

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

Also Present: Clerk/Treasurer: David Nieskes; DPW: Ken McAllister; Code Enforcement: Brad Dutcher; Waste Water: Carl Peake

Also Present: Fire Chief John Dole, Matt Eldridge, and Norm Teed (6:15pm)

6:00 PM Regular meeting opened by Mayor Cheney with Pledge to Flag

REPORTS:

8 Banta Street: 1. Doors: The doors have been ordered but won't be in for around 45 days. Trustee Hemminger and Carl Peake meet with Ed Evans from Doyle and discussed the installation of the security system. Nothing was decided. Trustee Hemminger and Trustee DeRuyter got together and discussed different options. At this time, there are no recommendations. The thought right now is when the new doors come in, they get keyed to the existing key. When we hook into the security system, then the two main entrance doors will be re-keyed to a new key.
2. Sign by Falls: Carl has discussed the issue with Ann Sheppard and she has not gotten back with Carl. Carl will contact Ann again. Further discussion followed and there is a possibility of getting blank aluminum signs and do them in vinyl.
3. The boiler was started last week and seems to be working fine.

DPW: 1. No August report.
2. Transfer Station: The paving at the Transfer Station was completed last week.
3. The stripping of the parking lot behind the hotel has been completed.
4. Franklin Street water project will be started next week.
5. Amber Fence: The closing was completed last week. The property is now belongs to the Village. Ken and Fire Chief John Dole will get together regarding the burning of the wooden material. At this time, the gas and electric are still on.

Code Enforcement: 1. No questions on August report.
2. Fee Schedule: The information is still being compiled from the other villages.
3. Sign Permits: Brad Dutcher informed the members present that, according to our village code, if a building permit does not have to be issued, they do not need to come in for sign approval. But he is asking them to come in voluntarily before the Planning Board as a business venture just to inform the Planning Board of their intentions.

Fire Department: 1. No questions September's report.
2. The new (used) fire truck's painting has been completed. At this time the truck is at Ewing's getting the decals/lettering completed. The truck should be completed by the end of this week. Chief Dole indicated it probably won't be in service until December. It will take time to take the existing stuff from the old truck and place it on the new truck. The department will take its time to make sure that items are placed properly.
3. Chief Dole has contacted two companies about advertising the old TP2131 for sale. FireTec charges a 10% commission and Fenton Fire charges a 7% commission price if sale if under \$50,000.00 and a 5% commission if sale is over \$100,000.00. Chief Dole has found another fire truck, same year etc for sale for \$70,000.00 (with a poly tank). He feels that \$50,000.00 would be a reasonable offer for ours. The board decision is to go with Fenton Fire.

Water: 1. No question on August report.

Wastewater: 1. No questions on August report

Police: 1. No August report
2. Old White Police car: There was a motion by Trustee DeBrock, 2nd by Trustee DeRuyter and unanimously carried declaring the 1998 Ford Crown Vic car excess equipment. The members decided to advertise in the Merchandiser that the car is for sale. No minimum bid and sealed bids must be in clerk's office by October 30, 2009. There was a motion by Trustee Hemminger, 2nd by Trustee Hughson and unanimously carried by members present authorizing Clerk/Treasurer Nieskes and Trustee DeBrock to open bids on October 30, 2009.

YP&R: 1. Trustee DeRuyter inquired about the legal number of people that may be in the gymnasium at one time according to code. Code Enforcement Dutcher will check with the town for their records or will re-measure and post it.
2. Halloween will be on Saturday, October 31, 2009 from 6:00 pm – 8:00 pm. There will be the Halloween Parade starting at 5:30 pm, line up behind the Phelps Hotel.
3. Trustee Hemminger was approached about putting "Play AT Your Own Risk" signs at Red Field Park and Community Center playgrounds. The members present decided not to have these signs made due to expense and people do not read them.
4. Red Field Park Concession Stand: Carl Peake will get ceramic heaters and place them in the rooms for this winter, turn back thermostats and put ant-freeze down the drains.

Executive Session 06:40 PM: Motion by Trustee Hemminger, 2nd by Trustee DeBrock and carried to enter into Executive Session to discuss a personnel issue. Clerk/Treasurer David Nieskes, Code Enforcement Brad Dutcher and Planning Board Chairman Norm S. Teed were invited into the

session. Norm is concerned about which applications are coming before the Planning Board and which ones are not coming before the Planning Board. The members present decided this was not a personnel issue but a procedural issue.

Out Of Exec Session 06:50 PM: Motion by Trustee Hemminger, 2nd by Trustee DeBrock and carried by members present, with Trustee DeRuyter opposing, to come out of Executive Session and back into open meeting. Norm Teed, Planning Board Chairman, is very concerned about the way applications are being handled by Brad Dutcher, Code Enforcement officer. Norm feels some applications should be coming before the Planning Board, citing the new West End restaurant as an example. Norm feels that situation should have come before the Planning Board because they were repairing the Ansel Fire System. Brad explained to the board that his interpretation was that they were doing a repair and was not necessary to go before the Planning Board. Brad informed the board that if he has any questions, he will contact other Code Enforcement officers and get their interpretation. He is also using Dick Thompson from the State for assistance. Norm also indicated that he felt applications were not being handled in a timely fashion and noted the Wine Bar at 125 Main Street has been an outstanding issue for a few months. The board informed Brad this issue should be looked in to getting completed. Mayor Cheney said the intent is to have everything go before the Planning Board with the exception of sign permits, changing of hot water heaters, etc. When Brad was hire he was told to assist and help people go through the process. Mayor Cheney also said the Village Board should not interpret the code. Until the new regulations are in place, we will go by the code. Trustee Hemminger stated that everything that he has heard in this conversation tonight indicated that Brad seems to be doing his job. Trustee Hemminger asked Norm why it is taking so long to get the new code in place. It has been month's since the Planning Board started the undertaking of reviewing and submitting changes to the Village Board. Norm said that our code needs many changes and they have to re-write the definitions. Mayor Cheney said the Village Board needs to give direction. Trustee Hemminger feeling is to let Brad do his job. Trustee DeRuyter would like more time to think about it. Trustee Hughson is in agreement with Trustee DeRuyter. Trustee DeBrock said that if is in our current code, then follow the current code and let Brad do his job. At this time Norm spoke and said the Village is not following the code and he wants no part of it. He verbally gave his resignation as Planning Board Chairman as of October 26, 2009 after the scheduled Planning Board meeting and left the meeting.

Treasurer's Rpt.: 1. No questions on report.

Minutes: 1. Motion by Trustee DeBrock, 2nd by Trustee Hemminger and carried by members to accept the regular monthly meeting minutes of the September 14, 2009. (In section regarding Office of the Aging, add "Ontario County Office of the Aging)
2. Motion by Trustee Hemminger, 2nd by Trustee Hughson and carried by members present accepting the bid opening minutes of September 16, 2009
3. Copy of the Planning Board meeting held on September 26, 2009.

Correspondence: 1. Letter from Time Warner (09/29/09): possible channel changes
2. Phelps Community Historical Society: October issue

New Discussion:

1. Village Tax bill at 15 Walnut Street: The new owner purchased the property toward the end of May during the preparation of our village taxes. The tax bill was printed with the bank's address and was sent to the bank of record because the clerk's office did not know of the transfer. The new owner received the delinquent letter of now payment with the penalty. She was wondering about waiving the penalty because she never received the original tax bill. The board rejected this request because, by law, penalties can only be waived when it is a clerical mistake.
2. Open Burning: The clerk received information from D.E.C. (by way of e-mail), regarding new regulation on open burning which takes effect October 14, 2009. The open burning of residential waste will be prohibited in all communities statewide, regardless of population, with exceptions for burning tree limbs and branches at limited times and other certain circumstances. Previously, the ban applied only in towns with populations of 20,000 or more.
3. Red Field park: Carl Peake discussed the horse shoe pits with Chris Orlando. Chris told Carl that only t-ball baseball is played on that field and they could play that to the east of the horse shoe pits. The pits are fine where there have been placed.
4. Resident on Clifton Street complained about woodchucks. This is an isolated case and it would not be considered a village problem.

Old Discussion: 1. Status of easement with resident on Clifton Street: Brian to approach Clark Surveyors
2. PCC Building – To Do List: Carl to review the list and report.
3. Water Tank: Carl Peake is still getting cost from other companies.
4. Ron Brand's Code revisions
5. Moving gate at Transfer Station
6. Planning Board needs to look at zoning at Quarry Street

Transfers: Motion by Trustee DeRuyter, 2nd by Trustee Hughson and carried by members present:
TO: FROM: AMOUNT
A9050.8 A1990.4 \$120.60

Regular Monthly Meeting October 12, 2009

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Mitigation Plan: 8:45 PM Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried by members present to open Public Hearing for discussion of adoption o the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan. No one in attendance for discussion; Public Hearing closed. There was a motion by Trustee Hughson, 2nd by Trustee DeBrock to adopt the Ontario County Multi-jurisdictional All Hazard Mitigation Plan:

RESOLUTION # 10 – 2009/2010

WHEREAS, the Village of Phelps, in coordination with Ontario County municipalities, have gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan was developed to help communities:

Protect life, safety, and property by reducing the potential for future damages and economic losses resulting from natural hazards;

Qualify for additional pre-disaster and post-disaster grant funding;

Facilitate recovery and redevelopment following future disaster events;

Demonstrate a commitment to hazard mitigation principles; and

Comply with New York State and Federal legislative requirements; and

WHEREAS, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, The Plan was financed in part by a Pre-Disaster Mitigation Grant through the Federal Emergency Management Agency and the New York State Emergency Management Office. The Ontario County Planning Department and participating municipalities provided the required grant match through in-kind service; and

WHEREAS, In March 2009, the Federal Emergency Management Agency granted approval of the plan pending adoption by each of the participating municipalities; and

WHEREAS, the Village of Phelps is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Village of Phelps has reviewed the Plan and commits to review and update the Plan as required; now, therefore, be it

RESOLVED that the Village of Phelps adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

The following vote was taken:

		<u>AYE</u>	<u>NAY</u>
Mayor: Jim Cheney		XX	_____
Trustee: Joe DeBrock	XX	_____	_____
Trustee: Brian Hemminger		XX	_____
Trustee: Greg DeRuyter		XX	_____
Trustee: Howard Hughson		XX	_____
<u>Motion carried.</u>			

Vouchers: Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried to pay vouchers.

Abstr#05	General	Ck #'s: 10396 – 10447	In the amount of:	\$40,608.08
Abstr#05	Water	Ck #'s: 10076 – 10083	In the amount of:	\$25,338.06
Abstr#05	Sewer	Ck #'s: 10141 – 10155	In the amount of:	\$ 8,550.38

Adjournment: 09:00 PM: Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried by members present to adjourn the meeting.

Respectfully submitted,

David Nieskes
Village Clerk/Treasurer