

Village of Phoenix
Regular Board Meeting
Tuesday, July 19, 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
	Absent Trustee Andrew Bittel	Attorney Steve Primo
	Trustee David Pendergast	Administrator James Lynch
	Trustee Eric Shaffer II	

3 Public in Attendance

Mayor Ryan Wood began the Board Meeting with a salute to the flag at 7:07 PM.

KL Consulting

Kristy LaManche wanted to let the board know that last week they held Restore NY public information meeting. They had over 13 people there representing about 10 different properties. In the weeks ahead she'll work closely with them. The village will need to make a determination how they'd like to proceed and select the properties. The funding source is the same source that we used for 86 State Street as well as 69 and 71 State Street back in 2008. Application are due beginning in October. Kristy said that yesterday she was notified that we received all of the remainder of the New York Main Street funds we requested on behalf of the Street Scape component as well as renovations at 63 State St., 67 State St. and 77 State St. and the checks will be mailed to the property owners this week. Kristy will work with the funding agency to close out the grant. Kristy Lamanche reported that insofar as the CDBG application for water supply and sanitary/storm sewer related corrective infrastructure improvements was concerned, the public hearing was duly noticed and held earlier this evening, and therefore the Village Board needs to consider a resolution in support of submitting the application for CDBG funding. Following brief discussion a Motion was made by Trustee Pendergast to adopt a resolution authorizing the Village Mayor to execute and deliver for filing by KL Consulting, the application and supporting documentation as required relative to NYDHCR/OCR Community Development Block Grant funding for infrastructure specifically capital improvements necessary to assist with addressing Village water supply/distribution and sanitary/storm sewer systems issues as documented in recent hydraulic studies required by the respective agencies having jurisdiction (NYS/Oswego County DOHs respecting water, and NYSDEC respecting sanitary and related storm sewer issues) as outlined in Village Engineer Doug Millers preliminary scope of work and discussed at the public hearing, and to commence the SEQRA review process per the Village Attorney and Kristy LaManche's on record discussion (to the effect of Attorney Primo indicating that based on the preliminary scope the action is likely Type II but for purposes of this resolution to assume that it may be an unlisted action and as such the Village Board will

act as lead agency and conduct an uncoordinated review-also see Note below) such approval and authorization is for the maximum budget of \$629,216 and a match from the Village of \$150,000, and authorizing all such incidental acts and documents to be performed and executed as required to effect the foregoing; motion was seconded by Trustee Shaffer. Mayor and all Village Board members in attendance and each voting AYE on the resolution thus approving and adopting the resolution as presented.

(Note: Attorney Primo advised that he would further review the scope of work and if as he believes, this is a Type II action, because related to the Consent Decree and Stipulation of Settlement with the NYS DEC and Oswego County DOH required work, and also because the capital improvements would be more in the nature of replacement/repair to and not expansion or extension of existing systems- he would so advise after further review).”

Miller Engineering

Doug Miller said that the belt press the drawings are squared up and we’ll bid those out in four separate contracts. Bids are in for the water connection project, there were seven bidders in all. Motion was made by Trustee Burgess to award the bid to Grant Street Construction with a bid of \$616,000, seconded by Trustee Shaffer. All ayes. Miller updated the board on the ongoing sewer work, cleaning, televising and smoke testing as part of our submission to DEC. They want additional documentation going forward. Smoke testing would be \$38,000, cleaning \$34,000 and videotaping \$20,000. A public notice will be sent out to residents and the testing should be done by September. Motion was made by Trustee Pendergast to authorize the field work not to exceed \$92,000, seconded by Trustee Burgess. All ayes.

Mayor Comments

Mayor Wood said music in the park is going on and we’ve had a pretty good crowd. Mayor said they used the police boat today to assist another boater and it was nice to see it operational.

Trustee Comments

Trustee Jennifer Burgess had nothing

Trustee David Pendergast had nothing.

Trustee Eric Shaffer gave an update on the pile of contaminated soil by his house, the DEC stopped over and said there’s some large vegetation on there. Attorney Primo said the DEC closed the project in 2012 but it can be reopened, they can have the soil tested and the DEC would have to respond to it. Primo suggested that they request the closing letter.

Police Comments

Chief Marty Nerber said we received our new vehicle. Chief, Jim Lynch and John Kerfien have a meeting on Monday to discuss parking and replacing signs that have faded. The bathhouse had some minor damage done to it last week, the shower curtain was pulled down and a flower pot was thrown into the river. Officer Stahrr brought that to a quick conclusion and three people were

arrested.

Administrator Comments

Administrator Lynch had nothing.

Attorney Comments

Attorney Primo said as everyone recalls we went out for a RFP for Solar and now it's been at a standstill. Motion was made by Trustee Shaffer to authorize Attorney Primo to contact a consultant to review the Solar Project not to exceed \$800.00, seconded by Trustee Burgess. All ayes. Primo said the board is applying for the CDBG grant again, we had a monitoring visit from the auditor to close out the previous CDBG grant. Primo said the Village Board adopted at the July 5th board meeting a plan for various agency funding and contract requirements. Primo prepared an implementation plan as follows and requested the Village Board adopt a resolution implementing same:

1. Roxanne to ensure position of Fair Housing Officer (FHO) and Fair Labor Standard Officer (LSO) Labor Standards Officer and 504 Coordinator are covered under blanket insurance policies for general liability and officer undertaking.
2. Fair Housing, section 504 Grievance, and Fair Labor Standards policies are separated and prominently posted both upstairs and down near clerk's office near where brochures are posted. Policies should be enlarged to legal size with larger fonts and color or highlighted as to contact person(s) information.
3. There are numerous brochures and posters on website, I will select a relevant and representative sampling of same for posing and for distribution at the distribution table outside of the clerk's office.
4. The Village website shall on the homepage include links to and the content of the above policies and advise as to locations of brochures and posters.
5. Prior to commencement of any specific Village project that is financed or contemplated to include financing from any funding agency a memorandum shall be created by the Village attorney, project engineer and project administrator, as the case may be and to the extent the latter two have at the time been retained, and shall be circulated distributed to all Village personnel, contractors and or consultants then involved or specific to the funding agency(ies) and programs involved; a person primarily and second person secondarily (as a redundant measure) responsible for same and as applicable the general timing of same ie when due.
6. Upon the first disbursement for any project related cost, and thereafter for any applications for payment from any contractor or consultant or material or equipment supplies, there shall be a required sign off from the appointed administrator and Village appointed officer pursuant to a checklist for all project requirements including without

limitative, consulting and construction contracts based upon the requirements above and contract documents including a requiring initial and date but with specific project and agency funding requirements created by the Village attorney prior to notice to proceed with any project specific work or services and including all requirements through project closeout, final payments and release of retainage and payment/reimbursement and close out of the respective funding agency program(s).

7. Village Administrator to execute and file oaths of office for Fair Housing and Labor Standards Officer.

Motion was made by Trustee Burgess to adopt the resolution, seconded by Trustee Pendergast. All ayes.

Attorney Primo prepared a notice on our solid waste local law to be put in our local newspaper and on our website so the residents know our local law has been amended. Motion was made by Trustee Shaffer to approve the notice, seconded by Trustee Burgess. All ayes. Notice below.

Notice of Amendment to Village Code Chapter 161- Solid Waste Regarding Mandatory Village Collection of all Residential Type Solid Waste And Recyclables from all Properties Within The Village

Please be advised that on March 15, 2016 following publication and posting, duly noticed public hearing and discussions at several Village Board meetings, Local Law #3 of 2016, amending Chapter 161- Solid Waste of the Village Code was duly adopted and to become effective September 15, 2016. This was adopted for several reasons: the prevalence of existing residents and commercial establishments generating Residential Solid Waste and Recyclables not utilizing and paying for Village service, some confusion amongst Village officials and staff, both present and historically in interpreting what premises and owners are subject to mandatory village service, the numerous unlicensed haulers collecting and hauling Solid Waste throughout the Village at all hours of the day and evenings, on irregular days, and seemingly without regard for traffic or pedestrian safety; often arbitrarily leaving certain items, exacerbating existing wear and tear on many Village Streets not frequently burdened with heavy truck traffic, and often with solid and liquid refuse spillage and droppage on to Village streets and windblown to nearby premises. This requires much more frequent Village DPW collection and cleaning of waste product from public streets, parks and the like that should be limited to the Village collection day and is usually minimal due to the Village-Hauler contract requirements for hauler conduct.

Accordingly, effective September 15, 2016 the Village will enforce the collection of all “Residential Solid Waste” and “Residential Recyclables” by assessments of refuse charges against all properties to the extent generating “Residential Solid Waste and Recyclables”, and regardless of the nature of the principal use of the premises. Otherwise, if commercial premises and businesses can simply opt out at any time, or if residences can elect seasonal collection, the Village is unable to annually budget based upon expected costs and revenues from providing this Village service. Use of an outside hauler for Residential type Solid Waste and Recyclables is not

only prohibited but affects (increases) pricing for those residents and businesses paying for the Village service.

IMPORTANT: please note that all properties within the village are subject to these provisions; therefore all single and multi-family residential and as well all commercial, retail, mercantile, trade and professional service, restaurants, bars and taverns, and other facilities without exception, must utilize the Village service to dispose of all materials defined as Residential Solid Waste and Recyclables under the Village Code and Oswego County local law governing solid waste and management of County solid waste and recyclables facilities. Please note that this includes both receptacle and dumpster collection and will be initially charged in December 2016 based upon actual usage from 9/15/16 through 12/15/16. Because this has now been clearly mandated any existing hauler contract, to the extent covering Residential Solid Waste and Recyclables, should be modified or cancelled however residents and businesses should consult with your own legal advisor in this regard.

As a volume consumer with a vested interest in the cleanliness, safety and condition of the Village and Village streets, the Village is able to negotiate and firm up many favorable and incidental contract specifics in connection with the basic bid process and award to the lowest qualified bidder. As such, the Village service is flexible, picks up certain bulk items, is responsive to missed pickups and the frequent resident and business issues, inquiries and requests from the Village and its residents for assistance. The Village service is responsive to our requests for clean up, and generally performs in a customer friendly manner.

There are also dispute resolution procedures the Village is involved in and a hauler notification where a customer has complained or raised a concern.

The Village maintains a fee schedule relative to current charges which may from time to time be modified including based upon tipping fees, rebids affected by fuel and labor costs, and the like. A major factor affecting rates is that Village residents and businesses have been allowed to opt out in the past such that part time residents can enter into seasonal contracts or bi-weekly pickups. This can no longer be the case and is consistent with other municipalities and districts.

Charges effective as of September 15, 2016 are under final review by the Village Board and will include a fee for those properties granted exemptions.

Anyone subject to these provisions as of and believing they are specially aggrieved by adoption and enforcement of this Village Code amendment may file an appeal with the Village Board through the extended period of September 30, 2016. An exemption is not available for any single or multi-unit residential premises including mixed-use premises. Please note that the appeal requirements and grounds for a successful appeal noted in Local Law 3 of 2016 do not necessarily offer relief simply because one may pay more under the new versus existing private service they may have, or that because two separate hauler services may now be required due to the nature of other Solid Waste and Recyclables also generated by particular premises. Therefore applications not meeting the basic requirements for filing shall not be entertained and those not meeting the exemption criteria when heard on appeal will be denied. A property granted an

exemption will be specific to the business operation and owner/applicant granted and shall not “run with the land” or apply to any change of use. And in any event, a minimum charge for exempt properties shall be imposed according to the village fee schedule.

A copy of Local Law 3 2016 and Village Code Chapter 161 it amends is available for review at the Village Clerks office and also on line at: [Village of Phoenix – Local Law No. 3 of 2016 – Solid Waste](#)

Attorney Primo said county planning has a requirement now that there be a preliminary SEQRA determination of significance, as such he’s prepared a long form environmental assessment form as we are amending our zoning and therefore it’s a type I action. This is for the commercial canal and business district zone change and so the resolution should include a referral to county planning for general municipal law 239 review, determining the matters is a type I action pursuant to SEQRA and that uncoordinated review is warranted because there are no other involved agencies and scheduling for a public hearing on August 16, 2016 at 6:50pm. Motion was made by Trustee Shaffer to approve, seconded by Trustee Burgess. All ayes.

Primo stated on October 1, 2016 the international building code is being adopted in its entirety to replace the uniform code in New York. Primo said we need to schedule a public hearing to amend the village code to adopt the international building code and it goes into effect October 1, 2016. Motion was made by Trustee Pendergast to set up the meeting on August 16, 2016 at 6:45pm, seconded Trustee Shaffer. All ayes.

Abstract

Mayor Ryan Wood asked if anyone has any questions or concerns regarding Abstract #10 dated July 19, 2016 in the amount of \$72,767.92. Trustee Shaffer made the motion to approve, general fund vouchers 296-328; water fund vouchers 298-328; sewer fund vouchers 299-328; capital water/sewer fund voucher 315; library fund vouchers 59-60 and trust and agency fund vouchers 52-58, seconded by Trustee Burgess. All ayes.

Old Business

Mayor Wood asked if anyone had any questions with the meeting minutes of July 5, 2016. Motion was made by Trustee Shaffer to approve, seconded by Trustee Burgess. All ayes.

Mayor Wood asked the board to ratify the phone poll taken on July 13, 2016 for Facility Use Request from Chris Converse for Lions Club Craft Fair on Lock Island July 16, 2016 from 9:00am – 5:00pm. Motion was made by Trustee Shaffer, seconded by Trustee Burgess. All ayes.

New Business

Facility Use Request from Cherrie Marks for the use of the Pavilion on Lock Island for July 23, 2016 from 12:00 – 1:00pm for a wedding ceremony. Motion made by Trustee Shaffer, seconded by Trustee Burgess. All ayes.

Public Comments

Chris McGilvray 29 State Street said there are still issues for with the storm drain on Mechanic and State Streets. It is still flooding between the two driveways. There was a discussion with Doug Miller regarding the issue. Mayor Wood said they will have a follow up conversation about this and will let Mr. McGilvray know.

Motion was made by Trustee Shaffer to adjourn the meeting at 8:28pm, seconded by Trustee Burgess. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer