

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

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

Public: Greg Mayo, Christy Howard & Terri Brown.

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

Jim introduced the first public hearing of the evening, involving code revisions addressing Solar Energy Regulations, previously missing from our code; this has been a long process including multiple drafts of the regulations with input from the Village Planning and Zoning Boards in addition to Ontario County Planning. The SEQR Long Form Part 1 – Project and Setting has been filled out by the Village as the applicant. Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried declaring the Village Board as Lead Agency. Part 2 - Identification of Potential Project Impacts are read and answered negatively.

5:08 PM Opened the public hearing on the proposed Local Law 2-2024 updating the Village Code to include Solar Energy Regulations.

5:09 PM Hearing no comments Mayor Cheney closed this public hearing.

RESOLUTION #7 – 2024 - Motion 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. 2 OF 2024**

**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 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 April 8, 2024, 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 _____	_____

RESOLUTION #8 – 2024 - Motion offered by Trustee DeBrock, 2<sup>nd</sup> by Trustee Cheney:

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES OF THE  
VILLAGE OF PHELPS OF LOCAL LAW NO. 2 OF 2024 ENTITLED  
A LOCAL LAW AMENDING THE VILLAGE OF PHELPS ZONING LAW TO ADD SOLAR ENERGY  
SYSTEMS REGULATIONS**

**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 April 8, 2024, 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 Amending the Village of Phelps Zoning Law to Add Solar Energy Systems Regulations”; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Village of Phelps, on March 23, 2024 and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on April 8, 2024, 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. 2 of 2024, entitled, “A Local Law Amending the Village of Phelps Zoning Law to Add Solar Energy Systems Regulations”, 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 April 8, 2024, 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_____	_____

Jim introduced the second public hearing of the evening regarding the adoption of the proposed 2024-2025 Budget Jim briefly outlined the budget discussion held at the Budget Workshop on March 25<sup>th</sup>. In the **General Fund**, the tax the tax levy increases \$10,444 from \$522,222 to \$532,666 complying with the 2% tax cap mandate. Fire Department – given a 7% increase in .2 & .4 line items. Transfer Station – continuing to run at a deficit, need to educate new homeowners regarding this availability and will need to raise the price per pound. In the **Water Fund**, increasing the water rate to \$6.25 from \$6.00 per 100 cubic feet. All other expenses are normal. In the **Sewer Fund**, leaving the rate flat at \$73.50 per unit, per quarter. For additional details, please see the March 25, 2024 Budget Workshop minutes.

5:12 PM Opened the public hearing on the proposed 2024-2025 Budget.

5:13 PM With no public comment, the public hearing was closed.

There were no changes to the proposed budget as discussed at the March 25<sup>th</sup> meeting; with no questions or comments; motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson to adopt the budget as discussed. The following vote was taken:

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

Mayor Cheney is recommending the Board hold its approval of the 2024-2025 Employee Payroll Roster, as discussed at the March 25<sup>th</sup> Budget Meeting, until the May meeting as further adjustments may need to be addressed. The Board has no objection to doing so.

Clerk/Treasurer Seifert administered the oath of office to Mayor Cheney, Trustee McNicholas and Trustee Cheney; official oath book previously signed by each.

**REPORTS:**

**DPW, WWTP & Water:**

1. DPW – March report – Josh reported the normal winter to spring conversion has started with the equipment and staff responsibilities; Ryan has mowed the historically heavy areas once already. Joe questioned Josh regarding the storage of salt brought up during the budget season; due to some recent required salting we now have enough space for the upcoming allotment to be delivered/stored. New paperwork from OGS indicates that the percentage of delivery has been lowered from 70% to 50% annually. Josh and Jill to work on this requirement for next year.
2. WWTP – March report – No questions on Adam’s report. Josh spoke of an issue with a valve riser handle snapping off, substantial digging required to repair this and City of Canandaigua vacuum truck on scene to help.

**Police:**

1. March reports – no questions. John confirmed receipt of one of the two portable speed signs; it is currently installed on North Newark Street monitoring south bound traffic. DPW staff to build additional mounting brackets to create “plug and play” installations. Billy received an email questioning knives being sold at the newly opened restaurant/mini-market; John

indicated that with the exception of “dangerous” knives there is no NYS law preventing this, he will visit the business to check in.

2. April schedule – no questions.

Fire Department:

1. March reports – Aaron reported that call volume was up, the loaned equipment from Newark Fire Department is working out well, and the eclipse event held at the fire department grounds was well attended with no problems. Jill to provide Aaron with the detailed budget including comments for his department.

8 Banta Street:

1. Briefly discussed an incident that occurred on the property, Friday, April 5; two toddlers within the PCC operated daycare were able to push open an exterior door and exit the building unattended. PCC self reported to their licensing agency. Josh and Ryan inspected the door and the latch does engage if the door is completely closed, Geneva Glass to order and install new “crash bars”.

Redfield Park:

1. Utilities will be turned on for the upcoming season; Mayor Cheney would like to revisit having the bathrooms open if we can find an attendant/cleaner; he will discuss the vandalism that led to the closing with John.

Crooked Bridge Park:

1. Nothing to report.

Code Enfnt:

1. March report – Jim reported that a restaurant serving Mexican food has opened on Main Street, he will be checking in regarding ventilation. 41 Mill Street has been sold and will be renovated. Jim understands that Coon’s Cans is looking to sell, the Board requested a 2<sup>nd</sup> violation notice along with a letter, to be sent certified, regarding the continued property maintenance issues.

YP&R Comm:

1. The roller-skating party and the Easter Egg Hunt were both well attended.

Treasurer Rpt:

1. March report – transfers needed.

Minutes:

1. Minutes of the March 11, 2024 Regular Monthly Meeting – Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Cheney and carried as presented, Mayor Cheney and Trustee McNicholas abstain.
2. Minutes of the March 25 2024 Budget Workshop – Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried as presented, Mayor Cheney and Trustee McNicholas abstain.

Correspondence:

1. Charter Communications – Channel updates etc. 3/19.

New Discussion:

1. Organizational Meeting – outlined the function of the different appointments etc, Jim would like the Board Members to send him their thoughts of where they would fit and any community members that might be willing to serve.
2. Meeting Time – Jim would like the Board to consider moving the meeting back to 7 pm on the second Monday of the month, he feels we would have more public attendance at 7. Following a brief discussion, it was decided to remain at 5 pm, historically attendance is about the same regardless of the time.
3. Planning Board Resignation – Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Cheney and carried accepting Billy McNicholas’ resignation from the Planning Board due to his recent election to the Village Board.
4. Resolution #9 -2024 WFL BOCES – Natural Gas Bid; by Trustee Cheney, 2<sup>nd</sup> by Trustee DeBrock:

**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 NATURAL GAS BID FOR THE PERIOD OF 10/01/2024-09/30/2025**

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 natural gas. 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 natural gas 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 April 8, 2024, by the following vote:

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

- 5. Unpaid Water / Sewer: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried authorizing the clerk’s office to send un-paid water & sewer billings and property maintenance charges to Ontario County for re-levying on to the June 2024 Village taxes.

- Old Discussion:
- 1. Barking Dogs – Jill to find this information for the Board.
  - 2. Rockefeller Lease Agreement – Jim will move forward on this, requesting acreage.
  - 3. Preferred Name & Pronoun – Create a procedure and remove from agenda.

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

To:	From:	Amount:
G1910.4	G8130.4	\$ 745.00
F1910.4	F8340.4	\$ 745.00
F8320.4A	F8340.4	\$ 570.00
F8340.421	F8340.4	\$1,000.00
A1325.11	A9040.8	\$1,000.00
A1420.45	A9040.8	\$2,500.00
A1620.421	A9040.8	\$3,500.00
A1950.4	A9040.8	\$ 302.00
A3120.4	A3120.1	\$4,000.00
A3410.422	A3410.4	\$ 300.00
A3410.43	A3410.4	\$ 118.00
A5182.421	A1990.4	\$6,500.00

6:09 PM Per Mayor Cheney’s request; motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried to go into Executive Session to discuss a personnel matter. Clerk/Treasurer Seifert, Deputy Clerk/Treasurer Lahr and DPW Superintendent Akin invited to remain.

6:52 PM Motion by Trustee Cheney, 2<sup>nd</sup> by Trustee DeBrock and carried to come out of Executive Session.

Per the Board’s discussion, Jill will update the proposed 2024-2025 Employee Roster accordingly. Additional multiple issues discussed, the personnel committee will address the issues and report.

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

Abstr#11	General	Ck 18719 voided & repl. by Ck 18821. Ck #'s: 18822 – 18859	In the amount of:	\$ 32,815.68
Abstr#11	Water	Ck #'s: 11903 – 11911	In the amount of:	\$ 5,047.40
Abstr#11	Sewer	Ck #'s: 13103 – 13117	In the amount of:	\$ 21,677.17

Adjournment: 7:08 PM: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried to adjourn the meeting.

Respectfully submitted,

Jill K. Seifert  
Clerk/Treasurer