hall and Town Court Cleaner (see attached).

RESOLUTION: Approve Justice Court Audit for January 1, 2008 to December 31, 2008 (see attached).

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RESOLUTION: Schedule Public Hearing for Local Law #3, 2009, Manure Storage Facilities (see attached).

RESOLUTION: Approve Paving of Town Court Parking Lot (see attached).

RESOLUTION: Change Deputy Court Clerk’s Pay from Hourly to Salary (see attached).

RESOLUTION: Schedule Public Hearing for Ontario Co. Multi-Jurisdictional All Hazard Mitigation Plan (see attached).

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

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

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

DISCUSSION WITH THE SUPERVISOR: A) Supervisor Teed told the Board that the October 2009 Town Board Meeting would be changed from Monday night to Tuesday night, October 13, 2009 due to the Columbus Day holiday.

B) Supervisor Teed told the Board that he had received a letter from Leon Adams regarding changing portions of his land to M1. He asked for a Resolution to forward this request on to the Planning Board for review.

Councilman Beechler offered the following Resolution. RESOLVED that, the Town Board forward Mr. Adams’ request for a zoning change to the Planning Board for their review. The Resolution was seconded by Councilman Mattoon.

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>

C) Supervisor Teed said he would like to schedule a Town Board Budget Workshop for Monday, September 28, 2009 at 4:00 PM at the Town Hall.

D) Supervisor Teed said we have an application into the Mary Preston Foundation for painting of the exterior of the old Town Court building. He said he talked with

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Clingerman Painting, the company doing all the downtown painting, regarding painting of the outside of the old Court House and they said they would give him an estimate. He said they will scrape, paint and caulk the exterior of the old Court House. Councilman Beechler said we will have to notify the Historical Society regarding colors. Supervisor Teed said we will need a Resolution for this (see attached).

OPEN FORUM: NONE.

NEXT TOWN BOARD MEETING: The next Town Board Meeting will be held TUESDAY, October 13, 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:

\$12,580.18, PREPAID GENERAL "A" - #247 - #259 IN THE AMOUNT OF GENERAL "A" - #260 - #276 THE AMOUNT OF \$31,061.49, PREPAID GENERAL "B" - #78 - #79 IN THE AMOUNT OF \$101.57, GENERAL "B" - #80 - #84 IN THE AMOUNT OF \$545.88, PREPAID HIGHWAY "DB" - #165 IN THE AMOUNT OF \$3,195.60, HIGHWAY "DB" - #166 - #185 IN THE AMOUNT OF \$233,038.87 PREPAID SEWER DISTRICT - #27 - #28 IN THE AMOUNT OF \$23.27, SEWER DISTRICT - #29 - #30 IN THE AMOUNT OF \$448.00, WHITE ROAD WATER DISTRICT #20 - #23 IN THE AMOUNT OF \$368.57, PREPAID RT. 96/488 WATER DISTRICT - #40 - #42 IN THE AMOUNT OF \$439.34, RT. 96/488 WATER DISTRICT - #43 - #47 IN THE AMOUNT OF \$6,373.53, PREPAID ORLEANS WATER DISTRICT - #50 - #51 IN THE AMOUNT OF \$70.89, ORLEANS WATER DISTRICT - #52 - #57 IN THE AMOUNT OF \$8,294.32, PREPAID SPAFFORD RD. WATER DISTRICT - #21 IN THE AMOUNT OF \$9.68, SPAFFORD RD. WATER DISTRICT - #22 - #25 IN THE AMOUNT OF \$227.17, PREPAID MELVIN HILL WATER DISTRICT - #31 - #32 IN THE AMOUNT OF \$34.50, MELVIN HILL WATER DISTRICT - #33 - #34 IN THE AMOUNT OF \$200.20, PREPAID TRUST & AGENCY - #24 - #27 IN THE AMOUNT OF \$2,651.84,

TRUST & AGENCY - #28 IN THE AMOUNT OF \$217.00 be approved. The Resolution was seconded by Councilman Dole, who moved its adoption. 5 AYES. Carried.

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

TIME: 8:25 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk

