

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

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

Also Present: Mary Conklin & Karen DesCamp

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

Mayor Cheney invited Mary Conklin to address the Board. Mary read a prepared proposal requesting the memorial garden, being planned at Crooked Bridge Park, to be named in honor of Corporeal George W. Conklin, Jr. George and his brothers grew up on William Street and this would be a fitting honor for the young man who was missing in action for 63 years. Mary would like a plaque or sign installed, at their expense, visible from the street/bridge; discussion followed. Motion by Trustee Hughson, 2nd by Trustee DeBrock and carried to name the memorial garden located at the Crooked Bridge Park in honor of George Conklin. Mary Conklin will provide the factual information needed in order to correctly reflect George's service to his country. Discussion regarding an appropriate mounting for the plaque ensued, a large boulder or Mayor Cheney has been in contact with someone who has a mill stone from Phelps and would like it returned to the area, and Mary and her niece Karen were receptive to both these ideas. Mary and Karen thanked the Board and left the meeting.

Mayor Cheney indicated that Tom Mitchell (Old Mill Hot Dog Stand) had contacted him regarding the need for a cross walk on Route 96/Main Street from his property to the Phelps Community Center property. Per Tom, the number of people crossing the road at this area is substantial and has become a dangerous situation; he would like to see something done prior to someone getting hurt. Mayor Cheney informed Tom that because Route 96 is a state highway that NYS DOT would need to be contacted. Jill and/or Ken will contact Greg Trost.

REPORTS:

Police: 1. No August reports. Trustee Hemminger voiced his opinion regarding the General Voucher to Harris Corporation; roughly \$10,000 for two radios, he understands the need but is appalled by the cost.
2. No September schedule.
3. 10 Mary Street – Mayor Cheney is attempting to contact Tom Harvey of Ontario County Planning regarding radio coverage and this site.

8 Banta Street:

1. Access Control – installed August 28th; limited scheduling installed to operate doors as locking mechanisms in the “crash” bars were removed at time of hardware installation. Lost connection to the server and had a hardware problem on 9/4; locks wouldn't engage, technician had to come “force” lock. PCC Executive Director Janie Burgess provided a list of people that will need fobs and access times; Jim and Jill have reviewed these and following training with Steve from Doyle, Jill will enter along with Village personnel.
2. Bright Beginnings – Received Heather DeRuyter's responses, following her conversation with Ken, to questions raised at the May Board Meeting regarding her proposed “Playspace”. While Ken has some continued reservations regarding the long-term maintenance of the space; the Board agrees to Heather's proposal; Trustee DeRuyter abstains due to his conflict of interest.
3. Business Wing – Proctor Roofing completed the roof repairs on 8/26; it has rained since then with no sign of continued leaks.
4. Exterminator – Jill to contact someone for quotes regarding various rodents.
5. Alison Newman lease – standard lease for Room 408; using rate that previous tenant had paid; Alison countered with a proposal for a lesser amount. After discussion, the Board decided that the annual rate is a fair market value and reasonable, Jill to communicate this to Alison. Motion by Trustee Hughson, 2nd by Trustee Hemminger and unanimously carried authorizing Mayor Cheney to negotiate and sign, on behalf of the Board, a lease agreement with an annual rate of \$4,675 with Alison Newman dba Elite Fitness.
6. NYSEG shutdown – scheduled for Friday, September 19th 8 a.m. to 10 a.m.; to change the main “lug” where the power enters the building. While a weekend would have been a more convenient time for the tenants in the building, the expense of having a NYSEG crew here on overtime is prohibitive. Mayor Cheney requested that all involved try to minimize the interruption to the building while still accomplishing the much needed upgrade.
7. Rebound Wall – Greg presented a proposal that Bill Krise, PCC Athletic Director, has been working on. Wall, either wood or concrete, double sided, to use for lacrosse, soccer etc for people practicing alone. The Board feels it is a good idea and that the building has a definite use for it; concrete/cement better than wood. The Board has no objections currently but would like to see budgetary numbers and further discussion about the location.

- DPW: 1. August report: no questions. Ken indicated that the DPW will be working on mill & fills to repair streets where water repairs were done this past winter; Park, William, Clifton Streets etc. then on to the Pearl/Pleasant Project.
- Wastewater: 1. August report: no questions. Ken reported that the blowers are back and need to be installed. The digester's aerator on the North side is working but less than efficiently, the South side of the digester is currently empty with obvious problems, Ken is proposing repairs/rebuild with stainless steel parts (due to the corrosive nature of the plant) & fabrication, this would cost approximately \$22,000, the Village crew would be doing the install. Sloth Electric will be moving forward on the entrance chamber wiring. Four motors; 3 to be rebuilt, 2 will be put back in service when returned, have not received a quote for the repairs as of yet, impellers will be needed for all four.
- Water: 1. August report: no questions.
- Crooked Bridge Park: 1. Nothing to report.
- Redfield Park: 1. Nothing to report.
- Code Enfmt: 1. August reports: no questions. Jim Murphy reports that 14 Walnut (fire) will be partial demolished and the property sold to one of the neighbors. 20 Kathlyn Avenue (empty lot following a fire) has been sold and a new home will be built. A new business at 116 Main Street has opened; P.O.S.H. Previously Owned Second Hand retail store. 55 Main Street was auctioned on August 27th; Triplett Builders will be flipping.
- Fire Department: 1. August report: no questions. Ron reported that there is a large mass emergency training drill scheduled for Saturday, September 27th on Phelps Junction Road, train vs. bus; Board is invited to observe.
2. Matthew Plain application: Motion by Trustee Hemminger, 2nd by Trustee DeRuyter and unanimously carried accepting Matthew Plain's application to the Fire Department per the Departments recommendation.
- YP&R Comm: 1. Rebound Wall – See Reports – 8 Banta Street above.
2. Summer Concert Series – Summary of the season provided by Carol Lord.
- Treasurer Rpt: 1. August report: no questions; normal status for this time of year with the exception of the Sewer Fund.
- Minutes: 1. Minutes of the August 11, 2014 Regular meeting – Motion by Trustee DeRuyter, 2nd by Trustee Hemminger, and unanimously carried, to accept the minutes as modified.
2. Minutes of the September 3, 2014 Historic District Commission – For information only.
- Correspondence: 1. Time Warner Cable – 8/20/14 & 9/03/14 - Station & technical changes.
2. Phelps Community Historical Society News – September, 2014.
- New Discussion: 1. Cyber Security Policy – Motion by Trustee Hemminger, 2nd by Trustee DeBrock and unanimously carried adopting the following cyber security policy:

Information Security Breach and Notification Policy; Adopted September, 2014

- A. This policy is consistent with the State Technology Law, § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of private information of individuals. The Village of Phelps is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Policy.
- B. The Village of Phelps, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual's private information through unauthorized disclosure.
- C. A compromise of private information means the unauthorized acquisition of unencrypted computerized *data* with private information.
- D. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- F. The Village of Phelps will notify the affected individual directly by one of the following methods:
Written notice;

- Electronic notice provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form;
- Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
- Substitute notice, if the municipality demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:
- E-mail notice when the municipality has an e-mail address for the subject persons; Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one; and notification to major statewide media.
- G. The Village of Phelps must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The Village of Phelps must notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- I. Regardless of the method by which notice is provided, the notice must include contact information for the municipality making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.
- J. This Policy also applies to information maintained on behalf of the municipality by a third party.
- K. When more than 5,000 New York residents must be notified at one time, then the municipality must notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

Definitions

Consumer Reporting Agency: Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state attorney general is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.

Data: Any information created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to personally identifying information, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.

Information: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

Personal Information: Any information concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.

Private Information: Personal information in combination with anyone or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. social security number; or driver's license number or non-driver identification card number; or
 2. account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account
- "Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Third Party: Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc.

2. County's request regarding 10 Mary Street – Mayor Cheney to contact Tom Harvey at Ontario County Planning Department.
3. WFL Boces – National Fuel (Natural Gas) – Motion by Trustee Hughson, 2nd by Trustee Hemminger and unanimously carried allowing Mayor Cheney to sign the contract with National Fuel, per the bid documents, on the Village's behalf.

- 4. Troy & Banks – company offering an audit of utility accounts; no expenses to the Village, fees are based on refunded amounts. Motion by Trustee Hughson, 2nd by Trustee DeRuyter and unanimously carried authorizing Mayor Cheney to sign the agreement with Troy & Banks on behalf of the Village Board.
- 5. Wayne FL BOCES Cooperative Electricity Bid – **RESOLUTION #13 - 2014**
The following resolution was offered by Trustee DeRuyter, 2nd by Trustee Hughson at the Board Meeting on September 8, 2014:

RESOLUTION FOR THE PURPOSE OF PARTICIPATING IN A COOPERATIVE BID COORDINATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF ONTARIO, SENECA, WAYNE AND YATES COUNTIES FOR COOPERATIVE ELECTRICITY WFL 2015-12 BID

WHEREAS, The Village of Phelps of New York State desires to participate in a Cooperative Bidding Program conducted by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties from year to year or, until this Resolution is rescinded, for the purchase for supply of electricity. And...

WHEREAS, The Village of Phelps of New York State is desirous of participating with The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties in the joint bid of the commodities and/or services mentioned below as authorized by General Municipal Law, Section 119-o... And...

WHEREAS, The Village of Phelps of New York State has appointed The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties as representative to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, reporting the results to the Village of Phelps of New York State and making recommendations thereon...

THEREFORE, BE IT RESOLVED, That The Village of Phelps of New York State and The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties hereby accepts the appointment of The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties to represent it in all matters related above... And...

BE IT FURTHER RESOLVED, That The Village of Phelps of New York State authorizes the above-mentioned Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties to represent it in all matters regarding the entering into contract for the purchase of the below-mentioned commodities and/or services... And...

BE IT FURTHER RESOLVED, That The Village of Phelps of New York State agrees to assume its equitable share of the costs incurred as a result of the cooperative bidding... And...

NOW, THEREFORE, BE IT RESOLVED, That The Board of Trustees on behalf of the Village of Phelps of New York State hereby is authorized to participate in cooperative bidding conducted by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties for supply of electricity and if requested to furnish the Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties an estimated minimum number of units that will be purchased by the Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties. The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive and responsible meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts.

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 September 8, 2014, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Jim Cheney	XX	_____
Howard Hughson	XX	_____
Joe DeBrock	XX	_____
Brian Hemminger	XX	_____
Greg DeRuyter	XX	_____

Old Discussion:

- 1. Status of easement with residents on Clifton Street.
- 2. Code Enforcement – Municipal agreement.
- 3. Change Resthaven law to no parking.
- 4. Lions Club- Kitchen naming

Transfers:

Motion by Trustee DeBrock, 2nd by Trustee DeRuyter and unanimously carried to make the following transfer.

To:	From:	Amount:
A3120.2	A1990.4	\$10,000.00

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

Abstr#4	General	Ck #'s: 13669 - 13701	In the amount of:	\$ 35,742.76
Abstr#4	Water	Ck #'s: 10795 – 10803	In the amount of:	\$ 27,580.45
Abstr#4	Sewer	Ck #'s: 11260 – 11277	In the amount of:	\$ 18,447.99

Melissa provided a copy of the Town’s submittal of a conceptual plan for the Town Highway Garage Project for the Board’s information. Ken and Jim Murphy will be reviewing the plans in preparation of the scheduled Planning Board meeting on September 22nd.

Mayor Cheney briefly discussed the Office of the NYS Comptrollers’ audit of the Village of Aurora and a publication on Fiscal Oversight that he forwarded electronically to the Board members and Jill provided in hard copy to Trustees DeBrock and Hughson. The publication is a great overview of the Board’s responsibilities for fiscal oversight; putting a plan in place to update processes and procedures.

Adjournment: 9:25 PM: Motion by Trustee DeBrock, 2nd by Trustee Hemminger to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert
 Clerk/Treasurer