

Village of Phoenix  
**Regular Board Meeting**  
Tuesday, September 6, 2016 at 7:00 PM  
Sweet Memorial Building  
455 Main Street, Phoenix, NY 13135

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

3 Public in Attendance

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

**Miller Engineering**

Doug Miller reported that the smoke testing has been completed and the documents will be sent to DEC. They plan on televising on Thursday. The booster pump station information has been sent to EFC. Miller's utilization plan and contract has been sent to EFC also.

Mayor Wood motioned 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 7:05pm, seconded by Trustee Shaffer. All ayes. Motion to close executive session was made by Trustee Shaffer at 7:16pm, seconded by Trustee Burgess. All Ayes.

Motion to open regular meeting was made by Trustee Pendergast at 7:17pm, seconded by Trustee Burgess. All Ayes

**M&E Empire Marketing, LLC**

David Eymer has reviewed the National Grid invoices and the Village can receive a fixed rate of \$.089 for 24 months with no early termination fee. Motion to approve was made by Trustee Pendergast, seconded by Trustee Bittel. All ayes.

**Mayor Comments**

Mayor Wood said we purchased the GEM car and hope to put it to good use and save on time and fuel. Locktoberfest is October 1, Mayor Wood would like the Trustees to give him a schedule as to when they can work our booth.

## **Trustee Comments**

Trustee Jennifer Burgess had nothing.

Trustee Pendergast asked about the water issue, when we flushed two weeks ago did the Town flushed their lines also. Jim Lynch said they haven't flushed yet, they're supposed to flush after us.

Trustee Andrew Bittel said the manhole risers look to be done, roads look good.

Trustee Eric Shaffer said fire department has cleaned up the property next to the fire house.

## **Police Comments**

Chief Marty Nerber said he and Jim had discussed the open container law. They don't want to chase people away from the concerts, Locktoberfest and other events in the Village. They'd like to review that law. Chief Nerber said that through the CHOOSE program they've met a resident that they'd like to recognize during the 911 Ceremony. Primo offered to do a plaque for him on behalf of the Village. Motion was made by Trustee Burgess to adopt a resolution for James Gioia on behalf of his service to the country, seconded by Trustee Shaffer. All ayes.

## **Administrator Comments**

Administrator Lynch said that we're trying to go green, we received a solar panel donated to the Village and the batteries will charge through that. Lynch said the DPW will be working with the Town for water work at a residence on Rt. 264.

## **Attorney Comments**

Attorney Primo said that he'd like to continue the public hearing on "Village Center Overlay District Requirements and Procedures for Specially Permitted Uses" to September 16, 2016 at 6:30pm.

Primo stated that we need to close out the Main Street Grant file. In connection with the close out report Kristy La Manche was preparing, one of the requirements/ questions related to the Villages Internal Financial Controls policies which after a fairly diligent search it appeared there was no policy ever formally adopted. As a result he questioned Roxanne on the actual practices, reviewed some comptroller published information and some financial audit reports in order to draft a written policy that would meet the Villages needs and limitations and also offer the protections that are sought by funding agencies and the state comptroller. He asked the board to adopt the proposed resolution on financial internal controls and procedures in substantially the form presented subject to final Village Clerk/Treasurer and Attorney review and any minor modifications in connection with same. Motion was made by Trustee Bittel, seconded by Trustee Pendergast. All ayes.

Primo next advised as to the letter from EFC relating to the water project financing recently received and the deadline for submission of certain documents by September 7, 2016. In

connection with same, they had prepared or were preparing for submission the following day and needed approval of the following by Board resolution.

- 1) Miller Engineers agreement in form presented, noting the issues with same relating specifically to design phase services but covering the remainder of services by future change order/extra work authorization, noting that some additional services had been performed, and also noting that there would be likely be an MWBE compliance issue as noted in the agreement and the parties agreement to resolve same equitably. Motion to approve and for mayor to execute same made by Trustee Bittel, seconded by Trustee Burgess. All ayes.
- 2) Primo Hills agreement in form presented, NOTE, however modified to address specifics following the meeting per EFC request) for Bond closing specific services capped at the budgeted amount of \$4,000-4500 +/- . Motion to approve and for mayor to execute same made by Trustee Bittel, seconded by Trustee Burgess. All ayes.
- 3) Bond Counsel Trespasz and Marquardt agreement for quoted amount of \$10,000, \$15000 if interim financing required, subject to attorney approval of contract form (since received and executed) Motion to approve and for Mayor to execute same made by Trustee Shaffer, seconded by Trustee Bittel. All ayes.
- 4) KL Consulting agreement for administrative services per budgeted amount (however subsequent to meeting it was determined no administrative services quote was sought by or submitted for this funding) Motion to approve and for Mayor to execute same made by Trustee Burgess, seconded by Trustee Bittel. All ayes, SUBJECT TO RECISSION AT FOLLOWING MEETING.
- 5) Approve execution and delivery of title certificates by Mayor in EFC required form and qualified form prepared by counsel together with combined certificate opinion of title prepared and executed by the Village Attorney. Motion by Trustee Burgess, second by Trustee Bittel, All ayes.

Last, unrelated to the EFC funding for the water project, Primo presented the contract previously prepared for Miller Engineers per their attached quote for sewer/cleaning/television dated July 29, 2016, motion to approve and for Mayor to execute same made by Trustee Shaffer, seconded by Trustee Burgess. All ayes.

### **Abstract**

Mayor Ryan Wood asked if anyone has any questions or concerns regarding Abstract #13 dated September 6, 2016 in the amount of \$57,079.10. Trustee Burgess made the motion to approve, general fund vouchers 389-422; water fund vouchers 389-419; sewer fund vouchers 389-419; library fund vouchers 73-79 and trust and agency fund vouchers 73-80, seconded by Trustee Bittel. All ayes.

### **Old Business**

Mayor Wood asked if anyone had any questions with the meeting minutes of August 16, 2016. Motion was made by Trustee Shaffer to approve, seconded by Trustee Pendergast. All ayes.

Mayor Wood asked if anyone had any questions with the public hearing minutes of August 16, 2016. Motion was made by Trustee Shaffer, seconded by Trustee Burgess. All ayes.

Motion was made by Trustee Burgess to extend the Local Law #5 “Village Center Overlay District Requirement and Procedures for Specially Permitted Uses” to September 20, 2016 at 6:30pm.

Motion to approve Local Law#4 – “Building Uniform Code” was made by Trustee Bittel, seconded by Trustee Burgess. All ayes.

### **New Business**

Motion to accept Don Ryan’s resignation letter as of August 23, 2016 was made by Trustee Shaffer, seconded Trustee Burgess. All ayes.

### **Public Comments**

Alexis Semanchuk discussed concerns about the lack of notification of canal news and how the Village reports the news.

Motion was made by Trustee Shaffer to adjourn the meeting at 8:30pm, seconded by Trustee Burgess. All ayes.

Respectfully submitted,

Roxanne Demo  
Village of Phoenix  
Clerk/Treasurer