

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

Also Present: DPW Superintendent: Ken McAllister; Clerk/Treasurer: Jill Seifert; Code Enforcement Officer: Jim Murphy; Deputy Clerk/Treasurer: Melissa Westfall & Fire Chief: Ron Nieskes

Also Present: Leah Hamilton, Kevin Kelley & Cheryl McCann

Mayor Cheney opened the meeting with the pledge of allegiance to the flag at 7:00 pm.

7:00 PM Opened the public hearing on the proposed 2014-2015 Budget.

7:01 PM With no public comment, the public hearing was closed.

Board discussion regarding the budget followed, with Mayor Cheney going over the highlights as follows:

- Tax levy is up less than 1%.
- NYS has recently increased CHIPS monies which will be beneficial in repairing our streets from the abnormally severe winter.
- General fund total expenses down \$35,000 from last budget year.
- Generator (\$15,000) for 8 Banta Street was left in the budget, we may or may not end up using this, if not the funds can go toward more street repairs.
- Transfer Station rate will be increased to .13/lb.
- Water rate will be increased to \$5.25/100 cu. ft.
- \$35,000 will be spent out of Water Reserves to continue the Water Meter Replacement Project; this project should be completed in the 2015-2016 budget year.
- Sewer rate will be decreased to \$15.00/month per unit.

With no further questions or comments; motion by Trustee Hughson, 2<sup>nd</sup> by Trustee DeRuyter to adopt the budget as proposed; version dated March 28, 2014. 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	_____

Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hemminger and unanimously carried to increase the Transfer Station rate to .13/lb effective June 1, 2014. The Clerk's office will publish/advertise this increase.

Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried to increase the Water Rate to \$5.25/100 cu. ft. effective at the beginning of the next billing cycle on or around June 15, 2014, which would be billed on October 1<sup>st</sup>. The minimum charge would be increased to \$26.25 per quarter, for out of district users \$7.87/100 cu. ft or a minimum of \$39.35 per quarter. The Clerk's office will provide notification to the water users.

Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried to decrease the Sewer Rate to \$15.00 per month per unit (\$45.00 per unit per quarter) effective at the August 1<sup>st</sup> billing. The Clerk's office will provide notification to the sewer users.

Mayor Cheney addressed Cheryl McCann, and the Village Board, with regard to Cheryl's letter outlining her plan to offer outside seating for dining at the Historic Phelps Hotel Restaurant. The Village of Phelps Code Chapter 46 Alcoholic Beverages; Section 46-2 Public consumption or possession prohibited reads as follows: Subsection A. No person within the Village of Phelps shall drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public sidewalk, street, highway, parking lot, public park or such other public place as defined by Section 240.00 of the Penal Law of the State of New York. Subsection B. No person shall carry or have in his or her possession within the Village of Phelps any open bottle or open container containing liquor, wine, beer or other alcoholic beverage with the intent of the possessor or another to consume the same in any of the public places described in Subsection A of this section. After discussion the Board indicated that they have no opinion regarding outside seating as long as the area used for seating is not within the NYS Route 96 Right of Way, that it is on private property and that proper Liquor Authority approval is obtained. The Board directed Code Enforcement Officer Jim Murphy to provide Cheryl with a letter containing these conditions in addition to the fact that no building permit would be required and that a Village Planning Board referral is not needed. Trustee Hemminger will provide Jim Murphy with a copy of the most recent survey of the property. Ken offered to provide copies of maps of the Route 96 project, which were generated in 1992, to Jim Murphy and Cheryl.

REPORTS:

- Fire Department: 1. March report: no questions.  
2. iamresponding.com – Ron explained this new texting communication tool, allows more information than the standard message the volunteers currently receive from the county. One

touch by any of his responders and Ron will know how many interior firefighters are on their way, if he has sufficient drivers for the equipment, if anyone is already on scene. \$600 per year for the service, Ron reports that Oaks Corners, Port Gibson, Clifton Springs and other area fire departments are all using it. Ron is requesting any of the Board that would like to be added on to the service to fill out a form, Clerk's office will have additional copies. Ron would like Jim Murphy and Ken McAllister to consider joining as Code Enforcement often has to come to a fire scene and Ken would have the hydrant knowledge that the Fire Department needs when battling a blaze within the Village limits. The Board has no objection to Ron setting this up.

3. Brief discussion regarding Jim Murphy – Ron reports that it is a struggle during workday hours to find drivers for the equipment; Jim is already in the Village for his part-time position as a village employee, Ron would like to have him respond as automatic mutual aid. Jim indicated that he did this when he was employed with the Village of Lyons while maintaining his membership with Newark Fire Department. The Board has no objection to this but requested that Jill contact Frank Stowell at Anderson VanHorne to insure that Jim would be covered under our insurance.

- Police:
1. March report: no questions. Chief Storer is on vacation.
  2. April schedule: no questions.

8 Banta Street:

1. Room reconfiguration – Janie provided current vs. proposed layouts of PCC's office area; the Board has no objection to this change.
2. Temporary Lease Agreement – Villager Construction is interested in renting Room 409 on a month to month basis for their Engineer in Charge for a small project on Melvin Hill Road. Jill provided the standard lease agreement, at the same rate per sq. ft. that we are currently charging Ramsey Constructors. Motion by Trustee Hemminger, 2<sup>nd</sup> by Trustee DeBrock and unanimously carried authorizing Mayor Cheney to sign, on behalf of the Board, the lease agreement with Villager Construction.
3. Tenants/Parking – Jill and Ken reported that some of the tenants in the building are no longer parking in the parking lots and are leaving large ruts in the yard of the property where they are parking. Due to the recent changes in many of the staff of the various tenants in the building, the Board requests that Jill send a letter to all the tenants outlining the parking expectations.

- DPW:
1. March report: no questions. Mayor Cheney requested that Ken and/or Jim Murphy continue to contact Vienna Gardens regarding the water that is discharging onto the sidewalk and Banta Street.
  2. Pearl / Pleasant Street Project – Ken met with Bob Hussar regarding his property (41 Main Street), its location in relation to the street project and his concerns; Ken feels he can address Bob's concerns without issue but is looking for an opinion or direction from the Board regarding the sidewalk/street from the Hussars' garage south to the corner of the Coon's Cans building (7 Pearl Street). The Board reviewed that monument maps of the area; Ken outlined his concerns with the layout of the street, sidewalk issues and Village right of ways. Following discussion; the Board directed Ken to go no further than Hussars garage with the sidewalk on the East side of the street and to plan on putting the street in the same location as it is currently. Ken, Brian and Mayor Cheney will meet with the property owners involved and discuss buying enough property on the West side of the street to install sidewalks.

Crooked Bridge Park:

1. Nothing to report.

- Redfield Park:
1. Nothing to report. Due to Redfield Park Cleaner applicant's absence this week and Mayor Cheney's inability to meet previously, Mayor Cheney is requesting the Boards' approval of his recommendation to hire the applicant based on a satisfactory interview with the personnel committee in the near future. Motion by Trustee Hemminger, 2<sup>nd</sup> by Trustee DeBrock and unanimously carried authorizing Mayor Cheney to appoint said applicant.

- Wastewater:
1. March report: No report provided. Carl is on vacation. Mayor Cheney reported that Carl is working with the various agencies, transferring the plant onto Adam's operator license etc.

- Water:
1. March report: No report provided.

- Code Enfnt:
1. March report: no questions. Briefly discussed the Planning Board and Larry Tillack's property at the corner of 96 & 88; Mayor Cheney briefed the Board on the fact that during the construction of the Family Dollar Store, Mr. Tillack did not follow NYS DEC's requirements for disposing of contaminated soil on the site, there will be an engineer on site going forward to make sure that things are done properly. Ken indicated that he believes that someone is living in the pole barn on the property, Mayor Cheney requested that Jim Murphy look into this with the Town Code Officials and to keep a close eye on the whole corner in general.

- YP&R Comm:
1. Rollerskating party on Friday, April 18<sup>th</sup>. Easter Egg Hunt on Saturday, April 19<sup>th</sup>.

Treasurer Rpt: 1. March report: Mayor Cheney requested that Jill look into the A511.R line item, should have activity as we have spent reserves throughout the year. Line items are getting tight; department heads should watch their spending.

Minutes: 1. Minutes of the March 4, 2014 Special meeting prepared by Trustee Hemminger – Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried to accept the minutes as presented.  
 2. Minutes of the March 10, 2014 Regular Monthly Meeting – Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried to accept the minutes as presented.  
 3. Minutes of the March 24, 2014 Budget Workshop - Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried to accept the minutes as adjusted.  
 4. Minutes of the March 31, 2014 Planning Board Meeting – For information only.

Correspondence: 1. Time Warner Cable – 3/19/14 & 4/2/14 station changes.  
 2. Phelps Community Historical Society News – April, 2014.  
 3. Midlakes Babe Ruth Baseball – Received annual request to use Redfield Park for practice in the early spring, certificate of insurance included; the Board has no objection to this request.

New Discussion: 1. Trash Flow Service Contract Renewal – This Contract has not been in place since 6/20/10; no interest in renewing at this time.  
 2. Cell Phone Tower Information – Receiving many phone calls and multiple proposals regarding options for buying outright instead of leasing etc. Mayor Cheney and Jill will review.  
 3. Un-Paid Water/Sewer: Motion by Trustee DeRuyter, 2<sup>nd</sup> by Trustee Hemminger and unanimously carried authorizing the clerk’s office to send un-paid water & sewer payments and lawn maintenance charges to Ontario County for re-levying on to the June 2014 village taxes.  
 4. Mayor Cheney briefed the Board on the following:
 

- Bette Collier is leaving the BDTC; Chelsea Campbell will be replacing her.
- Receiving information from a lawyer regarding our contract with Time Warner which doesn’t expire until 2016.
- Charter School having a public hearing at Midlakes must be conducted there due to possible site(s) being within the Phelps-Clifton Springs School District; discussions are preliminary and absolutely no assurances have been given regarding the 8 Banta Street property.
- NYS Budget includes legislature offering a first year “rebate” to residents if the local (Village) government stays below the 2% tax cap and does not override the tax cap law, we can pass a law overriding the laws as long as we rescind it prior to adopting the budget. In order to receive the “rebate” the second year, the local government must prove that they are part of a shared service program that has saved or will save taxpayer monies. Mayor Cheney questioned if a water & sewer billing service could be a cost saving measure.

Old Discussion: 1. Status of easement with residents on Clifton Street.  
 2. Code Enforcement – Municipal agreement.  
 3. Change Resthaven law to no parking.  
 4. County Foreclosure Sale.  
 5. Lions Club – Kitchen Naming; per Mayor Cheney’s request, Jill to contact Janie.

Transfers: Motion by Trustee DeRuyter, 2<sup>nd</sup> by Trustee DeBrock and unanimously carried to make the following transfers.

To:	From:	Amount:
A5110.2	A9010.8	\$26,917.00
A5110.2	A5410.4	\$1,927.00
A1620.421	A1990.4	\$5,000.00
A3410.421	A3410.2	\$2,000.00
A5110.111	A1990.4	\$500.00
A5110.4	A1990.4	\$2,000.00
A5142.1	A1990.4	\$2,500.00
A5142.4	A5142.2	\$2,000.00
A5142.4	A1990.4	\$500.00
A5182.421	A1990.4	\$4,000.00
A8510.421	A8510.4	\$400.00
F8340.421	F8340.4211	\$500.00
G8130.421	G8110.4	\$3,000.00
G8130.422	G8110.4	\$241.00
G9030.8	G1990.4	\$2,000.00
G9710.7	G8110.4	\$142.00

Vouchers: Motion by Trustee DeRuyter, 2<sup>nd</sup> by Trustee DeBrock to pay the vouchers as presented and unanimously carried to pay the following vouchers.

Abstr#11	General	Ck #'s: 13386 - 13436	In the amount of:	\$ 81,305.75
Abstr#11	Water	Ck #'s: 10740 – 10752	In the amount of:	\$ 4,020.82
Abstr#11	Sewer	Ck #'s: 11165 – 11182	In the amount of:	\$ 79,728.92

Adjournment: 9:03 PM: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert  
Clerk/Treasurer