

OCTOBER 14, 2008 TOWN OF PHELPS REGULAR TOWN BOARD MEETING MINUTES

MEMBERS PRESENT: Norman Teed Supervisor
 Carl Beechler Councilman
 Doris Day Councilwoman
 John Dole Councilman
 James Mattoon Councilman
 Linda Nieskes Town Clerk
 Terry Featherly Highway Superintendent

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: ROBERT CHAPMAN, WADDELL ROAD, CLIFTON SPRINGS: Mr. Chapman thanked the Town Board for their time. He said he wanted to start off with the minutes from the September Board Meeting that listed 9 questions he had asked. Supervisor Teed said he had already answered a number of the questions. He said the question about how many are in compliance, he does not know. He said he had discussed this with Mr. Chapman and there are 11 mines in operation. Mr. Chapman said they all require special use permits. Supervisor Teed said he is not sure what the procedures were when they went into operation; and some of it is not in the files. He said #4; the question of a committee to review the open pit mining in the Town is something he would like to address. He said he would like to have a committee of possibly 3 people from the community, 1 from the Planning Board and 1 from the Zoning Board to review our regulations, the procedures and come up with solutions to our problems, if there are any. He said he had not presented this to the Town Board yet; but he thinks it would be a good idea instead of saddling the Planning and Zoning Boards with all of this. He said he would like to see a totally independent group to work with the Town to see if we can get these issues corrected. Mr. Chapman said that Committee would report directly to Supervisor Teed and then he would disseminate the information to the appropriate committees and Board Members. Supervisor Teed said absolutely. Mr. Chapman said that is excellent and nobody in the community could ask for more than that. Supervisor Teed said as he had stated before, there needs to be some insight put into this because it is an ongoing issue and it is only going to get worse. He said we need extractive industry in the Town of Phelps; but we need some serious control on it and control over expansion. Mr. Chapman asked if the cost of repair to Waddell Road has been figured up yet; and if so, how much is Pooler paying for damages to the road. He also asked what the cost is to the Town of Phelps. Supervisor Teed said he has not gotten an official cost estimate because the County would not do that. He said they came up with a remedy; but there was no dollar amount put on that. He said the County did not want to give us a cost figure. He said he

understood that Pooler has been up there doing some road work. Mr. Chapman said they had. He said they had patched the punched out areas. Mr. Chapman requested that the letter of June 18, 2008 from the County regarding the road conditions and remedies be included in the minutes (see attached.) Supervisor Teed said that will be done. Mr. Chapman said we have a posting on the road for a weight limit of 10 Ton; but it is his understanding that is not official. He said ELAM Corporation is running sand over to Dolomite. He said they are operating with a tri-axle and a pup trailer. He said they are probably grossing 70,000 to 80,000 gross weight. He said after Mr. Featherly posted the signs, he saw one of the ELAM trucks come up to the intersection, started across the intersection and saw the sign. He stopped, made a left turn and went up over to Shekell Road. He said they run 10-15 loads per day, depending on the need of Dolomite. He said that traffic was not in the count because they had already posted the road and that traffic was going the other way. He said if we pull the weight limit signs down, the ELAM trucks will be right back up there. He said the posting would not hurt any of the local farmers because agriculture is exempt. Mr. Chapman asked the Board to please consider a permanent posting on Waddell Road.

CORRECTIONS TO THE
SEPTEMBER 8, 2008
TOWN BOARD
MEETING MINUTES:

Councilman Mattoon, offered the following Resolution. RESOLVED that, the September 8, 2008 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:

Adopt Preliminary Budget for 2009 (see attached).

RESOLUTION:

Schedule Public Hearing on 2009 Budget (see attached).

RESOLUTION:

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

RESOLUTION:

Approve Funds for Rt. 318 Water Engineering Report (see attached).

RESOLUTION:

Approve Request for Speed Reduction on Spafford Road (see attached).

HIGHWAY:

Superintendent Featherly gave his September 2008 Report. Supervisor Teed asked Superintendent Featherly about the roller that needed to be repaired. He said they are still working on it. He said Jim is pretty sure it is one of the pumps; but not

sure

if it is both of them. He said if it is just one pump we can get out of it reasonably; but if it both pumps, it will be costly.

ZONING REPORT:

The Zoning Report for the month of September 2008 is on file in the Town Clerk's Office.

MONTHLY REPORT:

The Town Clerk's September 2008 report was reviewed by the Board Members for their approval.

DISCUSSION WITH THE SUPERVISOR:

A) Supervisor Teed said we received a letter from the NYS Department of Transportation regarding our request for a speed reduction on County Road 25. He said the request was denied at this time. He said the request was for the intersection of County Road 25, County Road 27 and McBurney Road. He said the speed limit is already at 45 mph and they wanted it lowered to 35 mph.

B) Supervisor Teed said the 60 day period is up on the demolition of the Salisbury Property at 2437 County Road 6. He said he had spoken with Superintendent Featherly about possibly demolishing the buildings. He said it is a County project and a County expense. He said if the Highway Department agreed to do it, we would have to keep track of the hours, men and the equipment and the Town would be reimbursed. Supervisor Teed said if Superintendent Featherly is too busy, he has two other options that we can do. Superintendent Featherly said he took a look at that project today and said he will probably need a track machine in there with a thumb on it to get that stuff out of there. He said the Town's has rubber tires on it and he does not feel comfortable running that in there over all the brush and debris. He said you are bound to find nails, broken glass and broken pieces of steel. Supervisor Teed said the other 2 options are Ken McAllister said he would be willing to do, with the Village Board's approval and the other option is an independent contractor would do it for approximately \$5,000.00, depending on the dumping fees. He said it is not a major expense; but it finally gets that eyesore eliminated. Superintendent Featherly said if the Village agrees to do it with their machine; he has no problem helping them. Supervisor Teed said he knows the Village has one roll-off and he wondered if Superintendent Featherly could ask the Town of Manchester if we could borrow theirs. Superintendent Featherly said they run theirs a couple times a week, like we do ours. Supervisor Teed said yes, you would have to coordinate it at a time when they were not using it. He said we would have to flag the test wells and make sure the electric and gas is off. Councilman Dole said we also need to make sure the meters are off the buildings. Supervisor Teed said he would like to see this done within the next week or so. Councilwoman Day asked if we would pay the \$5,000.00 charge or would the County pay that. Supervisor Teed said he had to call Gary Curtiss to verify if we have to pay for the work and then the County reimburses us or if the bill goes directly to the County.

Councilman Dole offered the following Resolution. RESOLVED that, the Town and Village work together to demolish the Salisbury property at 2437 County Road 6, keeping track of their hours and State rental rate. The Resolution was seconded by Councilwoman Day, who moved its adoption. 5 AYES. Carried.

C) Supervisor Teed said when the new Town Court building was sided, they used the old siding off the original building to do the back (north side) of the Court House. He said it is steel and there are nail holes in. He said he would like to get

that repaired before winter. He said he had Roy Wilkes go up and give the Town an estimate on tearing off the old siding and putting new siding on the building. He said the estimate was \$1,900.00 for labor and materials. He said if the cost is less, the Town will be charged the lesser amount.

Councilman Dole offered the following Resolution. RESOLVED that, the Town spend \$1,900.00 to side the back (north side) of the Phelps Town Court. The Resolution was seconded by Councilman Mattoon, who moved its adoption.

VOTE:	Councilman Dole	AYE
	Councilman Mattoon	AYE
	Councilman Beechler	AYE
	Councilwoman Day	AYE
	Supervisor Teed	AYE

RESOLUTION:	ADOPTED	DEFEATED
	<u>5 AYES</u>	<u>0 NAYS</u>

D) Supervisor Teed said he would like to entertain a motion for the weight limit on Waddell Road. He said originally he was against a permanent weight limit; but Mr. Chapman informed him that ELAM was hauling over Waddell Road. He said that raises a whole different issue. He said if they are using that as a shortcut, it is definitely going to have an impact on the road.

Supervisor Teed offered the following Resolution. RESOLVED that, a permanent 10 Ton weight limit be established for Waddell Road. The Resolution was seconded by Councilman Beechler, who moved its adoption. 5 AYES. Carried.

NEXT TOWN BOARD MEETING:

The next Town Board Meeting will be held on Monday, November 10, 2008 at the Phelps Town Court/Meeting Facility, 1331 Rt. 88, Phelps at 7:00 PM. Supervisor Teed said that is the night of our Public Hearing on the 2009 Town Budget.

BILLS:

Councilman Mattoon offered the following Resolution. RESOLVED that the following bills:
PREPAID GENERAL "A" - #326 - #331 IN THE AMOUNT OF \$33,500.92,
GENERAL "A" - #332 - #355 IN THE AMOUNT OF \$36,676.79,
PREPAID GENERAL "B" - #73 IN THE AMOUNT OF \$72.40,
GENERAL "B" - #74 - #79 IN THE AMOUNT OF \$2,393.63,
PREPAID HIGHWAY "DB" - #172 IN THE AMOUNT OF \$5,902.07,
HIGHWAY "DB" - #173 - #191 IN THE AMOUNT OF \$31,494.26,
PREPAID SEWER - #32 - #33 IN THE AMOUNT OF \$39.84,
SEWER - #34 IN THE AMOUNT OF \$428.00,
WHITE ROAD WATER DISTRICT - #33 IN THE AMOUNT OF \$786.18,

PREPAID RT. 96/488 WATER DISTRICT - #47 - #48 IN THE AMOUNT OF \$822.92,
RT. 96/488 WATER DISTRICT - #49 - #51 IN THE AMOUNT OF \$4,680.64,
PREPAID ORLEANS WATER DISTRICT - #39 - #41 IN THE AMOUNT OF \$1,593.40,
ORLEANS WATER DISTRICT - #42 - #44 IN THE AMOUNT OF \$4,671.86,
PREPAID SPAFFORD RD. WATER DISTRICT - #31 IN THE AMOUNT OF \$1,380.00,
SPAFFORD RD. WATER DISTRICT - #32 - #33 IN THE AMOUNT OF \$161.79,
PREPAID MELVIN HILL WATER DISTRICT - #40 IN THE AMOUNT OF \$30.98,
PREPAID TRUST & AGENCY - #24 - #25 IN THE AMOUNT OF \$1,513.62
TRUST & AGENCY - #26 IN THE AMOUNT OF \$298.50 be paid
The Resolution was seconded by Councilman Dole, who moved its adoption.
5 AYES. Carried.

RT. 318 WATER
DISTRICT:

Supervisor Teed said he had asked Pat Nicoletta from MRB Engineers to be here tonight to give us some information regarding the Rt. 318 Water Project with the Town of Junius. Mr. Nicoletta distributed an Engineering Report for the Route 318 Water District. He said this report covers the information on the cost for the water district. He said this will be supplied by the Village of Waterloo to Junius and then down Rt. 318 to Rt. 14 in Phelps. He said also included in this report is a map of the properties included in this district. He said the cost of the district materials only, which would be bid, out is \$166,750.00. He said that would be with the Town Highway forces doing the labor. Mr. Nicoletta said it is 3,800 feet from the Junius town line to Rt. 14. He said if he takes the \$166,750.00, consider an interest rate of 4.5% over a term of 20 years, which gives us a cost for EDU Debt Service only of \$282.00 per unit. He said your normal residential house is going to pay \$282.00 for debt service. He said a commercial property with structures on it will pay twice that amount. He said a commercial property without structures that are vacant will pay \$140.00 and then the restaurant, hotel and Sugar Creek Store will pay 31 times the \$282.00 which is around \$7,000 to \$8,000 in that range. He said that does not include the operational and maintenance charge (O & M) or the commodities charge. He said if you have a single family home using 60,000 gallons of water a year, it would be \$502.00 annually for commodities charge plus the \$282.00 debt service that would be \$784.00 for a single family home. Mr. Nicoletta said they also did hydraulics on the grounds and those are satisfactory for that extension. Supervisor Teed asked if there were any figures in these numbers for labor and equipment. Mr. Nicoletta said there were not. Supervisor Teed said the Village of Waterloo, Town of Junius and the Town of Phelps would all be working on it; but there has to be costs to reimburse the Towns and Village. Mr. Nicoletta said he would look into that. Supervisor Teed thanked Mr. Nicoletta for his time.

OPEN FORUM:

ROBERT OAKS, 2136 CARTER ROAD, GENEVA: Mr. Oaks said he talked to the Board about 3 months ago regarding the heavy trucks traveling on Carter Road. He said it is the Town Board's responsibility to enforce those rules. He said tonight you passed a resolution to do a study on Spafford Road for speed. He said it is useless because it is not enforced. He said he calls the Sheriff's Office and they told him they have "other fish to fry". He said it is up to the Board to enforce these laws because they are the governing body. Supervisor Teed said it is not up to the Board to enforce the laws. He said it is the Sheriff's Department or the State Police.

He said another thing, he does not understand how you can spend more money to fix this building (the new Court House), when you just spent one-half million dollars to build it. Supervisor Teed said the back of the building needs siding. Mr. Oaks asked why the Town did not go back on the people that did the building. Supervisor Teed said it was not in the original contract when the court was built..

Mr. Oaks said there is a lien on the old gas station at 2437 Co. Rd. 6. He said if you spend money to tear it down, you are going to be stuck with the whole thing. Supervisor Teed said that is not true. He said the County will reimburse us for our expense. Mr. Oaks said you better talk to County Attorney Gary Curtiss. Supervisor Teed said he already has.

STEVE DICK, 2481 WADDELL ROAD, CLIFTON SPRINGS: Mr. Dick said Mr. Teed had talked about water pressure on Waddell Road. He said he has no water pressure. Supervisor Teed asked Water Superintendent Mike Vienna to check it out in the morning. Mr. Vienna said he would.

CAROL CONKLIN, 70 CHURCH STREET, PHELPS: Mrs. Conklin asked if there were any other "wagon trail" roads in the Town that needed to be addressed. She asked if these roads are able to handle the weight. Supervisor Teed said he believed they could; but not to a great excess and the time of year makes a big difference also. Mrs. Conklin said Superintendent Featherly is out there all the time, he knows what these roads look like and the damage. She asked if any of them are due to the traffic. Superintendent Featherly said it is attributed to a little bit of everything. He said some of the damage could be from the plow trucks in the winter. He said the critical point is when the frost is coming out of the ground. Supervisor Teed said it would not be feasible to put a weight limit on every road. He said if people want to petition the Town for a weight limit, they most certainly can.

WILLIAM SMITH, 2530 WADDELL ROAD, CLIFTON SPRINGS: Mr. Smith addressed Superintendent Featherly with the following question. He said as the Highway Superintendent, what do you say to an outfit that is pounding your roads to the ground. He said those trucks were going in and out of the pit and the road was getting hammered for 4 or 5 weeks. Superintendent Featherly said all the

damage that occurred on Waddell Road happened at the time when the frost was coming out of the ground. He said that would have to go to the Town Board according to Vehicle and Traffic Law 1660.

CAROL WICKUM, 1665 MELVIN HILL ROAD, PHELPS: Mrs. Wickum asked if anything that is put into the water would make it smell like sewer. Water Superintendent Vienna said there is no spell to the chemicals that are added to the water.

DAVID GILL, 2493 WADDELL ROAD, CLIFTON SPRINGS: Mr. Gill said he hopes that in the future the SEQR is filled out properly and things will be watched closely. Supervisor Teed said that is why he wants to form this committee to tighten things up and come up with ideas and remedies. He said this committee would bring back recommendations to the Town Board. He said if things were not done in the past; we will make sure they are done correctly the next time.

ROBERT OAKS, 2136 CARTER ROAD, GENEVA: Mr. Oaks asked who has the authority to police the highways; it is not Terry (Featherly). Supervisor Teed said Terry has the authority over the highways. Superintendent Featherly said he does not control the traffic though. Mr. Oaks said it is up to the Town Board to control the weight, overuse of the roads or overloading of the highways. Supervisor Teed said it is up to the Highway Superintendent to recommend to the Town Board for a weight limit on the roads. He said then the Town Board reviews that and either denies it or puts the weight limit on the road. Mr. Oaks said then who enforces it. Supervisor Teed said it is up to the law enforcement officers to enforce it.

HIGHWAY SUPERINTENDENT TERRY FEATHERLY: Mr. Featherly said he had read the Vehicle and Traffic Law 1660 and he cannot find anywhere in there that the posting of the roads comes under the recommendation of the Highway Superintendent. He said all it talks about is the Town Board. Supervisor Teed said he will look into it.

Superintendent Featherly said the people from Waddell Road had some questions at the last Board Meeting, so he wanted to address them. He said Jack Brown had a question about the weight limit. He said when the petition came in it came to him not the Town Board. He said that has been addressed. Superintendent Featherly said that Mrs. Mitchell had concerns because "it is sliding away, nothing is happening and there is just going to be a huge hold at the top of the hill". She also said they have had problems with the Highway Superintendent regarding this issue. He asked Mrs. Mitchell if she was talking about the gravel pit itself. Mrs. Mitchell asked Superintendent Featherly to please read that again. Superintendent Featherly read the remarks to Mrs. Mitchell again. He said he appointed his deputy to take this over because it was a conflict of interest for him. Mrs. Mitchell said that was absolutely right. Town Clerk Nieskes asked Mrs. Mitchell if she would like her to read what was said at last month's meeting. Mrs. Mitchell said she would. The

Clerk read the comments to Mrs. Mitchell. Superintendent Featherly said as far as the Commissioner of Transportation, all that is reported to him is the CHIPS and the Highway Inventory. He said as far as the phone lines, there is a telephone in the Break Room and there is one out in the garage. He said Deputy Guard also carries a cell phone. He said he had access to the phone lines; but did not have access to the answering machine. He said he could access his own messages from anywhere. He said if there is an important message on it and he is away, he would call Deputy Guard on his cell phone. Mrs. Mitchell asked if Deputy Guard could go into the office and get the messages off that answering machine. Superintendent Featherly said he can now because you have made it an issue. Mrs. Mitchell said it is no different than any other business. Superintendent Featherly said if they screwed up your messages and ruined an important one, then what. Mrs. Mitchell said you have to have more confidence in the people with which you work. Superintendent Featherly said anything could happen, a wrong button could be pushed and all my messages would be deleted. Again Mrs. Mitchell reiterated that you have to have confidence in the people with which you work. Superintendent Featherly said Deputy Guard now has access to the answering machine and a key to the office. Mrs. Mitchell thanked Superintendent Featherly.

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: 8:16 PM.

Respectfully submitted,

Linda Nieskes
Town Clerk