

Village of Phoenix  
**Regular Board Meeting**  
Tuesday, March 15, 2016 at 7:00 PM  
Sweet Memorial Building  
455 Main Street, Phoenix, NY 13135

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

6 Public in Attendance

Mayor Ryan Wood began the Board Meeting with a salute to the flag at 7:17 PM.

**Miller Engineering**

Doug Miller said he was going to meet with Administrator Jim Lynch tomorrow to go over some of the findings on the modeling of the water system. The hydraulic analysis has been sent into the DEC and he hasn't heard anything back yet. Tomorrow they will also speak about the Belt Press and what they want to do. They didn't award the job. There were too many unknowns in the bid. They'll talk about what they want to do to re-bid the job.

**Mayor Comments**

Mayor Wood had nothing.

**Trustee Comments**

Trustee Jennifer Burgess had nothing.  
Trustee Dave Pendergast had nothing.  
Trustee Andrew Bittel had nothing.  
Trustee Eric Shaffer II had nothing.

**Police Comments**

Sergeant McKenna had nothing.

**Administrator Comments**

Administrator Lynch said as far as the purchase for the police vehicle, the plow truck and the bobcat we've reached out to Fiscal Advisors, they will let us know what we'll borrow and right up the resolution. Lynch said we need to do a budget modification for the purchase of a manhole pipe and cable locator. Sewer account G8120.402 has an unappropriated reserve from prior year

balance of \$4,910.10, the amount for the purchase of the locator is \$3,259.95. Motion was made by Trustee Burgess, seconded Trustee Shaffer. All ayes.

### **Attorney Comments**

Attorney Primo said the rental property violations have been narrowed down, he has the notices prepared he will have Don Ryan sign them. Kristy LaManche has received proposals for the Main Street project. Motion was made by Trustee Bittel to approve R&R Roofing for work to be done at 67 State Street, seconded by Trustee Burgess. All ayes. Primo said regarding the water project, there were issues raised on prior SEQR review. Based on the compliance agreement provided by Oswego County HD, the Village of Phoenix pump station project would be considered a Type II action under SEQR.

### **RESOLUTION**

The Village Board of the Village of Phoenix, in the County of Oswego, State of New York, met in regular session at the Sweet Memorial Building in the Village of Phoenix, located at 455 Main Street, County of Oswego, State of New York, on the 15th day of March, 2016 at 7:00 p.m.

Ryan Wood, Mayor, and the following Trustees were present, namely:

David Pendergast  
Eric Shaffer II  
Jennifer Burgess  
Andrew Bittel

Absent: None

Also Present: Roxanne Demo, Village Clerk-Treasurer  
Doug Miller, P.E., Village Engineer  
Steven J. Primo, Esq., Village Attorney

The following resolution was moved, seconded and adopted:

**WHEREAS**, the Action subject of this resolution is as described at Exhibit "A" attached, same being the SEQRA short EAF form part one, under Action entitled "Village of Phoenix Water Distribution System Connection to Metropolitan Water Board ("MWB") Main at County Route 12 existing MWB Supply Tap and Booster Pump Station, Construction Of" ("Project") and is generally comprised of the Project, and related/incidental financing/funding, permits and approvals to permit construction and operation of same; reference hereinafter to the "Action" shall include the Project and all such other components, and reference hereafter to any "Attachment" shall mean an Attachment to Exhibit "A"; the record also includes the letter to NYS department of Health from Village Attorney Steven J. Primo dated March 11, 2016 (Village Attorney – NYSDOH Letter") and the draft copy of this resolution including substantially the same history, facts and legal opinions as hereinafter provided; and

**WHEREAS**, the Project site layout is as shown on Attachment "A" and is as described in the Brief Description of Action portion of Exhibit "A" (EAF) and on the Continuation Sheet -Attachment "B"; and

**WHEREAS**, the existing Village of Phoenix Water supply is subject to the federal Surface Water Treatment Rule which requires that all public water systems that using surface water, or having groundwater under the direct influence of surface water, meet performance standards of filtration and disinfection to deactivate pathogenic organisms within the water; the Oswego County Health Department has advised the Village commencing in 2011 that certain test results indicated the Village's water supply is a groundwater source under the direct influence of surface water ("GWUDI"); and

**WHEREAS**, commencing in 2011, the Village requested its then Village Engineer verify the Oswego County test results, whether or not same were unusual or infrequent and to resolve the issue of differing test results (as between the Village and Oswego County), thereafter requesting an engineering feasibility study to determine potential alternative remedies and eventually directing construction work implementing one of such possible remedies, same being by far the most expedient and economic of the alternatives suggested. All of the alternatives proposed except for a proposed connection to the MWB supply main connection would have incorporated continued use of the Village's existing well system or the uncertainty of drilling a new well in the same general vicinity but also nearby a former Village well that was shut down due to suspected contamination issues. Follow up testing the Village directed its then Village Engineer to complete relative to the alternative remedy constructed was not consistently performed, and there were also concerns relative to some related work that had been omitted from the project scope. What was completed showed inconsistent test results and contradictory results from the results of continued testing by the Oswego County and New York State Departments of Health. And while ultimately a filtration system project, if undertaken, might have resolved the Village's then existing water issues and thus satisfied Oswego County and New York State, the objective expressed as most desired by the respective Departments of Health was and remains the connection to an existing proven public water supply. Likewise, as a practical matter, as to those other (new well or continued well usage) alternatives studied, including the one implemented, the Village Board retained a new Village Engineer, Doug Miller, P.E. of Miller Engineers in June 2014. After his review of the GWUDI issue, relevant files and materials and the well sites, the Village Board was advised by its Engineer in no uncertain terms that because the Village wells, known as Foster Wells #1 and #3, are located within the Peter Scott Swamp area, degradation of this existing well system would likely steadily increase very likely at an accelerated pace. He further explained in some detail that due to increased development over the years in surrounding communities, as a collector for increased runoff, both the area and surface water levels in the Peter Scott swamp area had significantly increased, thus causing increased potential for surface water influence on the ground water supplying our Village wells. And that this would likely continue, and increase in both area and volume. As such, and granted although needing several years to complete enough due diligence to recognize the validity of this opinion, the Village Board expressed that the condition had never been explained with such clarity and therefore acknowledged and accepted the realization that any relocated well regardless of its groundwater level or direction of flow, or surface elevation may in the not too distant future still become adversely affected, even if initially satisfactory; and a new filtration system may require frequent and extraordinary maintenance and/or costly upgrades and thus be only a relatively short term, and continuing costly remedy; and

**WHEREAS**, the Village, based on the foregoing information, after careful consideration of the alternatives, the respective viability and costs of each, and including specifically consideration that connection to a public water supply system would require ongoing payment for a water supply source that historically, water customers of the Village had not paid for, nevertheless determined that the best possible alternative for a variety of reasons, would be to proceed with a water supply connection project to the existing Metropolitan Water Supply System ("MWB") main; accordingly in satisfaction and settlement of any violation/enforcement claims, proceedings and penalties that might be imposed, the Village Board authorized the Mayor to enter into a certain Surface Water Treatment Rule (SWTR) Compliance Agreement dated October 21, 2014, requiring the Village to take corrective action to bring its water supply into conformance with all applicable legal requirements ("Compliance Agreement") (Attachment "C"). The Compliance Agreement to date remains in full force and effect; and

**WHEREAS**, notwithstanding the specific milestone dates for completion of certain Project components set forth in the Compliance Agreement at Appendix A, the Compliance Agreement provides for reasonable extensions as follows: At paragraph 4: “If Village shall be delayed or prevented from the performance of any obligation through no fault of its own by reason of inability to procure materials, failure of utility service, unduly restrictive changes in applicable laws or regulations, riots, insurrection, war, adverse weather, Acts of God, or other similar causes beyond the control of such party, the performance of such obligation shall be excused for the period of delay,” and at paragraph 5 for extensions to be granted “on a case by case basis, upon written request by the Village in the event that submission to the County or other regulatory agencies fail to be reviewed within two (2) weeks from original submission date and/or other circumstances arise which would create an inability to proceed in accordance with applicable laws and regulations”. In this regard and resulting from an extended project plans and specification review, several rounds of agency comments and Village responses, including the requirement for the Village to provide a hydraulic study of the existing system (recently completed and submitted for review), a meeting was held at the Village of Phoenix offices on January 8, 2016. In attendance in person and by telephone were New York State Department of Health (“NYSDOH”), Oswego County Departments of Health and Law, and Village officials and representatives. After discussion of many aspects of the Project, scope of work and overall progress to date, the Village requested an extension of milestone dates, and proposed recommended extension dates were agreed to in principle however still, as reflected in the email of Deputy Oswego County Attorney Christa Carrington dated March 15, 2016 (Attachment “D”) subject to formal approval of the County Board of Health; and

**WHEREAS**, generally the proposed Project is to address the GWUDI conditions by replacing the existing non-compliant well water supply source with a tie in to the existing outlet valve and line connecting the MWB main transmitting Lake Ontario water from intake and treatment facilities in the City of Oswego, south through Oswego County to the Syracuse/ Onondaga County and surrounding area. The MWB public water supply source is compliant with all applicable legal and regulatory requirements; and

**WHEREAS**, the proposed project (“Project”) description is relatively limited in scope, consisting of a single story pre-manufactured booster pump station of 430+/- square feet and related infrastructure and improvements on an approximate 1,000+/- square feet “footprint” containing pumps, piping, chemical feed equipment for disinfection and anti-corrosion protection, and appropriate controls and instrumentation to operate the pump station remotely. This ties into the existing MWB 54” diameter transmission main via the existing unused 12” outlet line and valve (or replacement thereof if it’s condition warrants replacement), running in total approximately 35 ft. from the main to the booster pump station. Then from the booster pump station and re-chlorination, a second 12” diameter line will transmit the rechlorinated and pressurized water supply approximately 15 ft. connecting to the existing Village maintained transmission/distribution system supply line located in the County Route 12 right of way. Changing only the water supply source, this rehabilitated Village water system will continue to serve only those same properties served by the pre-existing non-compliant groundwater supply. The Project layout as shown on Attachment “A” depicts the site improvements and infrastructure, as relatively minor in height, pump station structure and overall site footprint area, and reasonably located i.e. Within a few feet of the connection tap and main and all well within the established MWB easement area; the submitted plans show two tree lined landscape screens relative the adjacent residence and also across County Route 12 and other neighborhood residences. The Project construction appears to involve less than an half (.50) acre or so of site disturbance and as built site footprint should not exceed .35 +/- or so acre exclusive of the treed landscaped perimeter. The County Route 12 water line of 12” diameter was constructed years ago and has been Village maintained supply line for existing transmission/distribution from the Village wells. To be clear, all of the foregoing, i.e., the entire Project is to replace the existing Village well water supply and serve only those presently served under the Village water service. The Project will not exceed or extend in any respect the distribution system now served by the Village well

system. The supply connection “tap” was constructed as part of the original MWB System; all Project infrastructure will be located on lands located within the existing MWB grants of easement; these are instruments of record that by their terms permit the Village of Phoenix to construct and operate a water system as an MWB permittee and permit the construction, installation and operation of water supply, transmission and distribution facilities. In addition to the constructive notice effected by these instruments of record for the past half century or so, (alone legally sufficient as to any third parties claimed to be adversely affected by the proposed Project), there is also a prominent permanent monument marker pole and notice indicating the location of major water supply infrastructure at the project site. As between the constructive and actual notice provided by the foregoing, it is difficult to imagine any nearby property owner could have been unaware of the presence of same and potential for connection infrastructure to be located within and upon the easement area. The purpose and intended effect of this Project is not to extend the existing service area, but to adequately address an existing ill by replacing an unsafe well water source with a high quality legally compliant public water supply; and

**WHEREAS**, the MWB connection tap intended for the Project was constructed at the time of original main construction, between 1965 and 1968, with the a short connection outlet line and valve running from the fifty-four inch (54”) main all located within the MWB easement area near the intersect of Oswego County Route 12 and what is now Interstate 481, precisely where it was then reported a MWB-Phoenix/Schroepfel supply connection was to take place. With the capacity to supply a production of up to sixty million gallons of water per day and store in excess of one hundred ten million gallons of water for emergencies, including for fire protection and periods of drought, the MWB system was sized for expansion of service from its earliest planning stages. The MWB now serves many other communities, see Attachment “E” showing a map (page one) of the Onondaga and Oswego County municipal water service provided through MWB, and a second map (page 2) showing those Oswego County municipalities that had “agreed” (this was the specific word used) to connect. This was obtained from an MWB publicity video published in the late 1960’s showing the project history, through construction, and including in certain “pop ups” lighting up an on screen map during the planning and design narrative describing the community “buy-in” sought, the Village of Phoenix and Town of Schroepfel were shown as participating municipalities; and

**WHEREAS**, sources of financing/funding of the total Project cost has been of grave concern to the Village Board; together with such other annual property tax, refuse, water and sewer use and existing capital projects debt service, total annual obligations for Village taxpayers in the Village will in the future also include a payment obligation for purchase of a water supply the Village has historically not had to pay for; as a result, in connection with this Project the Village has prepared or is in the process of preparation and submission of completed applications and supporting documents seeking approvals/commitments for New York State funding, through the NY Water Grants Program (for 60% of the total Project cost) and through the Environmental Facilities Corporation administered New York State Drinking Water State Revolving Fund Program (for the remaining 40%). For interim funding including for completion of preliminary work necessary to determine the Project would be the most appropriate of those alternative GWUDI remedies studied, and also because the Village was advised same was necessary to evidence the Village’s commitment to resolving its two major (water and sanitary sewer/wastewater treatment) violations the latter having even longer existed, the Village Board adopted a serial bond authorization resolution on November 1, 2011, with considerable reserve due to the anticipated increased financial burden, generally authorized sewer/wastewater treatment and water projects to continue through design and construction, and to evidence the commitment to close any gap as between total project costs and any agency funding assistance, (a) serial bond(s) of the Village sized at \$3,200,000 such that interim bond anticipation notes of the Village could be issued as preliminary and interim project costs were incurred subject to reimbursement from any funding agency assistance. Of this, the sum of up to \$800,000.00+/- was to be allocated for a Village project relative to the Village GWUDI issue. The remainder was allocated toward existing wastewater treatment and sanitary/storm sewer issues as required under a 2011 NYSDEC Consent Decree resulting from a history of SPDES

permitting and sanitary sewer overflow violations and negotiations commencing in 2007. The Village Board thereafter was required to increase the scope of the sanitary sewer and wastewater project to include even more comprehensive studies, and potentially a substantially greater scope of repairs and replacements of existing sanitary sewer infrastructure, and as such adopted a second bond resolution on January 25, 2013 amending, replacing and increasing the original bond issuance authorization to \$6,900,000. As with the aforementioned Project funding applications, the Village sought and received commitments for both 0% interest EFC financing and substantial grant commitments for this NYSDEC mandated work and is in hope that similar funding commitments will assist Village taxpayers with the additional financial burden of bringing its water and sewer infrastructure into compliance to future taxpayers will not induce a gradual exodus of Village and some residents and businesses to escape the additional financial burdens; although such bond financing authorizations require a determination respecting the applicability of SEQRA, at the early stages of estimating project costs and authorization, the purposes then intended were to issue bond anticipation notes to finance the further study and related research as to the appropriate remedy; The Village Board alone has jurisdiction for bond and BAN approvals subject only to permissive referendum rights of Village electors; such rights acted on by petition within thirty days from adoption and publication is as a matter of standard procedure allowed to pass before, as here was the case, any financing is proceeded with; the amended bond resolution adopted by the Village amending the original issuance and increasing the sizing to \$6,900,000.00 did not increase the amount allocated for the Project; a determination was made that same was a Type II Action under SEQRA and not subject to further review as stated expressly in the amended bond resolution aforementioned; and

**WHEREAS**, relative to permits and approvals and the like for the Project such permitting and approvals consist of those relating to building, land use and zoning, land ownership control of the Project site, and New York State and Oswego County review and approval of plans and specifications for water supply system infrastructure and work within the County highway right-of-way. The NYSDEC under certain circumstances has jurisdictional oversight for water systems, but as to this Action has encouraged the MWB connection and agreed that provided the connection is timely made no review or permitting is required other than by MWB to modify its withdrawal permit (applicable if this will cause the MWB System intake component to meet or exceed present capacity limits); likewise, notwithstanding the Village Board's Type II SEQRA determination (see resolutions below) nevertheless NYSRHP was early on contacted relative to inquiry on the issue of any relevant historical/cultural concerns and their response was in the negative. There are no relevant parklands adjacent/contiguous to, or nearby the site. The proposed use is a permitted use as of right within this zoning district in the Town of Schroepfel subject to site plan review. The infrastructure to be constructed and lands improved by the Project are located solely within easements of record in favor of the Onondaga County Water District, the MWB being the governing body of the district, retaining permitting control over third municipal/governmental water systems purchasing a potable water supply for transmission and distribution/sale to end use customers. MWB has agreed to grant the appropriate permitting to the Village of Phoenix. Review of water system infrastructure by the New York State Department of Health is for the purpose of determining applicable EPA and NYCRR water source, transmission and distribution regulatory, including Health Code, compliance and with some overlap (with the local building/codes review official) other regulatory requirements such as the New York State Uniform Code (Energy Conservation, Electric, Plumbing, Mechanical etc.) and building permit requirements; as a sovereign governmental unit the Village intends to proceed with exercise of jurisdiction to conduct its own site plan and plans and specifications review; this is authorized under the jurisdictional criteria established under applicable state law and which criteria the Village attorney has discussed with the Village Board and a hearing to be conducted in April 2016 in order to formally adopt a resolution evidencing satisfaction of relevant criteria of record; that notwithstanding, this work will not be commenced except upon notice to the Town of Schroepfel; the other reviews and permitting approvals aforementioned are for the purpose of determining satisfaction of specific regulations and codes that are conditions precedent to permit issuance; thus while interpretation of such provisions may be required of an official, the discretionary decision making authority of a

deliberative body is not involved and permitting is ministerial in nature; thus if the letter of the interpreted regulatory requirement is met, permit issuance is forthcoming; such interpretations, reviews and permitting are classified as Type II actions under 6NYCRR 617.5(c) (19), (28 ) and (31) the same respectively describing such permit issuances, technical reviews for regulatory compliance and interpretations of codes, rules and or regulations as Type II actions; and

**WHEREAS**, an action is also classified as Type II and thus exempted from SEQRA review under various separate and for the most part, independent criteria listed in the subparagraphs of 6 NYCRR 617.5(c) including at 6 NYCRR 617.5(c)(2) "... replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part"; 6 NYCRR 617.5(c)(7) "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities"; 6 NYCRR 617.5(c)(11) "extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list"; 6NYCRR 617.5 (c (29) which reference "civil or criminal enforcement proceedings whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion"; and 6 NYCRR 617.5(c)(34) which actions are exempted that are funded or approved prior to the effective dates set forth in SEQRA (see Chapters 228 of the Laws of 1976, 253 of the Laws of 1977, and 460 of the Laws of 1978); noting that as to the latter, in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, or, in the case of an action where the responsible agency proposes a modification of the action and the modification may result in a significant adverse impact on the environment, the NYSDEC Commissioner may determine to "ungrandfather" an action. Declaratory rulings from the DEC Commissioner explain the significance of this limited authority under ECL 8-05111(5)(a)(i); it is exercised conservatively and when due to a substantially expanded scope of project or differing circumstances potentially substantial in nature comprise the action such that real potential adverse environmental effects, and the need to consider alternatives for mitigation are present. Here the an existing supply system will be connecting to an existing transmission line operated and maintained by the Village, the supply source being an action that predated SEQRA and contemplated from the initial planning stages supplying the Village of Phoenix and Town of Schroepel and thus installing a connection tap for this purpose. "Ungrandfathering" has been invoked for the most part in large significant impact projects, often mining projects, such as where an existing mining operation is seeking to increase in scope, area, and volume and such increase is not only incidental to an expanded mining operation but a completely separate newly acquired or proposed cement manufacturing operation to be supplied by the mining operation; and

**WHEREAS**, a final resolution of the GWUDI problem was effected through the Compliance Agreement requiring, amongst other things, the Village's timely completion of this specific project. And while this specific criteria speaks to actual proceedings, administrative or judicial, it also refers the "exercise of prosecutorial discretion," that a stipulated settlement of the Village/GWUDI issues having been worked out without resort to court or administrative proceedings reflects an exercise of prosecutorial discretion, in this case Oswego County agreeing to hold any such proceedings in abeyance pending satisfactory completion of the remedy; moreover if (unfortunately) enforcement/violation proceedings were to commence, this Action would all the more fall under such classification of Type II actions; and

**WHEREAS**, in this regard the Village Attorney having prepared, and reviewed with the Village Board, Village Attorney – NYSDOH Letter, the project description and required questions and proposed responses in the Short Form SEQRA EAF ("EAF") and the proposed draft resolution for consideration by

the Village Board, and,

**WHEREAS**, the Village Board having considered the Action, their prior resolutions and actions, those Village Board members not having been in office throughout having been apprised of the foregoing this date, related record matters, and in more recent prior discussions, and the Village Board thus having duly deliberated in this regard;

**NOW THEREFORE, BE IT HEREBY**

**RESOLVED**, in particular and specifically that upon such further discussions and deliberations, consideration of the foregoing and review of the EAF, Part I (Exhibit "A"), it is determined that the EAF is true and accurate in fact, and the preparation and execution of same by Village Attorney Steven J. Primo is hereby ratified and confirmed as authorized for and on behalf of the Village Board; and while the Action can be properly classified a Type II Action under each of the above criteria/subsections of 6 NYCRR 617.5(c), in discussions responsive to the NYSDOH Village Attorney Letter, it was expressed by other agency representatives reviewing the Action and Project generally, including the plans and specifications and proposed funding sources, that a Type II Action determination of the Village Board might be the most appropriate Type II classification under NYCRR 617.5 (c) based upon the above described Compliance Agreement; and accordingly the Village Board, specifically including reference and without prejudice to any other claim to Type II classification under any of the foregoing 6 NYCRR 617.5 ( c) criterion,) hereby,

**RESOLVES AND DETERMINES** that the Action, based upon the foregoing, including specifically under 6 NYCRR 617.5(c)29, is a Type II Action requiring no further review pursuant to the State Environmental Quality Review Act; and it is further,

**RESOLVED AND DETERMINED**, that the Action, including all components thereof whether or not and/or to the extent not heretofore authorized and/or approved by duly adopted resolutions and/or other appropriate actions of the Village Board, as the case may be is hereby ratified, confirmed, approved and/or authorized, in its entirety and without exception; and it is further,

**RESOLVED**, that the Village Mayor and/or Village Clerk, on behalf of the Village are hereby authorized to execute and deliver a certified copy of this resolution, as conclusive proof of the foregoing, together with any such supporting documentation, to any Federal, New York State, Oswego County or local governmental subdivision, unit, agency or department involved with or having interest in the Project including without limitation for any and all Project, or component thereof, approvals and permits, committed or potential sources of agency Funding, and prospective Serial Bond or BAN purchasers ; and it is further

**RESOLVED**, that the Village Mayor and/or Village Clerk is hereby authorized to perform any other such acts and to execute and deliver any other such applications, documents, instruments, certificates and/or agreements as are necessary to effect the foregoing and those prior resolutions and approvals described herein; and it is further

**RESOLVED** that such prior approvals and resolutions of the Village Board of Trustees, and or parts thereof, as the case may be, as if and to the extent necessary to effect the foregoing, are hereby rescinded, amended, superseded and/or replaced; and it is further.

**RESOLVED** that if any clause, sentence, paragraph, subdivision, section or part of this resolution or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged or determined to be illegal, invalid or unconstitutional by any court or other governmental agency of competent jurisdiction, such determination, order or judgment shall be confined in its operation

to the clause, sentence, paragraph, subdivision, section or part of this resolution or in its application directly involved in the controversy in which such determination, order or judgment shall have been rendered and shall not affect nor impair the validity of the remainder of this resolution or the application thereof to other persons or circumstances. Further, in adjudging such illegal, invalid or unconstitutional provision, the court or governmental agency shall modify same to a provision which is legally binding and enforceable, and accordingly, not illegal, invalid or unconstitutional, and which best achieves the intent of the illegal, invalid or unconstitutional provision, or part thereof, as expressed or inferred herein; and

Upon motion made by Trustee Bittel and seconded by Trustee Shaffer, the foregoing resolution was put to a roll call, which resulted as follows: \_

Ryan Wood, Mayor	Aye/yes
Eric Shaffer, Trustee	Aye/yes
Jennifer Burgess, Trustee	Aye/yes
David Pendergast, Trustee.	Aye/yes
Andrew Bittel, Trustee	Aye/yes

Resolution was adopted on the 15th day of March, 2016.

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### **CERTIFICATION**

I, the undersigned, Clerk-Treasurer of the Village of Phoenix, Oswego County, New York, do hereby certify: that the above is a true copy of the original resolution passed at a meeting of the Village of Phoenix Board of Trustees on March 15, 2016.

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Roxanne Demo, Clerk-Treasurer

### **Abstract**

Mayor Ryan Wood asked if anyone has any questions or concerns regarding Abstract #2 dated March 15, 2016 in the amount of \$50,774.32. Trustee Pendergast made the motion to approve, general fund vouchers 21-57; water fund vouchers 20-56; sewer fund vouchers 23-53; capital water/sewer vouchers 35-36; library fund vouchers 4-15; and trust and agency fund vouchers 7-9, seconded by Trustee Bittel. All ayes.

## **Old Business**

Mayor Wood asked if anyone had any questions with the meeting minutes of March 1, 2016. Motion was made by Trustee Shaffer to approve, seconded by Trustee Burgess. All ayes. Motion was made by Trustee Bittel to approve Executive Session meeting minutes from March 1, 2016, seconded by Trustee Burgess.

## **New Business**

St. Stephen's church has asked for approval to hang the banner on Main St. for the Annual Village Garage Sale to be held on May 14, 2016. Motion was made by Trustee Shaffer to approve, seconded by Trustee Burgess. All ayes.

Motion was made by Trustee Burgess to adopt Local Law#2 for the year 2016, amending Chapter 161 of the Village Code entitled "Solid Waste", seconded by Trustee Pendergast. All ayes.

## **Public Comments**

Savannah Jaquay 43 Spring Street asked the Mayor and Trustees to help educate everyone on the battle with substance abuse and the heroin epidemic.

Motion was made by Trustee Burgess to adjourn the regular meeting at 7:54pm, seconded by Trustee Bittel. All ayes.

Respectfully submitted,

Roxanne Demo  
Village of Phoenix  
Clerk/Treasurer