

Present: Mayor: James Cheney
Trustee: Joe DeBrock Trustee: Billy McNicholas
Trustee: Howard Hughson Trustee: Michael Cheney

Also present: Clerk/Treasurer: Jill Seifert, DPW Superintendent: Josh Akin, WWTP Operator: Adam Lotyczewski, Police Chief: John Storer & Code Enforcement Officer: Ben Wheat.

Public: Christy Howard, Greg Mayo, Kent Graham, Terri Brown, Jennifer & Caleb Bagshaw.

Mayor Cheney opened the meeting with the pledge of allegiance to the flag at 5:00 pm.

5:01 PM Opened the public hearing on the proposed Local Law 1-2025 regarding the adoption of a Local Law that would amend the Village Zoning Code to allow “accessory dwelling units” and retail use as a permitted special use in M-1 zones.

5:02 PM Hearing no comments Mayor Cheney closed this public hearing.

Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried declaring the Village Board as Lead Agency with regard to LL#1-2025. Motion by Trustee DeBrock, 2nd by Trustee Hughson offering the following resolution:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PHELPS,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 1 OF 2025**

WHEREAS, the Village of Phelps Board of Trustees, hereinafter referred to as Board of Trustees, has determined that the attached Local Law No. is a Type 1 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 Long Form Environmental Assessment Form, Parts 1 and 2, 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/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on March 10, 2025, by the following vote:

	<u>Aye</u>	<u>Nay</u>
James Cheney	XX_____	_____
Howard Hughson	XX_____	_____
Joe DeBrock	XX_____	_____
Michael Cheney	XX_____	_____
William McNicholas	XX_____	_____

Motion by Trustee DeBrock, 2nd by Trustee Hughson offering the following resolution:

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES OF THE
VILLAGE OF PHELPS OF LOCAL LAW NO. 1 OF 2025 ENTITLED
“A LOCAL LAW ENACTING PROVISIONS AND REGULATIONS AFFECTING THE VILLAGE OF
PHELPS ZONING LAW”**

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Phelps for a public hearing to be held by said Board of Trustees on March 10, 2025, at 5:00 p.m. at the Village Hall, 8 Banta Street, Phelps, New York, to hear all interested parties on a proposed Local Law entitled, “A Local Law Enacting Provisions and Regulations Affecting the Village of Phelps Zoning Law”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village of

Phelps, on March 5, 2025 all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 10, 2025, at 5:00 p.m. at the Village Hall, 8 Banta Street, Phelps, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Village Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

WHEREAS, the Board of Trustees of the Village of Phelps, after due deliberation, finds it in the best interest of the Village of Phelps to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Phelps hereby adopts said Local Law No. 1 of 2025, entitled, “A Local Law Enacting Provisions and Regulations Affecting the Village of Phelps Zoning Law”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Village Clerk/Treasurer be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Phelps, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Village’s official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Village Clerk.

I, Jill Seifert, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on March 10, 2025, by the following vote:

	<u>Aye</u>	<u>Nay</u>
James Cheney	XX_____	_____
Howard Hughson	XX_____	_____
Joe DeBrock	XX_____	_____
Michael Cheney	XX_____	_____
William McNicholas	XX_____	_____

Briefly discussed Miller Avenue “West” Discontinuance – Motion by Trustee DeBrock, 2nd by Trustee Cheney offering the following resolution:

**RESOLUTION SCHEDULING A PUBLIC HEARING REGARDING THE DISCONTINUANCE OF
MILLER AVENUE WEST AND AMENDING THE
OFFICIAL MAP OF THE VILLAGE OF PHELPS**

WHEREAS, according the New York State Department of Transportation Local Roads Listing for the Village of Phelps, Miller Avenue West is a 16-foot-wide public right-of-way, which right-of-way runs easterly from the easterly highway boundary of South Newark Street, through property identified as 5-9 South Newark Street in the Village of Phelps, being Tax Parcel No. 47.07-1-32.100, and owned by Phelps Cement Products, Inc., a distance of approximately 0.08 mile through such property to a dead-end; and

WHEREAS, the neighboring property owner has now asked the Village to discontinue this public right-of-way because it is no longer needed as a public thoroughfare.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hold a public hearing on the proposed discontinuance of Miller Avenue West and on an amendment to the Official Map of the Village of Phelps to show the revised layout of all streets in the Village at the Phelps Village Hall, 8 Banta Street, Village of Phelps, New York, at 5:00p.m. on April 14, 2025; and

BE IT FURTHER RESOLVED, that the Village Clerk publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least ten (10) days prior thereto; and

BE IT FURTHER RESOLVED, that the Village Clerk be, and she hereby is, directed to post a copy of the notice on the Village of Phelps sign board and website and take any and all other necessary actions to properly bring the aforementioned public hearing before the Village Board of the Village of Phelps for its consideration, including the mailing of a copy of the notice to all property owners bordering on Miller Avenue West; and

BE IT FURTHER RESOLVED, that the Village Planning Board shall review the proposed discontinuance and report back to this Board within 30 days with its recommendations.

I, Jill Seifert, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on March 10, 2025, by the following vote:

	<u>Aye</u>	<u>Nay</u>
James Cheney	XX_____	_____
Howard Hughson	XX_____	_____
Joe DeBrock	XX_____	_____

Michael Cheney	XX	
William McNicholas	XX	

Briefly discussed the need for Videoconferencing/Virtual Meetings – Motion by Trustee DeBrock, 2nd by Trustee Hughson offering the following resolution:

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING

WHEREAS, the Village Board of the Village of Phelps, after due deliberation, finds it in the best interests of the Village to schedule a public hearing to solicit public comment upon a proposed Local Law authorizing the Village Board and the other public bodies of the Village to use videoconferencing technology to participate in public meetings; and

WHEREAS, the Village Board of the Village of Phelps has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Village of Phelps to proceed in accordance with the Code of the Village of Phelps and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk/Treasurer be, and she hereby is, directed to schedule a public hearing to be held on April 14, 2025, at 5:00 p.m. at the Phelps Village Hall, 8 Banta Street, Village of Phelps, New York; and be it further

RESOLVED, that the Village Clerk/Treasurer, be and hereby is, authorized to forward to the official newspaper of the Village a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Village Clerk/Treasurer be, and she hereby is, directed to post a copy of the proposed Local Law on the Village of Phelps sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Village Board of the Village of Phelps for its consideration.

I, Jill Seifert, Village Clerk/Treasurer of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on March 10, 2025, by the following vote:

	<u>Aye</u>	<u>Nay</u>
James Cheney	XX	
Howard Hughson	XX	
Joe DeBrock	XX	
Michael Cheney	XX	
William McNicholas	XX	

Mayor Cheney invited Kent Graham to address the Board. Kent indicated that he owns the following rentals 100-102 Main & 109-113 Main, in addition to his home within the Village. He is here this evening to ensure that the Village Board and Employees are on the same page as he, per his emails. Joe and Billy questioned Kent with regard to the accuracy of the documented violations at 100-102 Main, to which Kent explained that he was in the process of repairing the gutters on his building and that there are currently renovations consisting of painting, ceiling tile replacement etc being completed; this should have been evident to Ben from the pile of lumber on the property. Joe pointed out that the presence of lumber would indicate un-permitted construction in process. Kent reiterated that he was very upset to receive a violation notice by mail instead of a telephone call regarding the same, he also did not appreciate Code Enforcement Officer Ben Wheat coming onto his property unaccompanied. In addition, he feels that there is a conflict of interest between one of his tenants and the Village. Jim explained the Village’s position on both of these issues and indicated that Code Enforcement would attempt to call prior to any inspections. The Village cannot promise he will always call, in an emergency Code Enforcement needs to respond immediately to determine if there really is an emergency. Per visual exterior inspection of the property today, it was noted that the gutter issue has been addressed with discharge into the Village sewer system, Kent acknowledged that this is unacceptable and will address.

REPORTS:

DPW, WWTP & Water:

1. DPW – February report – Briefly discussed, if the weather remains mild, starting the seasonal equipment swap. Joe, Josh and Jim discussed mowers and summer help for clarification going into the budget. Garage door for 8 Banta’s boiler room has been ordered, Joe requests the boiler removal begin as soon as possible. Motion by Trustee Cheney, 2nd by Trustee DeBrock and carried declaring the following excess: Boilers, 2010 F250, 2008 F250 and 2008 F550 (with all equipment).
2. WWTP – February report – No questions. Adam indicated that the Annual Water Report is complete and ready to be posted, published and added to the website with a direct link. The specific verbiage needed by NYS DOH will be included in the May 1st newsletter as well. Exterior cameras ordered, received and installed (linked to Adam’s phone); keeps an eye on the trickling filter and the problematic circuit panel remotely.
3. WWTP Project – Peter (Delaware Engineering) is awaiting a call from a vendor; NYS DEC is aware of the delay.

Kent left the meeting at 5:32 p.m.

- Police:
1. February reports – no questions. Jim briefly discussed long term building plan needed prior to budgeting for a renovation of space.
 2. March schedule – no questions.
 3. January Court Fees - \$20

Fire Department:

1. February report – No questions.
2. Exchange Street Fire Siren – Clerk’s Office received a call regarding whether the siren was currently operational, Chief Debaere indicated to Jill that it keeps popping a breaker. The Board would like to find out what it would cost to fix it, Jill to pass this along to Brandon.

- 8 Banta Street:
1. Lower Hall Bathroom Renovations – Ben indicated an additional contractor was coming to look at the project.
 2. Exterior Basketball Court – Josh, Janie etc met with the installer to discuss 8-10 cracks and repainting.
 3. Generator – Commercial Power was onsite, incorrect part; will regroup and schedule the repair.

- Redfield Park:
1. Facilities may be opened this year; Jim has a lead on a teenager who might want the park cleaner position.

Crooked Bridge Park:

1. Subdivision – closing to be scheduled.

- Code Enfmt:
1. February reports – No questions on Ben’s reports. Ben indicated that another buyer for 7 Pearl has closing tentatively scheduled for April 10.

- YP&R Comm:
1. Easter Eggstravaganza – Saturday, April 19th.

Historic District/Community Beautification Commission:

1. Workshop held February 26; notes/minutes provided to the Board. The Board would like an actual quote from Magniflood, Josh to facilitate. Discussed reasons behind removing garbage receptacles from Main Street, need to have the property owners on board, with their tenants being held accountable for misuse.
2. Next meeting – Monday, March 24th at 5:15 pm.

- Treasurer Rept:
1. February report – transfers and budget changes needed, Jim and Jill to address next month.

- Minutes:
1. Minutes of the February 10, 2025 Regular Monthly Meeting – Motion by Trustee DeBrock, 2nd by Trustee McNicholas and carried as presented.
 2. Minutes of the February 24, 2025 Planning Board Meeting – For Information Only.
 3. Minutes of the February 24, 2025 Special Meeting – Motion by Trustee McNicholas, 2nd by Trustee Hughson and carried as presented, Trustee DeBrock & Trustee Cheney abstained.

- Correspondence:
1. Charter Communications – channel updates and changes, 2/28.
 2. Thank you letter from Bob & Marge Lash – sidewalk plowing.
 3. NY Forward – Congratulatory letter from Senator Helming.

- New Discussion:
1. 2025 Fire Protection Contract – Motion by Trustee DeBrock, 2nd by Trustee Cheney and carried authorizing Mayor Cheney to sign the 2025 Fire Protection Contract with the Town of Phelps on the Villages behalf.
 2. Budget Meeting – Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried scheduling the Budget Meeting on Monday, March 24th at 5 pm.
 3. Cannabis Local Law - After reviewing a fully revised version of the proposed local law during the meeting; Mayor Cheney confirmed with Clerk/Treasurer Seifert and emphasized the same to the Board and the public in attendance that we could not modify the law after that meeting until after the public hearing. With everyone in agreeance and in full understanding; motion by Trustee DeBrock, 2nd by Trustee Hughson offering the following resolution to schedule the Public Hearing:

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC NOTICE AND HEARING**

WHEREAS, the Village Board of the Village of Phelps, after due deliberation, finds it in the best interests of the Village to schedule a public hearing to solicit public comment upon a proposed Local Law entitled “A Local Law to Adopt Regulations Pertaining to Cannabis Retail Dispensaries and Cannabis On-Site Consumption Establishments”; and

WHEREAS, the Village Board of the Village of Phelps has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Village of Phelps to proceed in accordance with the Code of the Village of Phelps and the Laws of the State of New York in adopting said Local Law; and

NOW THEREFORE, BE IT RESOLVED, that the proposed Local Law entitled “A Local Law to Adopt

Regulations Pertaining to Cannabis Retail Dispensaries and Cannabis On-Site Consumption Establishments”, be and it is hereby introduced before the Board of Trustees of the Village of Phelps, New York, and

BE IT FURTHER RESOLVED, that the Board of Trustees hold a public hearing on said proposed Local Law at the Village Hall, 8 Banta Street in the Village of Phelps, New York, at 5:00 p.m. on March 24, 2025; and

BE IT FURTHER RESOLVED, that the Village Clerk publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least ten (10) days prior thereto; and

BE IT FURTHER RESOLVED, that the Village Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Village of Phelps sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Village Board of the Village of Phelps for its consideration; and

BE IT FURTHER RESOLVED, that the Village Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law; and

BE IT FURTHER RESOLVED, that this local law be forwarded to the County Planning Board and Village Planning Board, with all supporting documents, for their respective reviews and recommendations.

I, Jill Seifert, Village Clerk of the Village of Phelps do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Phelps on March 10, 2025, by the following vote:

	<u>Aye</u>	<u>Nay</u>
James Cheney	XX_____	_____
Howard Hughson	XX_____	_____
Joe DeBrock	XX_____	_____
William McNicholas	XX_____	_____
Michael Cheney	XX_____	_____

4. Ontario & Trumansburg Telephone Companies – Mayor Cheney informed the Board that he has a conflict of interest, due to having a small financial interest in the company that owns Ontario & Trumansburg Telephone Companies and will be abstaining from the following.
Motion by Trustee DeBrock, 2nd by Trustee Hughson offered the following resolution:

RESOLUTION RECOGNIZING IN KIND SERVICES

WHEREAS, the Village of Phelps, by its officers or representatives, has engaged in discussions with Ontario & Trumansburg Telephone Companies (OTTC) regarding the mutually beneficial in-kind services of operators and equipment; and

WHEREAS, OTTC generously provides the use of a bucket truck and operator to facilitate the hanging and removal of light pole banners, Christmas decorations and accommodates light pole bulb changes; and

WHEREAS, OTTC allows the Village DPW staff access to property traditionally used for snow disposal; and

WHEREAS, the Village Board of the Village of Phelps appreciates the cost savings that these actions provide the Village; and

WHEREAS, the Village Board of the Village of Phelps feels that it is fair and reasonable to provide an in-kind service.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Phelps does hereby authorize the DPW staff to load snow for removal from OTTC property etc as a fair and reasonable in-kind service, and be it further

RESOLVED, that the Village Mayor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution.

I, Jill Seifert, Village Clerk/Treasurer of the Village of Phelps, do hereby certify that the aforementioned resolution was adopted by the Village Board of the Village of Phelps on March 10, 2025, by the following vote:

	<u>AYE</u>	<u>NAY</u>
James Cheney	abstains	_____
Howard Hughson	XX_____	_____
Joe DeBrock	XX_____	_____
Billy McNicholas	XX_____	_____
Michael Cheney	XX_____	_____

- Old Discussion:
1. Website/Code Enforcement/Notification Programs – Working on this.

2. Infrastructure Grant Update – Jim to contact Glenn Thornton.

Transfers: None.

Vouchers: Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried to pay the following March vouchers as presented, with the exception of Phelps Mercantile Inc.
Motion by Trustee DeBrock, 2nd by Trustee McNicholas and carried to pay the Phelps Mercantile Inc. vouchers, with Mayor Cheney abstaining.

Abstr#10	General	Ck #'s: 19263 – 19306	In the amount of:	\$ 72,657.39
Abstr#10	Water	Ck #'s: 11989 – 11996	In the amount of:	\$ 86,723.10
Abstr#10	Sewer	Ck #'s: 13274 – 13289	In the amount of:	\$ 20,504.58

Adjournment: 6:35 PM: Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert, Clerk/Treasurer