

Present: Mayor: Brian Hemminger  
Trustee: Howard Hughson  
Trustee: BJ Hicks

Trustee: Michael Cheney  
Trustee: Joe DeBrock

Also present: Clerk/Treasurer: Jill Seifert, DPW Superintendent: Ken McAllister, Deputy Clerk/Treasurer: Melissa Lahr, WWTP Operator: Adam Lotyczewski, Code Enforcement Officer: Jim Murphy & Police Chief: John Storer.

Public: PCC Executive Director: Janie Burgess, PCC Board President: Jonas Myhill, Joe Cialini & Sally Clarke.

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

Brian reported that Peter Martin of Delaware Engineering will be attending next month's meeting to update the Board on the WWTP Disinfection Project. Ken indicated that Adam, Josh and himself will be meeting with Peter early next week to discuss some of the plant issues that came to light during the flooding the week of 10/25.

Brian briefly explained Joe Cialini's request regarding his property at 71 Church Street. Joe has completed a subdivision of the property, which is located in the Town; dividing the original home at 71 Church Street from the block building (now 1660 Fort Hill Road) creating two separate parcels. 71 Church Street is an out of district water user of the Village's; at some point in the past a water line was run from the home to the block building providing it with water. Joe is in the process of selling the home while retaining the block building to live in; he would like to purchase a water meter from the Village to install in the block building to track his consumption. Per Brian's discussion with Town Water Superintendent Mike Vienna, the Town intends to bring water down Fort Hill Road at some point in the future. A brief discussion ensued, noting that the Village has made a concerted effort to discontinue these types of odd hook ups in the last few years, this is not something that the Village or NYS DOH encourage. The Board approves the sale of a water meter to Joe for his use with the understanding that 1660 Fort Hill Road **must** hook to the Town's water line when it becomes available. Joe and Sally thanked the Board and left the meeting.

#### REPORTS:

- Police:
1. October reports – John indicated that the officers are continuing to keep an eye on Jay Street parking. Brian requests that when large events are held at PCC that “on street” parking be limited to one side of Banta only; Trunk or Treat was very well attended, drawing people from outside our community due to other events being cancelled.
  2. November schedule – No questions.

#### Fire Department:

1. October report – No questions.

- 8 Banta Street:
1. MVP National Fitness Campaign – Janie provided further information; she visited the Corn Hill fitness court which was set up very similarly to our exterior space, including a basketball court, two playgrounds, green space etc. While it was raining while she was there, the fitness court was being used as was the green space. Janie contacted the City of Rochester Parks Department and was informed that the court was installed in 2019, they have had no vandalism or repairs, other than pressure washing; it is used year round and was extremely popular when the COVID shutdown impacted indoor fitness centers. Briefly discussed the only commitment by the Village would be financial \$25,000 for the concrete pad and site work by the Village crew. Motion by Trustee Cheney, 2<sup>nd</sup> by Trustee Hughson approving the Village's participation in and support of the project, opposed by Trustees DeBrock & Hicks, approved by Mayor Hemminger; motion carried.
  2. Parking on Banta during large events – previously discussed.
  3. Library Expansion email – Executive Director Dan Bish provided an email outlining the expansion plan. The Board has multiple questions regarding egress etc; need to see actual plans for the inside of the building before making any decisions. With regard to adding an additional, handicapped accessible entrance in the west outer wall; the Board has previously and will continue to, deny permission to do this due to the layout of the parking lot, space constraints, safety issues and snow maintenance issues. The Board requests Jill email Dan with their thoughts on the expansion.
  4. Additional Fitness Center Parking – Ken & Janie need to meet.
  5. Windows – moving forward per the Board's direction of last month; windows have been ordered from Geneva Glass, quotes have been received for masonry and asbestos abatement on the one original set of windows etc. Ben Wheat will act as the General Contractor, coordinating the various trades.

With nothing further to discuss; Janie and Jonas left the meeting.

#### DPW, WWTP & Water:

1. DPW – Ken indicated that his tree budget (A8560.4) will be gone shortly, as previously discussed, while trimming trees Village wide, trees that needed to be removed were identified. Informed the Board that DPW crew will be down one as Gene is off 11/15 – 11/26.

- 2. Hayflinger / WWTP Survey – Brian briefed the Board on an email complaint regarding BME removing and not properly replacing wooden locators of survey pins during their recent work on-site.
- 3. Joe Cialini – 71 Church St Water Extension – previously discussed.
- 4. FLTG/OTTC using Village DPW property – Ken reported that he was asked to allow pole storage at the shop, he agreed considering our long-term working relationship with OTTC. Pole storage has turned into a full on field site but only for a month’s time; the Board has no objection to this.
- 5. Streets Fuel Budget A5110.4F under budget – In addition to Jill cutting this line item too much, gas prices have also had an impact.
- 6. Transfer Station – Ken reported that the vendor for the Transfer Station pedestal refreshed/cleaned the computer, suggested changing the Cat 5/6 cabling from the internet box to the pedestal; since doing that things have been running better.
- 7. Water/WWTP – Adam indicated that he has recertified his backflow license, other licenses are due in 2022 and while courses are not easy to obtain he has the required credits. Met with Kendall from NYS DOH for water system inspection, received further information regarding the lead survey. Adam commended Ken and Josh for keeping the plant operational, during his vacation, when we experienced record rainfall. Ken indicated that the plant is very fragile and susceptible to outside forces; this will be discussed with Peter Martin. Adam indicated that there is funding available for infiltration problems such as these.

Redfield Park: 1. Nothing to report.

Crooked Bridge Park:  
1. Nothing to report.

Code Enfnt: 1. August report – BJ questioned the procedure following 2<sup>nd</sup> notices of violation; Jim indicated that an appearance ticket would be the next step.  
2. Gizmo / Tillack paving issues – Brian informed the Board that per the site plan approval granted at the 9/27 Planning Board meeting; the pavement of 266 Main Street was attached incorrectly to the pavement of 3 North Newark Street. Per Jim’s conversation with both parties, it is now agreed that 2 feet of pavement is on 3 North Newark’s parcel and they will be placing parking curbs to delineate the property line and prevent people from exiting on to said property.  
3. Phelps Hotel Roof Permit – Brian indicated that the permit was issued to new owners Greg Mayo & Christy Howard and then complaints were raised by neighboring property owners Charles Arthur & Darlene DiFederico. Jim explained that it was found the liability insurance provided was for Greg Mayo’s business but not for 90 Main Street. There were also issues with a lack of workers compensation for the roofing crew; a stop work order was issued but has since been lifted. Following further discussion, the Board requests that Jim revoke the permit and consult attorney Jeff Graff regarding permit fees.  
4. Delay on Sign permit – Brian indicated that he had been contacted regarding the sign permit for the Clifton Springs Hearing Center, Jim indicated that it had been issued.

YP&R Comm: 1. Halloween – Sunday, October 31<sup>st</sup> – all normal activities were held outside; parade, costume contest, trunk or treat and traditional trick or treating; as previously discussed this event was very well attended.  
2. Hometown Christmas – BJ indicated that Mary is thinking about joining in with BDTC’s Church Street event, with the final activity being the tree lighting on PCC grounds. Mary will provide further information to BJ as plans progress; the Board has no objection to this tentative plan. Ken requests, and receives, authorization to decorate the single evergreen located in the “island” of the parking lots rather than the overgrown trio of trees used historically.

Treasurer Rpt: 1. October report – provided. No questions.  
2. **RESOLUTION #6 – 2021 2021/2022 Delinquent Taxes to be sent to Ontario County Treasurer:**  
Motion offered by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson:  
**WHEREAS**, that the Board of Trustees of the Village of Phelps hereby request that the County Treasurer of the County of Ontario collect the 2021/2022 delinquent Village Taxes of said Village as provided by Chapter 619 of the law of 1977, adopted by the Board of Supervisors, and be it further,  
**RESOLVED**, that the Village Treasurer is hereby directed to transmit to the Ontario County Treasurer a certified copy of the Resolution together with the list of delinquent accounts to the Ontario County Treasurer.

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

Motion carried.

3. **RESOLUTION # 7 – 2021- Resolution Authorizing the Transfer of Funds from the Village of Phelps “Village Building Reserve Fund”:**

Motion offered by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson:

**WHEREAS**, THE Board of Trustees wishes to transfer up to \$30,000.00 from the “Village Building Reserve Fund” account for the purpose of replacing windows in the Village Meeting Room up to and including Room 213 within the main hallway (west side only) at 8 Banta Street;

**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 “Village Building Reserve Fund” to the General checking account. Said funds to be used solely for the replacement of windows in the Village Meeting Room up to and including Room 213 within the main hallway (west side only) at 8 Banta Street.
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.

Minutes: 1. Minutes of the October 11, 2021 Regular Monthly Meeting – Motion by Trustee DeBrock, 2<sup>nd</sup> by Trustee Hughson and carried as revised.

Correspondence: 1. Charter Communications – 10/15, 10/22 & 11/1 channel adjustments.

New Discussion: 1. Inappropriate signage around the Village – briefly discussed signs containing vulgar language, at three separate addresses on Main Street; per our discussions with Attorney Jeff Graff, Police Chief John Storer and Code Enforcement Officer Jim Murphy there is nothing we can do as this falls under the first amendment and freedom of speech. These signs have generated email complaints and letters to the editor of the Finger Lakes Times and the one that was displayed as a banner has since been removed.  
2. For Information Only – upcoming Village Elections, March 15, 2022 will be for two Trustee (4 year terms) positions.

Old Discussion: 1. NYS Cannabis Opt Out paperwork - following a brief discussion the Board decided to not pass a local law opting out of retail dispensaries nor on-site consumption sites.

Transfers: None.

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

Abstr#06	General	Ck #'s: 17628 – 17657	In the amount of:	\$ 36,320.49
Abstr#06	Water	Ck #'s: 11655 – 11660	In the amount of:	\$ 972.79
Abstr#06	Sewer	Ck #'s: 12641 – 12654	In the amount of:	\$ 7,840.45

Adjournment: 8:55 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