

Present: Mayor: Brian Hemminger  
Trustee: Michael Cheney  
Trustee: BJ Hicks

Trustee: Joe DeBrock  
Trustee: Howard Hughson

Also present: Clerk/Treasurer: Jill Seifert, DPW Superintendent: Josh Akin, WWTP Operator: Adam Lotyczewski, Deputy Clerk/Treasurer: Betsy Bourne, Code Enforcement Officer: Jim Murphy, Fire Chief: Aaron Newton.

Public: Mike Darling & Christy Howard.

Mayor Hemminger opened the meeting with the pledge of allegiance to the flag at 4:59 pm.

Brian invited Mike Darling to address the Board. Mike indicated that his business, Crafty's Ales & Lagers is involved in a fundraiser for the Golisano Children's Hospital – Music Therapy. The Music for Mom event has been held at the brewery for 6 years, generating \$8,500. Mike would like to expand the event this year, with the Board's approval, closing Exchange Street from Main Street north 150 ft, allowing a larger crowd to spill out of the brewery and its patio area into the street. The first entrance (most southerly) to the public parking lot on Exchange Street would be blocked off. The event this year will be held Saturday, September 16<sup>th</sup> and the closure would need to be in place from 9 am until 10 pm. After a brief discussion, motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried authorizing the street closure as outlined. Jill to notify Chief Storer. Josh to provide 3 sets of barricades to Mike the Thursday preceding the event.

#### REPORTS:

##### DPW, WWTP & Water:

1. DPW – May report – Per Josh, oil and stone went really well, started early morning and were done by 1pm. Town of Phelps Griffith/Fort Hill water project is requiring more of crews' attention than Josh had anticipated. Brian requested Josh confirm that 1660 Fort Hill Road is being connected to the Town line. Brush pile at the Transfer Station is on the tub grinder's radar, not yet scheduled.
2. WWTP – Adam reports that things are status quo at the plant.
3. Project Update – Peter, along with Kris from Bond Counsel Timothy R. McGill's office, provided an updated bond resolution due to an increase in the project pricing.

**RESOLUTION #4-2023** Trustee DeBrock presented the following resolution and duly moved that it be adopted and was seconded by Trustee Hughson:

BOND RESOLUTION DATED JUNE 12, 2023 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PHELPS, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of sewer system capital improvements to include improvements at the Wastewater Treatment Plant authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on October 10, 2022, has duly adopted a negative declaration with respect to the type I action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PHELPS, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Phelps shall undertake the construction of sewer system improvements, to include reconstruction at the Wastewater Treatment Plants, including, without limitation, the addition to disinfection to comply with the NYSDEC SPDES permit schedule, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$13,500,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$13,500,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, presently expected to be up to \$381,372.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Phelps.

Section 7. The faith and credit of the Village of Phelps, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Phelps together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Phelps, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

	<u>AYES</u>	<u>NAYS</u>
Joe DeBrock	X	_____
Bette Hicks	X	_____
Michael Cheney	X	_____
Howard Hughson	X	_____
Brian Hemminger	X	_____

In addition, per Peter's email of June 7<sup>th</sup>; he and the staff at NYS DEC are advising the Village to rescind the current WQIP grant of \$381,000 in order to reapply for the full \$1M. The project has increased in scope from the original application and it is under an order of compliance, will score well and the Village will receive WQIP grant funding again. After a brief discussion, motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hicks and carried authorizing Mayor Hemminger and Clerk/Treasurer Seifert to work with Peter Martin and NYS DEC to rescind/reapply for the WQIP grant.

Police:

1. May reports – No questions on John's report.
2. June schedule – no questions.
3. Church Street Parking Complaint – Brian was approached by a business owner complaining about apartment tenants parking in all the street parking. Parking is allowed on the street per

the signage; Joe will make John aware of the complaint. During discussion it was noted that very often the spots are taken up by business owners themselves.

Fire Department:

- 1. May report – Aaron indicated that it has been another quiet month, numbers down again. The department will be providing additional aid for Oaks Corners for the next few weeks while they await delivery of their new truck. Aaron will be on vacation 6/26-7/9 and will provide the July report at the August meeting.

8 Banta Street: 1. Janie & Jonas not in attendance.

Redfield Park: 1. Nothing to report.

Crooked Bridge Park:

- 1. Nothing to report.

Code Enfnt: 1. May reports – No questions. BJ inquired about the status of the Waterside Wine Bar retaining wall; Jim indicated it is in NYS DEC’s hands. Crown Castle, cell phone tower tenant at the water tank, is applying for an additional permitted use on the tower. St. Francis Church has contacted Jim regarding a demolition permit for their “rectory” building located at 12 Church Street; the space would be better utilized for parking. Josh has spoken with the church representative and discussed that the water line serving the church comes from the rectory.

YP&R Comm: 1. Summer Recreation Appointments – Per Trustee Hicks’s list summarizing her discussion with Recreation Leader Mary dePorter, the following are their recommendations for the Summer Recreation employees:  
Co-Leader: Kelley Santmyer  
Recreation Asst: Connor Walters  
Conner Hicks  
Trinity Dean  
Jeremy Myhill  
Natalee Rockefeller  
Lyndsay Frere  
Bryce Norsen  
Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Cheney and unanimously carried approving the above list. Mary is a year-round employee and does not need appointment.

Treasurer Rpt: 1. May report – briefly discussed the report. Brian indicated that there were sufficient monies to fund the following reserves:  

<b>General</b>	Fire Department Equipment Fund	\$ 90,000
	Public Works Equipment Fund	\$ 75,000
	Police Equipment Fund	\$ 6,000
	Village Building Reserve Fund	\$ 30,000
	Benefit Reserve Fund	\$ 5,000
<b>Water</b>	Water Tower Reserve Fund	\$ 30,000
<b>Sewer</b>	Sewer Plant Reserve Fund	\$100,000

Minutes: 1. Minutes of the May 8, 2023 Regular Monthly Meeting – Motion by Trustee Cheney, 2<sup>nd</sup> by Trustee Hughson and carried as presented, with Trustee DeBrock abstaining.  
2. Minutes of the May 22, 2023 Planning Board Meeting – For Information Only.

Correspondence: 1. Charter Communications – Programming changes dated 5/30.  
2. FL Railway Corp – Received PILOT payment.  
3. Community Bank NA – after receiving an offer of 3% interest for new money market accounts (2.5% on existing accounts); Mayor Hemminger and Clerk/Treasurer Seifert made the decision to move the General, Water & Sewer main accounts back to Community from Generations. The Board has no objection to this. In addition, this will make transfers much easier.  
4. Flag Day Ceremony – the Seneca Chapter of the National Society Daughters of the American Revolution will be presenting the Phelps Community Center with a flag on June 14<sup>th</sup> commemorating Flag Day. The Village Board was invited to attend the 5 pm public ceremony.

New Discussion:

1. **Resolution #5 – 2023 WFL BOCES** – Electric Bid; motion by Trustee DeBrock and 2<sup>nd</sup> by Trustee Hughson:  
**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 2024-12 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 June 12, 2023, by the following vote:

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

2.           **RESOLUTION # 6 - 2023**

The following resolution was offered by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hicks at the Board Meeting on June 12, 2023:

**Resolution Authorizing the Transfer of Funds from the Village of Phelps “Public Works Equipment Fund”:**

**WHEREAS**, THE Board of Trustees wishes to transfer up to \$29,000.00 from the “Public Works Equipment Fund” account for the purpose of purchasing 2023 5600 Toolcat;

**WHEREAS**, funds are available for such purpose in this Reserve Fund for this purpose;

**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 transfer the funds from the “Public Works Equipment Fund” to the General checking account. Said funds to be used solely for the purchase of a 2023 5600 Toolcat.
2.

Such a transfer is subject to a 30-day permissive referendum. Petitions requesting a permissive referendum must be filed with the Village Clerk’s office within 30 days as provided by law.

The following vote was taken:

	<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	_____

Motion carried.

3.           **RESOLUTION # 7 - 2023**

The following resolution was offered by Trustee Cheney, 2<sup>nd</sup> by Trustee Hughson at the Board Meeting on June 12, 2023:

**Resolution Authorizing the Transfer of Funds from the Village of Phelps “Fire Department Equipment Fund”:**

**WHEREAS**, THE Board of Trustees wishes to transfer up to 100,000.00 from the “Fire Department Equipment Fund” account for the purpose of refurbishing the Rescue Truck (2171);

**WHEREAS**, funds are available for such purpose in this Reserve Fund for this purpose;  
**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 transfer the funds from the “Fire Department Equipment Fund” to the General checking account. Said funds to be used solely for the refurbishing of the Rescue Truck (2171).
2.

Such a transfer is subject to a 30-day permissive referendum. Petitions requesting a permissive referendum must be filed with the Village Clerk’s office within 30 days as provided by law.

The following vote was taken:

	<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	_____

Motion carried.

Old Discussion: 1. Nothing to report.

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

To:	From:	Amount:
A1210.1	A1210.4	\$ .04
A1325.1	A1325.11	\$ 798.00
A1325.10	A1325.11	\$ 611.50
A1325.10	A1325.4	\$ 219.60
A1620.422	A1620.421	\$ 10.00
A1621.2	A1620.4	\$ 9,650.00
A3410.4F	A3410.42	\$ 200.00
A5110.1	A1490.1	\$ 4,500.00
A5110.1	A1621.1	\$ 540.20
A5182.421	A1621.421	\$ 2,500.00
A7110.421	A1621.421	\$ 87.00
A7550.421	A1621.421	\$ 3.00
A8160.1	A8160.11	\$ 270.00
A8160.4	A8160.44	\$ 352.00
A8160.4F	A8160.11	\$ 421.00
A8510.1	A8510.4	\$ 101.00
A8510.4F	A8510.4	\$ 283.00
F8340.421	F8340.4	\$ 1,002.00
G8130.42	G8130.4	\$ 71.00
G8130.421	G8130.4	\$ 1,097.00
G8130.422	G8130.4	\$ 92.00
G9030.8	G9060.8	\$ 17.00

Vouchers: Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and unanimously carried authorizing the End of Year vouchers as presented.

Abstr#13	General	Ck #'s: 18381 – 18387, voided 17913	In the amount of:	\$ 13,688.92
Abstr#13	Water	Ck #'s: N/A	In the amount of:	\$ 0.00
Abstr#13	Sewer	Ck #'s: 12940 – 12941	In the amount of:	\$ 3,812.77

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

Abstr#01	General	Ck #'s: 18388 – 18436	In the amount of:	\$144,686.02
Abstr#01	Water	Ck #'s: 11812 – 11820	In the amount of:	\$ 30,641.75
Abstr#01	Sewer	Ck #'s: 12942 – 12956	In the amount of:	\$ 5,818.59

Betsy reported on her activities with regard to sales tax trends, utility use vs. cost, vendor sales tax issues and Unifirst uniform contract. The Board thanked her for her efforts while Melissa is away.

6:01 PM

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

6:35 PM            Motion by Trustee Hughson, 2<sup>nd</sup> by Trustee Cheney and carried to come out of Executive Session. No decision was made, Mayor Hemminger and DPW Superintendent Akin to gather more information.

Adjournment:    6:37 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