

Village of Phoenix  
**Regular Board Meeting**  
Tuesday, August 19, 2014 at 7:00 PM  
Sweet Memorial Building  
455 Main Street, Phoenix, NY 13135

Present: Absent Mayor Anthony Fratto Chief Marty Nerber  
Deputy Mayor Danny Dunn Village Clerk Roxanne Demo  
Absent Trustee John Halstead Attorney Courtney Hills  
Trustee David Pendergast  
Trustee Trustee Ryan Wood

14 Public in Attendance

Deputy Mayor Danny Dunn began the Board Meeting with a salute to the flag at 7:00 PM.

**Kristy LaManche**

Grant writer Kristy LaManche said the new 2015 Decentralization Funding grant has been announced, this is the funding source that we receive money for the Friday night concert series at Henley Park. Kristy wanted to see if the board is interested in having her pursue this funding source. The award amount is between \$500 and \$1000 and the application is due by November 3<sup>rd</sup>, Kristy will continue to work with Carole Sponable on setting up the concerts as in the past. Motion was made by Trustee David Pendergast to accept Kristy on pursuing the grant, seconded by Trustee Ryan Wood. All ayes.

**Miller Engineers**

Doug Miller is here tonight with Tim Seeler an associate of his that does work with Miller engineers. He wanted to talk about the water proposal, we have one in front of the board and we're looking to receive your input and any of your thoughts on the proposal. Tim said to give you a bit of background, when we came on board we met with Oswego County Health Department and you're under order with them to respond to certain issues. We got a feel from them as to what there are. They looked at the existing report and documents to help answer those questions and what is in front of you today is to answer the rest of the questions we think need to be answered in order to commit to a firm plan of attack to get the village back into compliance with the requirements. In this particular plan of attack we looked at three options that were presented for different ways to solving the problems with the existing system, when we looked at those three different options we critiqued them a little bit relative to the cost that was projected and time frames and felt that there was some additional clarification and additional analysis that needed to be completed in order to be able to give you a clear concise assessment of the real cost that impacts you. There are a couple areas of your existing well field that we felt were not analyzed in a way that may answer some of the questions in order to reduce the impact and shorten the time frames necessary to comply, the proposal is designed to answer those questions. The second component of this where there was several other options presented, one of them being upgrades to your treatment plant. Our initial evaluation suggested that the numbers you

were presented prior to this would not respond in the correct way to what the requirements are to meet current standards and we were uncomfortable in supporting those numbers for you to make a decision on, basically it was about a \$650,000 expenditure to upgrade your water plant. The technologies that were presented and analyzed in the report we don't think are adequate to address the particular problem, so we felt that we needed to go back and dig into that issue a little bit more and reassess those costs so to make sure that if you made a decision to proceed in that direction you were making an informed decision and no surprises and a significant larger price tag later. The third option is to potentially connect to Metro Water Board. Those are the three options we were going to access, evaluate, update cost for and then come back to you with a recommendation to allow you to make your decision and to respond to Oswego County proposed orders. What it's in front of you in terms of the proposal is the level of effort necessary to complete that work. Even through there was previous investigations, if there's some decision that you've made in the meantime that takes one of those options off the table or you want to change your direction relative to that obviously that can be pared back, so what we put in our proposal is a not to exceed cost a maximum number and if we get together and we work through the issues and identify them more quickly then we'll come to a quicker conclusion. It puts dollars and time frame in front of you which is important to responding to Oswego County, they need to hear from you in terms of when you're going to get back to them. So we estimated about two months to complete the work as we anticipated answering all the questions we just talked about and the dollars you see in front of you, that's what the proposal is all about. Trustee Pendergast asked Administrator Lynch if he met with these folks the other day when he asked about the article in the paper about Lake Erie. Trustee Pendergast said say we go with Metropolitan and the problem they recently had in Lake Erie. Tim said there are many different factors that played into the conditions that affected Lake Erie, first is that it's very shallow and secondly there was a high nutrient level that came from agricultural land in the area of the water intake, thirdly it was a hot day and with it being shallow the water heated up quickly and as a result the components were near perfect for the creation of the sign of bacteria. You don't have the same conditions here with Lake Ontario, the intake is much deeper and water is much colder and the nutrient loads are far lower than what you see there. They do monitor for these kinds of things, they all have to keep this in mind. It's not totally out of the realm of possibility that it could occur but the instance of occurrences here are very very unlikely. Your current water supply, the well fields and the surface water that is sitting over the top of those well fields actually have conditions that are probably much closer to those that occurred in Lake Erie so there is also an equal likelihood if not a more likelihood that you could see those kinds of occurrences with your existing well supply. Tim said that's a question that every municipality along every lake in Upstate New York has been asking. Trustee Ryan Wood said he mainly wanted to know if you guys sat down and wrote rough numbers, you know what problems we have, which problems are coming down in the future, how the standards are changing, how much it costs to fix our system currently and how much it would cost to go Metro. Before we go through and do the study of where we can place the wells, where we can do this, what's infiltrating what's not, regardless it's coming down to a filter, we need to filter the water that's coming out of the ground and if we're not it doesn't matter if we can fix the infiltrations problem, were not going to cover the problem. So what he'd like to see is a quick proposal, is it \$10 million to fix our system, is it \$4 million to hookup. Those are the numbers that he'd like to see before we ever approve anything for you guys to go out and do more research on that land. Tim said essentially this is the work necessary so we can give you a number you can rely on. Doug and I standing here and giving a number off the top of our head would be unwise. We don't have the information now to give you a good answer. Doug

said what they also propose to maybe get together with the Village Administrator and one or two Trustees in some kind of a workshop. If you authorize us to go ahead and put those numbers together, this way you're part of the process. Tim said the other aspect and building a dialog working relationship with the regulators that are overseeing your system, that way the dialog making process moves along and they are informed as well as you are. Deputy Mayor Dunn asked what we'd get for that figure. Tim said its essential a report that would prepare a plan for you to move forward to solve the problem, estimate of cost and the work effort necessary to identify any funding that would be necessary through grants or financing that you already have in place to do this. Tim said you need to come to a conclusion to what option you want to choose and we have to be comfortable that you're able to actually implement the project, monies are in place and you have to present this to Oswego County with a confirm commitment, so we have about a month to figure this out. Otherwise than other actions will take place. Motion was made by Trustee Ryan Wood to have Miller Engineering go ahead with their proposed scope of work not to exceed budget of \$54,300.00, seconded by Trustee David Pendergast. All ayes.

### **Deputy Mayor Report**

Deputy Mayor Dunn had nothing.

### **Trustee Reports**

Trustee David Pendergast asked about the Culvert Street across from Ashby when they put the new bridge in they put in a new culvert and it has settled quite a bit. You can see where people are bottoming out on the pavement, it's possible a tube has collapsed. Trustee Pendergast wanted to know who's responsible for maintaining that section. Deputy Mayor Dunn asked Attorney Hills if she would find out who is responsible for that section of Culvert Street between Main and State Street after the state put the bridge in.

Trustee Ryan Wood said since we have Chief Nerber here tonight and Mayor hasn't had the opportunity to do it, he would like to make a recommendation to reappoint Chief to the position. Motion was made by Deputy Mayor to reappoint Chief Marty Nerber, seconded by Trustee David Pendergast. All ayes. Trustee David Pendergast made the motion to reappoint Deputy Clerk/Treasurer Laura Gonzalez to the position, seconded by Trustee Ryan Wood. All ayes.

Trustee Wood also passed out the report for water/sewer rates. This doesn't include the recent improvements made to the system. These numbers reflect the budget that should be holding the water and sewer to run. This will not affect our application for Rural Development; we are ready to roll when the Trustees feel its right.

### **Chief Marty Nerber**

Chief Marty Nerber said everything has been going well. We had our 3 on 3 basketball tournament Saturday, August 16 and had a great turnout from the community. Chief Nerber said the Tahoe continues to be a problem, there around 74,000 miles on it and they continue to have to kick the tire, it works for a few days then they have the same problem.

## **Administrator Jim Lynch**

Administrator Jim Lynch said he has the numbers for the cleaning of the well and inspection. One bid is \$4,390 another is \$5,000 he suggests that you approve this to be done, Lynch said he believes it's never been done. Trustee David Pendergast made the motion to approve the inspection and cleaning, seconded by Trustee Ryan Wood. All ayes.

Administrator Lynch also looked into the fire hydrant on Elm and Bridge Street needs to be replaced. He has a bid from Martisco for \$3,456.83 one from Vellano for \$3,510.50. We will look up what we have in the budget to have the hydrant replaced and then we'll do a phone poll to approve. Mayor Deputy Dunn asked about the hydrants on County Route 12, there were two that weren't working and we asked the Town to look at them. He asked Lynch to contact them and have them check them to see what's wrong with them.

Administrator Lynch said that John Kerfien DPW Supervisor has plans to pave Bridge Street from Main Street to the railroad tracks and also Davis Street. Motion was made by Trustee Ryan Wood to approve, seconded by Trustee David Pendergast. All ayes.

Administrator Lynch has also received the quote in from Bartlett Tree in the amount of \$6,560.00. They will prune the trees at 418 Main Street, 325 Main Street, 23 Lock Street and 65 Cherry Street. Trees will be removed at 39 Lock Street, 18 Jefferson Street and 19 Jefferson Street. There are two residents that have offered to pay half to have trees removed, they are in the right a way. Attorney Courtney Hills will look into this. Motion was made by Trustee Pendergast to have Bartlett Tree Service do the work quoted for \$6,560.00 seconded by Trustee Ryan Wood. All ayes. Trustee Pendergast asked if the tree that's close to the lines on 89 Bridge Street couldn't we have National Grid take it down. Administrator Lynch said he would call them again and check on it.

Administrator Lynch asked if the DPW could build up some inventory for parts used often it would save money and time. Deputy Mayor said he agreed that the DPW used to have bins for all of the stuff they use for water leaks and everything was right there. It would save them from going to Wright-Way Hardware a couple times a week. Deputy Mayor said have them get what they've been using the most and keep it on hand.

Deputy Mayor Dunn asked about sidewalks. Administrator Lynch said we have completed only one sidewalk from the list on Lock Street. The DPW has been working on water and sewer issues. Lynch was instructed to lay off our part time employee and with all the mowing, two water leaks and hydrant flushing Lynch thinks we should bring him back.

Deputy Mayor Dunn said we need to have Barber come back again and seriously look at Mechanic and State again, there was more curbing taken out. Something changed the water never went across where it does now and doesn't even go into the catch basin. We have time before winter to make it right. Lynch will have Barber come take a look at it again. Deputy Mayor asked about Brandy Brook is there any additional problems down there and did they come up with anything. Administrator Lynch and John Kerfien looked at it again and right near Main Street there is still a sink hole. Dunn asked how much longer we have on that, the year should be up pretty soon. Attorney Hills will look into the contract regarding Brandy Brook. Administrator

Lynch said related to the Bathhouse we received two bids and asked if we're permitted to receive three. Attorney Hills said yes under our procurement policy we required three bids. Lynch will send out information for an additional bid.

### **Attorney Courtney Hills**

Attorney Courtney Hills said she's an Attorney and she works with Attorney Steve Primo and he asked her to fill in this evening. We have ongoing projects that our former engineer had been working on and we're going to bring on the new engineer to finish those projects. Doug Miller brought in proposals for each of the projects, Seaway Earth & Pipe, North Country Contractors, Barber Corporation and Belt Press, we're asking the board to approve those proposals. Each one is not to exceed \$5,000 for a total of \$20,000 and also Phase I Environmental Site Assessment report for the NYS Main Street and Miller has quoted \$2,900 for that proposal. Trustee David Pendergast made the motion to approve all subject to attorney final review and approval of the contracts, seconded by Trustee Ryan Wood. All ayes.

Attorney Hills said the next one we have is the USDA Grant for Rural Development we need to approve our grant administration agreement with KL Consulting and the legal services agreement with Harris Beach LLC and the board has to resolve to authorize the Mayor and/or Deputy Mayor to execute the USDA documents that have to be submitted and the application. Motion to approve was made by Deputy Mayor Dunn, seconded by Trustee David Pendergast. All ayes.

Attorney Hills said the KL Consulting general contract with the Village has expired so to keep Kristy on board we're proposing it to be renewed with the same terms and conditions as the prior. Motion made by Trustee David Pendergast, seconded Trustee Ryan Wood. All ayes.

The School Resource Officer agreement expired and we're permitted to renew it based under the contract so we've put together an amended contract under the same terms. Motion was made by Trustee Ryan Wood, seconded by Trustee David Pendergast. All ayes.

### **Abstract**

Deputy Mayor Dunn asked if anyone had any questions or concerns with Abstract #12 dated August 19, 2014 in the amount of \$49,260.80. Trustee David Pendergast made the motion to approve, general fund vouchers 339-366; water fund vouchers 340-365; sewer fund vouchers 341-358; library fund vouchers 78-82 and trust and agency fund vouchers 63-69, seconded by Trustee Ryan Wood. All ayes.

Deputy Mayor Dunn said we need to ratify the board telephone poll for Abstract #11 dated August 5, 2014 in the amount of \$67,476.84. Trustee Ryan Wood made the motion to approve, general fund vouchers 302-338; water fund vouchers 302-336; sewer fund vouchers 302-335; capital water/sewer projects voucher 312; library fund vouchers 63-77 and trust and agency fund vouchers 49-62, seconded by Deputy Mayor Dunn. All ayes.

## **Facility Use Request**

Deputy Mayor Dunn said we also need to ratify the board telephone poll taken for a facility use request for Fire Department Auxiliary to set up a trailer to sell windsocks and ornaments on the corner of Culvert and Main St. Trustee Ryan Wood made the motion to approve, seconded by Trustee David Pendergast. All ayes.

## **Public Comments**

Carole Sponable, Main St. said the Friday night concerts have been wonderful, for the five concerts we've had so far there's been about 1,000 people there on Fridays and 1,500 on Monday nights. Carole has handed in \$721.50 towards next year's concerts to the clerk's office. The people are very excited that it's progressing and progressing. People like it here and like the community spirit. A lot of people have said that they like the presence of the police department also. One thing Carole respectfully asked is to have the village board come down to one or two of these concerts, we only have two Friday nights left, she would love for them to see how everything is going and it's important for the community too. Carole said they're starting to work on the 911 ceremony. Carole said she had a wonderful time Saturday at the 3 on 3 basketball tournament, what fun it was and her Bridge House Brat team came in third place and are already excited for next year's competition. In the course of watching this, the fire department came in and filled the dunk tank and Carole showed the bottles of brown water that came out of the hydrant. Carole said she knows the village has water problems and she is respectfully asking to get it fixed and she is passionate about it. Trustee David Pendergast said they know they do have a problem and we are working on it right now. Trustee Pendergast asked if they filled the tank from the truck or directly from the hydrant. Carole said it was filled from the hydrant through the hose. Carole thanked the board for listening.

Motion was made by Trustee David Pendergast to move into executive session pursuant to open meeting laws. 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 at 8:30pm, seconded by Trustee Ryan Wood. All ayes.

Regular meeting resumed at 8:37pm.

Motion was made by Trustee Ryan Wood to bring back Don Reinhardt to work at the DPW. Seconded by Deputy Mayor Dunn. All ayes.

Motion was made by Trustee Ryan Wood to adjourn the meeting at 8:38pm, seconded by Trustee David Pendergast. All ayes.

Respectfully submitted,

Roxanne Demo  
Village of Phoenix  
Clerk/Treasurer