

Village of Phoenix
Regular Board Meeting
Tuesday, January 5, 2016 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present:	Mayor Ryan Wood	Chief Marty Nerber
	Trustee Jennifer Burgess	Clerk Roxanne Demo
	Trustee Andrew Bittel	Absent Attorney Steve Primo
	Trustee David Pendergast	Administrator James Lynch

3 Public in Attendance

Mayor Ryan Wood began the Board Meeting with a salute to the flag at 7:05 PM.

Mayor Comments

Mayor Wood had nothing.

Trustee Comments

Trustee Dave Pendergast had nothing.
Trustee Jennifer Burgess had nothing.
Trustee Andrew Bittel had nothing.

Code Enforcement Officer

Don Ryan stated that the fence issue we had on Davis and State Streets the installer will complete the three sides except the east side facing the woods. Our rental inspections have started and we have some owners that did not pay their fees and now we're in appearance ticket stage. Ryan has spoken with Attorney Steve Primo and he's given him the paperwork. Ryan has taken the HUD checklist and revised it down, there's a lot that we don't need. Trustee Pendergast asked about the homes that are having HUD inspections. Ryan will not have to inspect the homes that are HUD approved, and they will not have to pay the \$25 fee. HUD will have to provide the list to the Village.

Police Comments

Chief Nerber said the police department handed out 37 gift bags to the seniors citizens signed up for the CHOOSE program. Everyone was very happy.

Administrator Comments

Administrator Lynch our DPW has started their winter hours. Lynch said with the State Street Pump Station we don't have a motor on hand, he'd like to get a proposal on the price for a

backup motor. Lynch said he and John Kerfien have reviewed the surveillance cameras and found the best price of \$2,099.97. Motion was made by Trustee Bittel to approve the budget transfer from A1990.400 Contingency Account to A7520.401 Building Account, seconded by Trustee Burgess. All ayes.

Abstract

Mayor Ryan Wood asked if anyone has any questions or concerns regarding Abstract #21 dated January 5, 2016 in the amount of \$246,809.30. Trustee Pendergast made the motion to approve, general fund vouchers 615-649; water fund vouchers 616-648; sewer fund vouchers 616-639; capital water/sewer voucher 621-637; library fund vouchers 121-128; and trust and agency fund vouchers 126-140, seconded by Trustee Bittel. All ayes.

Old Business

Mayor Wood asked if anyone had any questions with the meeting minutes of December 15, 2015. Motion was made by Trustee Bittel to approve, seconded by Trustee Burgess. All ayes.

New Business

Mayor Wood said that Attorney Primo provided three resolutions for tonight's meeting.

Motion for resolution to approve entering into Village trash/refuse and recycling service with Butler Refuse and authorize execution by Mayor effective as of January 1, 2016 upon Terms and Conditions as follows:

- 1) One year contract with Butler for services at substantially the same level and with same component services as provided through 12/2015 and at the contract price per his proposal for each contract year (each is the same) if extended, and at the rates indicated in his proposal for additional units and otherwise subject to the same terms and conditions as prior years contracts and the villages standard conditions and terms for public works or non-professional services contracts.
- 2) The baseline number of units from which any increases in units shall be computed are at the higher of those residential, multi family, apartment and dumpster units as shown on the RFP and attachment or as are/were then actually under Butlers village contract services as of 12/2015; ie only increases documented as occurring after 12/31/15 shall be included as contract price increases.
- 3) The Village shall have the option to renew upon the same terms and conditions for up to four additional one or more year terms, however only four additional years in total i.e. A renewal for as little as one year or for up to four years. The Village shall likewise have the option to exclude from the contract for the whole or any part of the initial one year term or any additional option years the school district or other institutional, commercial or multi unit residential dumpster customers if and when so requested by a customer legally entitled to do so, and the contract price reduced by such sum as is equal to the greater of that

charged by contractor per contract for additional units or that charge no longer paid to village by the customer as a result of the exclusion. Butler shall agree not to privately contract with any such customer entitled to opt out for a sum less than that payable to the Village by such customer nor induce any such customer to do so with another contractor.

- 4) Butler shall have the option to renew for successive one year contracts for up to four years contingent however upon Butler researching, advising Village of options for, proposing and negotiating in good faith and in organized submittals with Village a progressive innovative recycling program intended to achieve the two objectives of increasing village recycling practices and recovering value based on such recyclables resulting in a shared revenue stream for the hauler and village and thereby a potential overall reduction in refuse and recycling charges to village. Any such recycling program proposal shall be introduced not later than June 1st of a contract year such that negotiations and any potential agreement finalized not later than September 1st. Butler shall not be entitled to exercise such renewal options if it has failed to attempt in good faith to perform by proposing a program reasonably competitive or comparable to any similar or comparable program workable under similar market conditions in other NYS local governmental units i.e. Taking into account such factors as population totals and densities, costs and values of recyclables, service areas sizes and distances to needed facilities, local refuse and recycling requirements and practices and any other relevant factors. The Village shall have final determination over whether such program is reasonably competitive or comparable however such determination shall not be unreasonably denied, conditioned or delayed.

Motion was made by Trustee Pendergast to approve Butler for one year, seconded by Trustee Bittel. All ayes.

Motion to adopt resolution approving final outside water use agreement between SonByrne/Three Rivers (Byrne Dairy/ Arsenault) and Village as approved by the Village attorney and authorize execution by Mayor effective as of the specific September 2015 commencement of service date; subject to conditions set forth in agreement including without limitation, payment per contract of Village legal, administrative and engineering and to SonByrne payment for one commercial unit minimum or as metered from commencement date and for Arsenault/Three Rivers payment of the higher of actual number of commercial units connected or metered, or one unit for year one, three commercial units or as metered if higher, for year two, five commercial units or as metered, if higher, for year three. All units whether then connected or not to be paid for effective following close of year three, with the minimum of number of units being the number as now exist (whether or not vacant) or actual number of built out renovated units (whether or not vacant) then existing upon close of year three, or thereafter as may result from partition or renovation of space and in any event further subject to any increase in number of units as required per any NYS, county, town or village code requirements relating to zoning, building, plumbing or otherwise for commercial, potable ,sewer or septic related water service .

Motion was made by Trustee Burgess to approve outside water use SonByrne/Three Rivers (Byrne Dairy/ Arsenault), seconded by Trustee Pendergast. All ayes.

Motion to adopt resolution approving Byrne Sanitary Sewer Agreement-Including affirming prior SEQRA negative declaration and accepting quitclaim easement for rights of way to

otherwise public rights of way areas and warranty easement re: SonByrne property, warranty bill of sale for all infrastructure, affidavit and assignment re: payment in full to all contractors, suppliers, releases of liens and transfer of all close out ,contract, warranty rights, plans and specifications, permits and licenses re: Byrne outside sanitary agreement, all subject to satisfaction of conditions described in the agreement and instruments referenced herein. Authorize mayor to execute form TP-584 in connection with any required easement recording.

Motion was made to Trustee Burgess to approve Byrne Sanitary Sewer Agreement, seconded by Trustee Bittel. All ayes.

Mayor Wood said we'll set our public hearing to review the budget. Motion was made by Trustee Bittel to hold the public hearing and special meeting on Tuesday, January 26, 2016 at 6:30pm with the special meeting to follow at 7:00pm at the Sweet Building, seconded by Trustee Burgess. All ayes.

Public Comments

There were no public comments.

Motion was made by Trustee Bittel to adjourn the meeting at 7:43pm, seconded by Trustee Burgess. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer