

Present: Mayor: Brian Hemminger  
Trustee: Howard Hughson Trustee: Joe DeBrock  
Trustee: BJ Hicks Trustee: Michael Cheney

Also present: Clerk/Treasurer: Jill Seifert; DPW Superintendent: Ken McAllister, Deputy Clerk/Treasurer: Melissa Westfall; WWTP Operator: Adam Lotyczewski; Code Enforcement Officer: Jim Murphy & Fire Chief: Ron Nieskes.

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

7:01 PM Opened the public hearing on the proposed Local Law 1-2016.

7:02 PM With no public comment, the public hearing was closed.

The Board briefly discussed the Local Law, provided to the Board within this month’s paperwork, adding a permitted principal use in the C-2 district allowing one or more dwelling units in combination with other C-2 District permitted uses and some minor text corrections to the footnotes within the Zoning Law Schedules. Per Attorney Jeff Graff’s letter outlining the steps to complete this local law, the Board may hold the public hearing before it receives the determination of the County Planning Board and the report of the Village Planning Board, it cannot take action to adopt the local law until it receives said determinations and reports or until 30 days have passed from when the Village Board submitted (July 27<sup>th</sup>) the local law for review. The State Environmental Quality Review (SEQR) Regulations may be completed and a determination of significance adopted this evening. Mayor Hemminger read the completed SEQR Parts 1 & 2; actual form included in these official minutes and after clarifying any and all Board questions the following resolution was offered by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PHELPS,  
ONTARIO COUNTY, NEW YORK,  
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 1 OF 2016**

**WHEREAS**, the Village of Phelps Board of Trustees, hereinafter referred to as Board of Trustees, has determined Local Law No. 1 of 2016 to be a Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Board of Trustees has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Board of Trustees has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Trustees makes this Determination of Non-Significance based upon: the Short Environmental Assessment Form, Parts 1, 2 & 3, prepared for this action, Board of Trustees Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Board of Trustees makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Board of Trustees considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Board of Trustees did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Board of Trustees did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Board of Trustees did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Jill Seifert, Village Clerk of the Village of Phelps, do hereby certify that the Board of Trustees of the Village of Phelps adopted the aforementioned resolution on August 8, 2016, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Brian Hemminger	XX	_____
Howard Hughson	XX	_____
Joe DeBrock	XX	_____
Bette Hicks	XX	_____
Michael Cheney	XX	_____

Mayor Hemminger thanked the Village employees for all their help with and participation in the Sauerkraut Weekend.

**REPORTS:**

- Police:
1. July reports – No questions; briefly discussed John’s telephone conversation with Jill regarding Sauerkraut Weekend; minimal problems.
  2. August schedule – unavailable currently.

3. Court fees - None.
4. FLTG – phone, internet & wireless upgrade – this project originally started with the PD moving to 413/414 and requesting a quote; it has since expanded to include all Village lines within the 8 Banta Street location. The quote is for 9 lines, 5 physical phones, connection to the internet fiber within the building etc. While there will be some upfront costs to install the system and connect to the fiber, the monthly charge for all 9 lines will be very close if not less than what we currently pay; the upfront costs would be split between the PD, Clerk’s office and Code Enforcement. Following a brief discussion, motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried authorizing Mayor Hemminger to sign the quote, contract and statement of work with FLTG on the Village’s behalf.

- 8 Banta Street:
1. Phelps Lions Club Proposed Electrical Project – as a community service project, the Lions would like to label the electrical panels and receptacles throughout the building. Discussed the information they are requesting in order to start the process:
    - Blue prints/drawings of existing electrical panels, per Ken, there is nothing that is current and up to date, so many things have changed within the building since the Village took possession that anything we had from when it was a school would be worthless.
    - Room numbers – yes, these would be available.
    - Procedures to gain access to the areas – what were you thinking, days, nights, weekends? Brian will contact Dan Moracco of the Lions Club to discuss these issues.
  2. Alison Newman (Elite Health) – For the Board’s information; tenant of Room 408 provided notice of intent to vacate, Board requests that Jill draft a letter outlining any remaining charges, date of departure and plans for key retrieval.
  3. Ravenous Readers – Linda Bolan runs this program through the two local libraries distributing free books to preschool age children. She approached Janie regarding the possibility of storing the accumulating books prior to distribution here in the Community Center. Janie is looking for authorization from the Board to allow this within the unused cupboards in Room 207 (overflow meeting area) and if authorization is granted, would there be a fee. The Board feels this is a worthwhile program and has no objection to this; request Jill write a small agreement for Linda and Mayor Hemminger to sign showing the conditions of keeping everything within the cupboards, providing her own method of securing said storage, with no fee being required.
  4. Lemonade Stand – Caryn Purdy approached the Clerk’s office, her son would like to set up a stand to sell lemonade on the community center grounds. After a brief discussion, while the Board applauds the child’s spirit of entrepreneurship the Board rejects this request for a variety of reasons including liability etc.

DPW, WWTP & Water:

1. July report: no questions. Ken reported that the crew will be back on sidewalks on Banta this week. Adam reported that Josh has completed his first week and is doing well, acclimating to the normal day to day operations.
2. New electric service at Methodist Park – installation has been completed and NYSEG powered it up on 8/3; Brian reported that the Church used it for Worship in the Park on 8/7 with good results. Ken indicated that, time permitting, the old poles, service and wires etc would be removed. Brian questioned if the timer would be moved from the old service and Ken suggested going with an eye for controlling the Christmas tree lights.
4. Falls lighting quote – received a response from the Mary Preston Foundation regarding our application for funding of this project; the Foundation is offering a contract to pay half of the cost (\$15,000 estimated) up to \$7,500. Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Hicks and unanimously carried authorizing Mayor Hemminger to sign the contract on the Village’s behalf. In addition, the Foundation requested the Board look into a previous project at the Community Center regarding additional parking lot lighting; a brief discussion followed with Brian indicating he would look for the parking lot lighting plan that was developed back when the Village first purchased the building.

- Redfield Park:
1. Concerts in the Park – completed, well attended. Last band, The Flock, which was new to the series, had a large attendance of their “regulars”.

Crooked Bridge Park:

1. Kraut Weekend Slip n Slide was enjoyed by large number of children. The plaques are now permanently installed, although ease of removal for storage in the winter was factored into the design.

- Code Enfmt:
1. July reports: no questions. Larry Tillack has another version of the “restaurant” that he wants presented to the Planning Board. Jill reported that 55 Main Street remains in the county’s hands per her communications with Real Property; sale from auction was not finalized.

Fire Department:

1. July report – No questions. Ron reports that a truck committee has been formed, to replace 2121; they have looked at one truck so far. Annual equipment certification is in process. Young Explosives were very helpful and accommodating while setting off the fireworks for the Sauerkraut Weekend, had very few ground displays due to the very dry conditions. Brian

requested that the Treasurer be reminded that the reimbursement report should come to the Clerk's monthly and no later than the Thursday preceding the Village Board Meeting.

- YP&R Comm: 1. Summer Recreation – Numbers are down for no apparent reason. Janie and Jill have discussed changing up next year's ad; Village of Manchester's had a lot of things that we should probably cover in ours also. Janie also feels that we should stress that indoor activities are within air conditioning. BJ indicated that she and Alyssa have had discussions regarding offering different activities within the program itself, two of the older recreation assistants are physical education majors and are brainstorming.

- Treasurer Rpt: 1. July report – no questions.  
2. Annual Update Document – filed with NYS on July 25<sup>th</sup>; Jill briefly explained this document to Michael and BJ.

- Minutes: 1. Minutes of the July 11, 2016 Regular meeting – Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson, and unanimously carried accepting the minutes as presented.  
2. Minutes of the July 18, 2016 Zoning Board of Appeals meeting – For Information Only.

- Correspondence: 1. Charter Communications 7/11 & 7/20 - Station & technical changes.  
2. Ontario Pathways – Summer 2016.

- New Discussion: 1. General Code Follow-Up Questions:
  - Records, Public Access to – Jill provided our current code and form along with a NYS model code provided by General Code; after a brief discussion it was decided to retain the current chapter and form.
  - Water and Sewer Chapters – provided these chapters to Engineer Glenn Thornton for his comments; Jill provided Glenn's marked up chapters for the Board's review. Ken agreed with Glenn's additions/corrections and had only one of his own. After a brief discussion of Section 166-21, it was decided to add a time limit to required repairs of water service pipes and fixtures, 7 days to schedule, with repair completed within 14 days. The Board directed Jill to return the Chapters to General Code with this addition and Glenn's recommendations.
 2. **RESOLUTION #15 – 2016** - Motion offered by Trustee DeBrock; 2<sup>nd</sup> by Trustee Hughson: **STATING THAT MILLER AVENUE (DOT ID#149072) IS A STREET**  
 The Board of Trustees wishes to state that the western section of Miller Avenue extending from South Newark Street to the dead end is a street and allows the property identified as tax map #47.07-1-33.000 to not become a landlocked parcel;  
 WHEREAS, the Village Board of Trustees has such authority;  
 NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Phelps, authorizes as follows: That the section of Miller Avenue, DOT ID#149072, running between South Newark Street and the dead end is in fact a street and should remain on the NYS DOT Local Highway Inventory.

	<u>AYE</u>	<u>NAY</u>
Mayor: Brian Hemminger	XX	_____
Trustee: Joe DeBrock	XX	_____
Trustee: Howard Hughson	XX	_____
Trustee: Bette J. Hicks	XX	_____
Trustee: Michael Cheney	XX	_____

- Old Discussion: 1. Charter Communications – 02/11/16 renewal of franchise agreement – Jill to contact Chris Mueller, Director, Government Affairs.  
2. Crosswalk at PCC/Old Mill – Per Brian and Tom Mitchell's email dated July 19<sup>th</sup>; the only option in NYS DOT's opinion, moving the entrance/driveway of the Old Mill Hot Dog Stand, is not a feasible option per Tom.  
3. Parking Code.  
4. Generator for PCC – Ken has CPS working on bid specifications for both this generator and the one that is needed at the Sewer Plant.

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

To:	From:	Amount:
A9040.8	A1990.4	\$ 2,100.00
F9040.8	F8340.4	\$ 10.00
G9040.8	G8130.4	\$ 10.00

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

Abstr#02-1 Abstr#03	General	Ck #'s: 14835 – 14836 Ck #'s: 14837 – 14890 Dupl. ck 14883 voided; ck 14889 voided.	In the amount of:	\$ 616.49 \$ 46,944.15
Abstr#03	Water	Ck #'s: 11045 – 11054	In the amount of:	\$ 3,351.02
Abstr#03	Sewer	Ck #'s: 11667 – 11680	In the amount of:	\$ 4,468.17

8:32 PM Per Mayor Hemminger’s request; motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Hicks and unanimously carried to go into Executive Session to discuss a personnel matter. Clerk/Treasurer Seifert invited into the session.

8:50 PM Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Cheney and unanimously carried to come out of Executive Session.

Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Cheney and unanimously carried to add the following to the Employee Handbook; If an eligible full-time employee waives medical insurance coverage through the Village of Phelps, the employee will be entitled to a once-a-year payment in December, which shall be treated as taxable income, in the amount of 15% of the sum of the annual single premium plus any funded deductible, prorated for the number of months worked as a Village employee. For example, if the annual single premium is \$5,400, the maximum plan deductible that the Village reimburses is \$2,200 and the employee worked for the Village for 5 months of the plan year, the employee would receive an additional payroll check in December of \$475  $((\$5,400+2,200) \times 15\%) / 12 \times 5$ .

Following Trustee Hicks inquiry; Mayor Hemminger briefly discussed the Village Board’s roll with regard to the Zoning Board of Appeals and Planning Board.

Adjournment: 9:10PM: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert  
Clerk/Treasurer