

Village of Phoenix  
**Regular Board Meeting**  
Tuesday, April 7, 2015 at 7:00 PM  
Sweet Memorial Building  
455 Main Street, Phoenix, NY 13135

Present: Mayor Ryan Wood Chief Martin Nerber  
Trustee Andrew Bittel Village Clerk Roxanne Demo  
Trustee David Pendergast Attorney Steve Primo  
Trustee Michael Wyant Jr. Administrator James Lynch

25 Public in Attendance

Mayor Ryan Wood began the Board Meeting with a salute to the flag at 7:10 PM, and indicated the Board would hold its annual organizational meeting for 2015-16 first.

**Village of Phoenix**  
**Organizational Meeting**  
**April 7, 2015**

**BLANKET RESOLUTION(s)**

Mayor Wood said he wanted to start off with the organization meeting minutes and resolutions. The first is the annual organizational meeting for next year will be set the first Tuesday of the month following the Village Election at 7:00pm at the Sweet Memorial Building; Now therefore be it,

RESOLVED that:

(1) the annual meeting of the Board shall be next held on the first Tuesday of the month following the date of our annual Village 2016-17 election in the usual public meeting place of the board at 7:00 o'clock, P.M., pursuant to all applicable legal provisions including those which meet the requirements of Article 7 of the Public Officer's Law on open meetings.

(2) that the following appointments, and for the following terms are hereby made by the Mayor and approved by this board:

<b>TITLE</b>	<b>APPOINTMENT NAME</b>	<b>TERM</b>
Village Clerk/Treasurer	Roxanne Demo	Two Years
Village Deputy Clerk/Treasurer	Laura Gonzalez	One Year

Deputy Mayor	Michael Wyant Jr.	One Year
Village Administrator	Jim Lynch	One Year
Village Attorney	Primo & Hills Law Firm	One Year
Village Chief of Police	Martin Nerber	One Year
Village Code Enforcement Officer	Don Ryan	One Year
Village Engineer	Miller Engineering	One Year
Village Insurance Agent	Eastern Shore Associates	One Year

Mayor Wood indicated the Board was going to hold off on the Zoning and Planning Board appointments until the next or following meetings in light of the effort to try and consolidate the two boards into one ZBA with all planning board and zoning board authority.

(3) accordingly that pending same, the following appointments to the Village Zoning Board of Appeals and Village Planning Board, and for the following terms are hereby not as yet made:

<u>MEMBER</u>	<u>BOARD</u>	<u>TERM OF OFFICE</u>	<u>EXPIRATION</u>
Ron Johst, Chairman	Planning Board	2012-2016	2016
Jeffrey Koegel	Planning Board	2010-2014	2014
Carl Richardson	Planning Board	2011-2015	2015
Douglas Deeb	Planning Board	2013-2017	2017
Alan Crutchley	Planning Board	2010-2014	2014
Chuck Paquette, Chairman	ZBA	2012-2016	2016
Brian Doolittle	ZBA	2013-2017	2013
Scott Doody	ZBA	2010-2014	2014
Sandra Tupper	ZBA	2011-2015	2015
Debra Renfrew, Alternate	ZBA	2012-2016	2016

(4) that pursuant to applicable provisions of law, including without limitation Village Law §3-306, the treasurer, clerk, village justice, acting justice, and other officers and employees as the Board of Trustees may require, including without limitation, all those with access to Village, governmental or taxpayer money's or accounts shall provide or cause to be provided an undertaking or undertakings in such amounts as required by law and that the Villages insurance carriers be authorized to and shall provide and/or continue to provide same in such amounts as described on the applicable blanket policies serving as such for this past year however also to upon a prompt review, and advise the Board as to any recommended increases in such amounts as may be reasonably and prudently recommended and thus is deemed required by this

resolution, and to provide written confirmation of the securing of same to the Village as and if, and to the extent needed, within thirty(30) days of the date hereof ;

(5) that the regular meetings of the Village Board be held at 7:00 P.M. on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of every calendar month. In the event that the said meeting falls on a holiday, a meeting is to be held on the substitute day duly authorized and noticed/posted in the manner required by law. All meetings and public hearings are to be held at the large meeting room, and with abstract meetings, executive sessions, working sessions generally in the board room or Mayor's office all located in the Sweet Memorial Building, 455 Main Street, Phoenix, New York, and with conduct of all meetings and sessions pursuant to the requirements of Article 7 of the Public Officer's Law on open meetings. Planning Board meetings are held on the second (2<sup>nd</sup>) Thursday of the calendar month, as needed at 7 PM at the small meeting room in the Sweet Memorial Building, The Zoning Board of Appeals meetings are held on the third (3<sup>rd</sup>) Thursday of the calendar month, as needed at 7 PM at the small meeting room in the Sweet Memorial Building. PLEASE NOTE: that public hearings held on the same date as regular or special meetings may be scheduled for before or during the regular or special meeting; also that the above may be modified in the event of planning and zoning board consolidation..

(6) that any existing rules of procedures for Village Board meetings heretofore adopted, if any shall remain in effect, subject to any further amendment.

(7) that the Village Board of the Village of Phoenix be and hereby is authorized to audit and pay proper certified and authorized claims as may come before it during the year.

(8) that the salaries of Village officers and other elected and appointed officials shall be paid in said amounts as set up and approved in the 2015-16 budget as follows:

TITLE	FREQUENCY
Mayor, Trustees	Twice annually
Village Administrator	Biweekly
Code Enforcement Officer	Biweekly
Clerk/Treasurer	Biweekly
Assistants/Deputy	Biweekly
Water Operator	Biweekly
Police Chief	Biweekly

(9) that the NBT, N.A. Bank be and they are hereby designated as depositories in which the Clerk/Treasurer shall deposit all money coming into his/her hands by virtue of this office.

(10) that the Village Clerk/Treasurer is authorized to invest as enumerated by provisions for temporary investment contained in 11:00 of the General Municipal Law for current moneys and in 165:00 of the Local Finance Law for proceeds of borrowing.

(11) that the Village Attorney is authorized to amend the official investment policies of the Village based upon changes in the laws applicable to same and/or any change in depository, such policies as so amended to be formally approved by resolution of the Village Board.

(12) that Village Officials required as a condition of their employment to use their private vehicles be reimbursed at a rate of \$.555 per mile or the applicable federal rate, if not the foregoing, for all traveling done on official business upon being authorized or mandated to use of such automobile.

(13) that payment in advance of audit of claims for public utility services, postage, freight and express charges, health insurance, phone services, workmen's compensation and disability, pager service and/or cell phone service and similar advance payments authorized by statute or law is hereby authorized, as are any such payments duly approved by Village Board Poll and duly made part of the record by ratification thereafter, and all such claims shall be presented at the next regular meeting for audit, and the claimant or officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows.

(14) that the Village Clerk/Treasurer is hereby designated as the official licensing officer.

(15) that a special meeting may be called by any two members of the Village Board or the Mayor, and may be held subject to, and as required and permitted by law. Any special meeting shall be duly posted and noticed as required under Article 7 of the Public Officer's Law on open meetings; special meetings called on short notice shall be scheduled with due deference to ensuring full board attendance and thus shall not be intentionally scheduled where known or probable conflicts may exist; where reasonable efforts have been made, action taken by a duly constituted quorum of the Village Board shall deemed be valid and legally taken in all respects..

(16) that the Village Clerk/Treasurer is authorized to establish \$100.00 petty cash fund.

(17) the Village Clerk/Treasurer is hereby designated as Tax Collector.

(18) that the Phoenix Register will be used for all official publications.

(19) that the following Village Board liaison appointments for the 2015-16 year are hereby made:

Phoenix Police Department	Mayor Wood
Phoenix DPW	Trustee Wyant Jr.
Town of Schroepel	Mayor Wood
Enterprise Fire Department	Trustee Pendergast

Planning Board/ZBA	Trustee Pendergast
Henley Park	Trustee Bittel
Phoenix School District	Trustee Bittel

NOTE: as to #s 20,21,22, 23 following Mayor Wood asked that the Board defer on review of the policies and appointments/ designations to the next or soon following meetings

(20) that the Procurement Policies of the Village currently in effect shall remain in effect subject to amendment by the Village Board as required by law or otherwise.

(21) that the Sexual Harassment Policy heretofore adopted and as may be amended shall remain in effect with the following: Clerk/Treasurer, Mayor, and one Trustee (namely, Trustee \_\_\_\_\_ as the Review Board for the Sexual Harassment Policy and \_\_\_\_\_ as the Investigative Officer.

(22) that the Workplace Violence Prevention Policy heretofore adopted and as may be amended shall remain in effect with the following: Clerk/Treasurer, Mayor, and one Trustee (namely, Trustee \_\_\_\_\_) as the Review Board for the Workplace Violence Prevention Policy and \_\_\_\_\_ as the Investigative Officer.

(23) that the following officers and employees are authorized to attend the following conferences and schools:

NYS Conference of Mayors Annual Meeting and Training School

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NYS Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NYS Conference of Mayors Public Works School:

\_\_\_\_\_

(24) that except as may otherwise indicated or acknowledged by the Village Attorney, all acts of the Village Board which constitute “actions” under the New York State Environmental Quality Review Act shall be deemed Type II actions and thus not subject to SEQRA review.

Attorney Primo reviewed the revisions and inserts made to the draft organizational minutes template in connection with their approval at the April 7th meeting, including for example

appointments made and matters deferred for later determination. Upon motion of Trustee Mike Wyant Jr., seconded by Trustee Andrew Bittel, it was resolved that same be adopted as the final approved annual organizational meeting minutes of April 7, 2015 subject to correction of one clerical error correction of a trustees first name, Mayor and Trustees votes as follows:

Mayor Ryan Wood	Aye	<u>X</u>	Nay	___	Abstained	___
Trustee Andrew Bittel	Aye	<u>X</u>	Nay	___	Abstained	___
Trustee David Pendergast	Aye	___	Nay	___	Abstained	___
Trustee Michael Wyant Jr.	Aye	<u>X</u>	Nay	___	Abstained	___

## **Miller Engineering**

Doug Miller said that last week they met with Oswego County Health and Department of Health in connection with Metropolitan water line, the meeting went well and they reviewed preliminary plans and they have received positive results. This Thursday they'll begin to dig test pits. Dave from MWB and John Kerfien from DPW will do a geotechnical investigation. They will use a pre-engineered building to house the connection points and meter chemical feeds. We hope to have bid documents in a month or so. We'll get approval from the Health Department and we'll be on target with where we want to be.

Miller said that the belt press building for the WWTP they have an alternate design and they're looking at a block structure, brick block and steel building and we're doing more engineering for cost purposes and should be ready to bid shortly and receive DEC approval.

Miller said they've been monitoring flows in the waste water system and have given Jim Lynch a printout of activity from last week with meltdown and rain event, there was a spike on Friday and higher flows than what we normally see and is all documented. Part of what they're doing there are four piezometers out in the Village to measure depth of ground water and compare it to the capital flow for infiltration into the existing system. They've completed part 750 of the permit that the WWTP and the pump station and they are in compliance. There has been no recorded sanitary sewer overflows. Trustee Pendergast asked if the water will still need to be chlorinated when we tap in. Miller said the water comes chlorinated here and we still have to have the capacity to re-chlorinate. Trustee Pendergast asked if the new building for the belt press would have to be heated and insulated. Miller said yes it does. Mayor Wood asked where we stand with the bath house. Administrator Lynch said the DPW has to finish some plumbing and now that we have nice weather they should start in a couple weeks and we should still be on schedule for boating season. Miller said there are also working on the MS4 reporting, it's a storm water compliance report to be completed. In the next couple weeks it will be advertised by public notice.

## **K&L Consulting**

Kristy LaManche introduced herself to the new board members. She is the grant writer for the Village. She's has provided each board member a summary of the grants we're currently pursuing. Kristy welcomes any questions that the board may have and if they have any new ideas please let her know. In the next month or so the consolidated funding application will be announced which the major source of grant funds for New York State on an annual basis. It includes canal improvements, community development block grant and NYS Main Street program which we have currently going on.

## **Mayor Comments**

Mayor Wood had nothing at this time.

## **Trustee Comments**

Trustee David Pendergast had nothing at this time.

Trustee Andrew Bittel had nothing at this time.

Trustee Mike Wyant Jr. said he had a request, his background is in IT Management and Technology and he'd like to look at the technology used by the village. The board agreed that Trustee Wyant can go ahead.

## **Police Report**

Chief Marty Nerber said that Wednesday, April 22 is Earth Day and we'll be cleaning up around the Village.

## **Administrator Jim Lynch**

Administrator Lynch said he'd like to request that Harris come in and do some training with the office on water/sewer and refuse billing. The offer is two day training for \$1,800.00. Also on June 8<sup>th</sup> Ti-Sales will be coming in for training on the equipment to read the water meters and will be free of charge. Motion was made by Trustee Pendergast to approve Harris, seconded by Trustee Wyant. All ayes.

Administrator Lynch said he spoke with the owner of Seaway Earth & Pipe, they did the work at Brandy Brook. The owner seems to think that there is not a problem. The owner said he won't attend a meeting, he won't put anything in writing and he doesn't believe there's a problem because it was signed off by the previous engineer. Lynch said there are still sink holes and that continues to be a problem. Attorney Primo asked clerk Roxanne Demo what the retainage is, she said that it's approximately \$3,000.00. Primo asked Engineer Doug Miller to look at it and we need to solve the problem, it's been over a year now. First let's take care of their problem and then figure out what the cost is and then we'll see which way to proceed with the contractor. Mayor Wood said so we have a game plan going forward to have Doug take a look at it.

Lynch said we had an individual call the office today, down on culvert and state we have the flower and produce stand on private property, the owner wants to lease some space to someone who has a trailer to sell bait. Attorney Primo said it should be looked at by Don Ryan, Codes Officer and he can take a look at the zoning and dictates the next step.

Trustee Pendergast asked Lynch about the information he provided them regarding fencing around the dumpsters at Duskee's. Lynch said there's an issue with the dumpsters and he's working with the building owners to pay for their own enclosure and we should do something with our lower lot behind the Sweet Building. He'd like to get quotes and have them all be consistent. He also said Butler Disposal is coming in twice a week to pick up from the dumpsters.

## **Attorney Steve Primo**

Attorney Primo said he has a letter from Glen Miller, he owns 4.3 acres by EJ Dillon School and he wanted to have it zoned commercial. He should provide a proposal on what he wants to build there first then it will help us make a decision. Primo said he should formally come before the board before making a decision on re-zoning the land.

Attorney Primo said the only other thing he has to report is a status report on the stand still presently with the extension of our water line down to the plaza. Byrne Dairy and Fox Chevrolet are working amongst themselves as to who's going to bare the percentage of the expense of that and until they come back to the Village with their agreement we can't write anything up for them. We're ready to go and have been cooperative with them and once they have their numbers we'll work up the agreement. Byrne Dairy also has a separate issue with their sanitary sewer connection with the DEC and again we've dealt with that at the Village level, it's relative to our consent order. Byrne has gone to the DEC with information provided by him and making a direct appeal with the hookup. We haven't dropped the ball we're waiting on them now.

## **Abstract**

Mayor Ryan Wood asked if anyone has any questions or concerns regarding Abstract #3 dated April 7, 2015 in the amount of \$122,464.72. Trustee Mike Wyant Jr. made the motion to approve, general fund vouchers 72-104; water fund vouchers 72-105; sewer fund vouchers 72-99; library fund vouchers 11-23; and trust and agency fund vouchers 12-18, seconded by Trustee David Pendergast. All ayes.

## **New Business**

Facility Use Request from Maureen Dominic to hang the banner for the community wide garage sale from April 13<sup>th</sup> to May 18<sup>th</sup>, 2015. Motion was made by Trustee Pendergast to approve, seconded by Trustee Wyant. All ayes.

Facility Use Request from Chris Converse to hold the Village of Phoenix and Baldwinsville Lions Club craft and vendor fair on June 27<sup>th</sup> and June 28<sup>th</sup>, 2015 on Lock Island. Motion was made by Trustee Wyant Jr. to approve, seconded by Trustee Bittel. All ayes.

Facility Use Request from Carole Sponable to hold the concerts in Henley Park for Monday and Friday night concerts starting on July 6 through August 31, 2015. Motion to approve by Trustee Pendergast, seconded by Trustee Wyant. All ayes.

Facility Use Request from Cathy Coville for Southern Oswego County Council of Churches to hold their Community Picnic at Henley Park on August 1, 2015. Motion was made to approve by Trustee Wyant, seconded by Trustee Pendergast. All ayes.

## **Public Comments**

Savannah Jaquay 43 Spring St. said there was talk about doing an Earth Day event and getting people in the community together, she didn't know if we could reach out to the students at the schools for service hours. Chief Nerber said that they have done that. She asked because of work if it could be on the 25<sup>th</sup>. Mayor Wood said in the future we could look at that. She also said she would like to offer to help the board in the technology and she does photography and would like to help with that, with the website and getting things out to the community.

Mayor Ryan Wood stated that he was calling to go into Executive Session to discuss matters leading to the employment history of a particular person or persons and also matters leading to the appointment, employment or promotion of a particular person or persons. Motion was made by Trustee Andrew Bittel to go into Executive Session, seconded by Trustee Mike Wyant. All ayes.

Motion was made to come out of Executive Session at 8:40pm by Trustee Pendergast, seconded by Trustee Wyant Jr. All ayes.

Motion was made to end regular meeting at 8:40pm, seconded by Trustee Wyant Jr. All ayes.

Respectfully submitted,

Roxanne Demo  
Village of Phoenix  
Clerk/Treasurer