

Village of Phoenix
Regular Board Meeting
Tuesday, October 18, 2016 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present: Mayor Ryan Wood
Trustee Jennifer Burgess
Absent Trustee Andrew Bittel
Trustee David Pendergast
Trustee Eric Shaffer II
Sergeant James McKenna
Village Clerk Roxanne Demo
Attorney Steve Primo
Absent Administrator James Lynch

0 Public in Attendance

Mayor Ryan Wood began the Board Meeting with a salute to the flag at 7:02 PM.

Miller Engineering

Doug Miller said that the televising and smoke testing to still going on and probably will end up in the next couple weeks. Miller said that the contractor for the water connection project would like the notice of award and hold off on notice to proceed and then once the final approval comes in for the MWBE then he will initiate shop drawings. Primo said we're all frustrated with these agency funding compliance issues but we still need to take the next step so as not to default under our stipulation with the department of health.. Miller said let's get the notice to proceed ready to go, we've done everything on our end to meet the requirements and the contractor is ready to start. Miller said also in the last week he received an e-mail Clean Energy Communities from Regional Planning it looks like there is benefits up to 100,000 grant. Miller will forward to Mayor Wood. Trustee Pendergast asked about the belt press building. Mayor Wood said he believes Lynch has the plans and will present it at the next meeting.

Mayor Comments

Mayor Wood had nothing.

Trustee Comments

Trustee Burgess had nothing.
Trustee Pendergast had nothing.
Trustee Shaffer had nothing.

Police Comments

Sergeant McKenna had nothing.

Abstract

Mayor Ryan Wood asked if anyone has any questions or concerns regarding Abstract #16 dated October 18, 2016 in the amount of \$118,073.48. Trustee Pendergast made the motion to approve, general fund vouchers 482-528; water fund vouchers 482-528; sewer fund vouchers 482-528; capital water/sewer fund voucher 525; library fund vouchers 88-92 and trust and agency fund vouchers 106-115, seconded by Trustee Shaffer. All ayes.

Old Business

Mayor Wood asked if anyone had any questions with the meeting minutes of October 4, 2016. Motion was made by Trustee Pendergast to approve, seconded by Trustee Shaffer. All ayes.

Mayor Wood asked if anyone had any questions with the meeting minutes for the Public Hearing/Special Meeting of September 29, 2016. Motion was made by Trustee Shaffer, seconded by Trustee Pendergast. All ayes.

New Business

Clerk Roxanne Demo asked the board to approve the second payment for 2016 to the Fire Department. Motion was made by Trustee Pendergast, seconded by Trustee Burgess. All ayes.

Attorney Comments

Attorney Primo talked about Jim Lynch attending the Codes classes and he'll be sworn in as Code Enforcement Officer and Robert Dalton will be an independent consultant and will assist Jim in permits and building inspections. Primo advised of the need to change need to change the Village Administrator, presently Jim Lynch's position from employee to to an appointed Officer position in light of this including codes duties and the previous appointments to the agency funding required officer positions. Primo will draft a local law for this position. Motion was made by Trustee Burgess to hold a public hearing on November 1, 2016 at 6:55pm, seconded by Trustee Pendergast. All ayes. Primo asked the board to approve entering into a consulting contract terminable on short notice for Robert Dalton to act as our codes and building permitting consultant on a month to month basis at a \$125 fee for service rendered during the period of Jim Lynchs formal training as such. Motion was made by Trustee Shaffer, seconded by Trustee Burgess, Trustee Pendergast nay, Mayor Wood aye. Primo discussed with the board a proposed local law regarding farm animals. After some discussion on the issue of minimum acreage mandated for large and small farm animals he indicated he would revisit this issue and the board can discuss it further at an upcoming board meeting. Primo discussed the open container law, and rather than an outright rescission of our present code section he indicated that since this had

been amended only a very few years ago to address open container complaints as such he modified the section defining a “public place” and also in the exception section added a third category for events that would not necessarily require a facilities use agreement but that are otherwise recognized, sponsored or cosponsored by the village and where alcohol is not expressly prohibited by appropriate postings prior to band at the event. Examples were then discussed and it was offered by Primo that he would discuss this further with Chief Marty Nerber. Primo spoke about the marina feasibility study. He advised as to the agency’s procurement requirements, ie to follow the villages, but since the Village had none for professional contracts he felt that there had to be some process to seek competitive qualifications and pricing and would therefore ensure same is sent to several qualified professional firms including referencing the MWBE list and indicating the consultant requirements for 20% MWBE and EEO compliance. The board authorized Primo to go ahead. Primo said even though the board has indicated they are ready to go on the school property transfer he advised the district’s counsel of the parkland issue and his opinion that we’ll need a state legislative resolution. This will take some time but because it’s a title clearing issue and will need to do an application to state parks and then it will need to go to our state legislative representatives. The school will put together a purchase offer and it will provide for time to receive the release from the state legislature. He advised the district that they were to pay village counsel fees of \$1500 and not \$1000 as proposed.

Public Comments

No public comments.

Motion was made by Trustee Pendergast to adjourn the regular meeting at 8:17pm, seconded by Trustee Shaffer. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer