

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

Also present: Clerk/Treasurer: Jill Seifert, DPW Superintendent: Josh Akin, Deputy Clerk/Treasurer: Melissa Lahr, WWTP Operator: Adam Lotyczewski, Police Chief: John Storer, Code Enforcement Officer: Jim Murphy and Fire Chief: Aaron Newton.

Public: George & Elaine Reavis, Bruce & Kathie Hayflinger, Christy Howard, Amanda Walters (5:11pm) and Samantha Minns (5:40 pm).

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

Brian indicated that Lisa Bounds (Fluffing Feathers Bakery) had contacted the Village office regarding the Exchange Street Parking Lot; she was unable to attend this evening. Melissa spoke with Lisa's husband Matthew and we are assuming her concerns are regarding the dumpster locations and cameras. Per previous discussions, the dumpsters locations are not dictated by the Village, this is between the property owners. Christy commented that they have installed cameras to monitor problems with their dumpsters and that multiple issues are becoming apparent. Christy said that she would reach out to Lisa. Brian informed the attendees that we have received a proposal for security cameras which we will be moving forward on shortly, they will be installed on the utility pole with the fire siren.

Brian invited George Reavis to address the Board. George indicated that he lives on Main Street and can observe the crosswalks at Franklin & Walnut; vehicles are not stopping for pedestrians in the crosswalks and he believes it is only a matter of time before someone gets hurt. Brian explained that Main Street, being NYS Route 96, recently had the crosswalks remarked and high visibility signage added by NYS DOT. George feels that additional, attention getting, devices such as blinking lights similar to what has been installed in the City of Canandaigua, are necessary. The Village staff will contact NYS DOT for guidance. The Reavis' left the meeting.

Brian invited Bruce & Kathie Hayflinger to address the Board. The Hayflinger's have contacted the Mayor via the Clerk's Office and email regarding the Village's DPW tenant, Henkel & McCoys; the deliveries of utility poles have increased again. H&M were very responsive to the Village's previous requests; Brian will contact them regarding the deliveries etc.

REPORTS:

DPW, WWTP & Water:

1. DPW – July report – Josh reported that Sauerkraut Weekend preparation and tear down consumed a substantial amount of time, he was pleased with how the Village looked and responded to requests. Tub grinding contractor was at the transfer station and ground the considerable debris pile; we were the first municipality that they have gotten to this season.
2. 1660 Fort Hill Road – email thread provided for the Board's review; after a brief discussion, Jill was instructed to compose a letter to the Town of Phelps and the property owner requesting the addition of the property to the Fort Hill Water District as previously discussed.
3. Downtown Business District Sidewalks – with the resurgence of an active downtown, Josh is being stopped and questioned about what is allowed and where on the sidewalks. He is requesting clarification, keeping in mind the state right of way, pedestrians and sight lines etc. The Board reiterates its insistence of not impeding the pedestrians' path of travel, 5 feet width, but the majority of the downtown sidewalk is not the Village's to regulate. Josh and Jill to contact Greg Trost at NYS DOT for further guidance.
4. New DPW computer – received quote after budget was proposed; Michael feels it is more than what is needed and he will contact our IT consultant.
5. BJ questioned Josh regarding Village sidewalk installation. Josh indicated that he does intend to install sidewalks, the unusual summer of heat and rain have kept the mowing of properties a priority. He wants to address manholes on Mary Street prior to scheduled mill and fill project. The culvert on South Newark is also still in the mix.
6. WWTP – Adam provided his report along with NYS DEC TOGS paperwork that references our requirement of a second operator. Don Cardinal - NYS DEC, has requested an additional operator to be present at the plant 10 hrs per week, but per the TOGS paperwork it is up to the Board the actual amount of onsite time. Adam clarified that Peter Martin (Delaware Engineers) would be writing a letter to NYS DEC regarding our upcoming valve replacement.
7. WWTP Operator Intermunicipal Agreement – the Board reviewed the draft agreement provided by Attorney Jeff Graff, directed Jill to fill in some of the details and send back to all parties. Brian to contact Clifton Springs and their Operator to set up a time for everyone to discuss. Motion by Trustee DeBrock, 2nd by Trustee Hicks and carried authorizing Mayor Hemminger to sign the finalized agreement on the Village's behalf.
8. Project Update – will be publishing a Request for Qualifications for Phase 2 Engineering Services the week of 8/21 for return by 9/8; no action needed by the Board at this time.

Police: 1. July reports – no questions. John thanked the DPW and the Fire Department for all their help with Sauerkraut Weekend. Village Police only with the County's Mobile Command Center, no additional Ontario County Sheriff staff.
2. August schedule – no questions.

Fire Department:

- 1. June & July reports – Aaron indicated that July was a busier month of call volume. The fire department members were all very helpful for the Sauerkraut Weekend. The six new sets of turnout gear have been received and will be distributed. Continues to finalize the specifications for the refurbishing of 2171.

8 Banta Street:

- 1. Letter of support for grant monies – Copy provided to the Board, Janie applying for funding for the bathrooms and possibly the hallway in the northern 300 wing of the building.
- 2. April 8, 2024 Solar Eclipse Path of Totality – Janie is requesting we hold on any discussion or decisions regarding this until she can update the Board. Multiple meetings are happening at the county level, which she is attending.
- 3. Josh reports continued air conditioning issues.

Redfield Park:

- 1. Ground bees reported; Josh has treated.

Crooked Bridge Park:

- 1. Nothing to report.

Code Enfmt:

- 1. July reports – No questions. Summer projects continue throughout the Village, multiple swimming pools installed many of the removable style. Jim has contacted property management company regarding 19 Jay Street.

YP&R Comm:

- 1. Last week of Summer Recreation. BJ reported that she will, with the Board’s approval, be turning over the Concert in the Park series responsibility to Nicole Myhill; the Board has no objection to this.

Treasurer Rpt:

- 1. July report – second month of the fiscal year.
- 2. Office of the State Comptroller – Retirement estimate has been released, we budgeted appropriately.
- 3. 2nd Quarter Sales Tax was received.

Minutes:

- 1. Minutes of the July 10, 2023 Regular Monthly Meeting – Motion by Trustee DeBrock, 2nd by Trustee Hughson and carried as presented.

Correspondence:

- 1. Charter Communications – Programming changes dated 7/7 and 8/1.
- 2. Beverly Abplanalp letter – concerned about new location of rides at Sauerkraut Weekend, Jill to respond on the Village’s behalf. Copy of letter provided to Fire Chief Aaron Newton to share with the Fire Department. Chief Newton left the meeting.

New Discussion:

- 1. General Fund Budget Increases – unanticipated furnace/air conditioning expenses etc. Per the Board’s discussion, **Resolution #10 – 2023 -**

The following resolution was offered by Trustee Hicks, 2nd by Trustee DeBrock at the Board Meeting on August 14, 2023:

Resolution Authorizing the Increase of the 2023-2024 Budget for Village of Phelps General Fund:

WHEREAS, THE Board of Trustees wishes to increase Appropriated Fund Balance - Revenue (A599) and Appropriations – Expenses (A522) \$38,000.00 for the purpose of funding unanticipated expenses at the DPW property, 8 Banta Street property etc;

WHEREAS, funds are allocated and available for such purpose in the General Fund;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Village of Phelps authorizes as follows:

- 1. That the Treasurer of the Village of Phelps be, and she hereby is, empowered to increase the 2023-2024 Budget for the General Fund.

The following vote was taken:

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

Motion carried.

Trustee DeBrock left the meeting at 6:10 pm.

- 2. Jim Cheney’s email – copy provided to the Board. Jim is requesting the Village and Town restrict commercial vehicle use of the Church Street municipal parking lot. Following a brief discussion regarding the lot, Church Street and Main Street deliveries; the Board requests Jill send a letter to the business/property owners asking for their help in making the delivery truck drivers aware of the limitations in the area.

Old Discussion:

- 1. Proposed Solar Energy Regulations – first draft received from Jeff Graff, copy of regulations and his email provided to the Board. Brian and Jill to meet to answer Jeff’s inquiries, in the interim we need to schedule a public hearing to extend the expired moratorium. Motion by Trustee Hughson, 2nd by Trustee Hicks and carried offering the following resolution:

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING

WHEREAS, the Village Board, 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, “Local Law Establishing a Second Moratorium on Large-Scale Solar Energy Systems in the Village of Phelps”; 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,

WHEREAS, this action by the Village Board is a “Type II” action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (36), thereby requiring no further action by the Village Board.

NOW THEREFORE, BE IT RESOLVED, that the proposed Local Law entitled “Local Law Establishing a Second Moratorium on Large-Scale Solar Energy Systems in the Village of Phelps”, 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 September 11, 2023; and

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer 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/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; 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/Treasurer of the Village of Phelps do hereby certify that the Board of Trustees of the Village of Phelps adopted the aforementioned resolution on August 14, 2023, by the following vote:

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

Transfers: Motion by Trustee Hicks, 2nd by Trustee Hughson and carried to make the following transfers:

To:	From:	Amount:
A1325.11	A1990.4	\$ 2,500.00
A7110.2	A7110.4	\$ 35.00
F8310.4	F8340.4	\$ 1,000.00

Vouchers: Motion by Trustee Hughson, 2nd by Trustee Hicks and carried to pay the following August vouchers as presented.

Abstr#03	General	Ck 18482 repl. voided 18412. Ck #'s: 18483– 18527	In the amount of:	\$ 102,905.83
Abstr#03	Water	Ck #'s: 11830 – 11840	In the amount of:	\$ 72,301.49
Abstr#03	Sewer	Ck #'s: 12971 – 12987	In the amount of:	\$ 41,176.85

6:34 PM Per Mayor Hemminger’s request; motion by Trustee Hicks, 2nd by Trustee Hughson and carried to go into Executive Session to discuss a personnel matter. Clerk/Treasurer Seifert, Deputy Clerk/Treasurer Lahr, DPW Superintendent Akin and WWTP Operator Lotyczewski were invited to remain.

6:44 PM Motion by Trustee Hughson, 2nd by Trustee Cheney and carried to come out of Executive Session. No decision was made.

Adjournment: 6:48 PM: Motion by Trustee Hughson, 2nd by Trustee Cheney and carried to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert
Clerk/Treasurer