

DRAFT

Village of Phoenix
Regular Board Meeting
Tuesday, November 21, 2017 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present:	Mayor Ryan Wood	Chief Marty Nerber
	Trustee Jennifer Burgess	Village Clerk Roxanne Demo
	Trustee John Musumeci	Attorney Steve Primo
	Trustee David Pendergast	Administrator James Lynch
	Trustee Caleb Sweet	

5 Public in Attendance

Mayor Ryan Wood began the Board Meeting with a salute to the flag at 7:00 PM.

Miller Engineering

Doug Miller said an update on some things their working on, they've wrapped up the CMOM and hydraulic analysis and this was sent to DEC for their review. They're wrapping up the water pump station, they went through a couple iterations this past week and some of the pressures were down a little bit and they spoke to the water authority and found out why that was happening and have a plan moving forward. With the water pump station Jim, they talked about Grant Street giving them a quote on a flow meter he thinks they should do that, maybe we have leftover grant money. Tim Seeler dropped off some O&M with the Village the manuals for the pump station. He also has been working on the CDBG work on Lock Street. Mayor Wood said to go ahead and get a quote from Grant Street. Miller said they have some updated drawings for the Marina and have Terry do a presentation for the next meeting.

Mayor Wood had nothing.

Trustee Burgess had nothing.

Trustee Pendergast asked about the sidewalk on Volney Street near where Chuck Moyer used to live it's overgrown through there. Administrator Lynch will notify the homeowner. Pendergast also asked about several sink holes on James Street and if it was the sewer. John Kerfien DPW crew leader said it is the sewer and they need to complete running a camera down the street.

Lynch said they've received estimates and it's pretty expensive. They need to discuss it further.

Trustee Sweet had nothing.

Trustee Musumeci had nothing.

Department Comments

Chief Marty Nerber said they've been collecting donations for turkeys and all the fixings for around 14 families to be delivered on Wednesday. They've addressed the parking on Mechanic Street, the residents that live there were concerned with parking violations. There isn't a driveway there and they can park along the pavement as long as it's kept shoveled, it's a unique

situation there. Trustee Pendergast asked if the police department could provide the board with a list of violations during the month. Chief Nerber said that they could.

Administrator Jim Lynch provided the board with a list from Bartlett Tree Experts for the removal of six trees and pruning. Motion to approve was made by Trustee Sweet, seconded by Trustee Musumeci. All ayes. We touched upon the LED street lighting and Jim asked if they wanted to pursue it. Mayor Wood asked Jim to check on pricing for one pole. There could be funding next year from what he's heard from the Mayor's meeting.

Attorney Comments

Attorney Primo explained to the board the short term debt – tax anticipation note; revenue anticipation notes re: grant funded projects. The tax anticipation note would only be for five months and the then two short term revenue anticipation notes. We currently have the bridge house grant that should be received in less than a year and grant for the marina feasibility study. Motion was made by Trustee Sweet to accept the \$40,000 anticipation note, seconded by Trustee Burgess, Trustee Pendergast nay, Trustee Musumeci, aye. Motion carried.

Motion was made by Trustee Musumeci to accept the \$50,000 anticipation note, seconded by Trustee Sweet. All ayes.

Motion was made by Trustee Musumeci to accept the \$80,000 tax anticipation note, seconded by Trustee Burgess. All ayes.

Attorney Primo has proposed local law framework for amending codes setting up owner assessment financing for private improvement subject to the DEC consent order. This ties into the sanitary sewer/WWTP bonding and expected project costs. The Mayor, Tim Seeler, Doug Miller and himself had a conversation earlier today, conceptually back several years ago the Village adopted and consent order and issues with the water the Village bonded \$3.8 million, \$800,000 for water and \$3 million for sanitary sewer/WWTP. Then because we had a lot of agency financing there was a request for another bond for another \$3 million on the sanitary sewer side a total of \$6 million and we've expended close to half of that, we're still going with DEC and negotiating, the hydraulic study was just submitted and eventually narrow down to what the DEC is actually going to required us to do work wise. Some of that is going to be the storm sewer project and CDBG financing that's in place and the GIGP grant, so there's monies coming in, both the EFC financing that it interest free, but also grants. The board said way back when ok we're adopting this bond but we have no intention in borrowing that much. There's been a lot of grant proceeds but he's suspects that because we have these compliance issues with the DEC still that we're going to have to bond separately for some of this work, we're not going to do anything tonight but it's around the corner that in order to complete our compliance work some doesn't relate to the DEC project that was covered by the \$6 million bond we'll do a separate bonding and eventually it will dovetail together and we'll know what the actual cost was to cure our sanitary sewer/WWTP problems and there's some overlap. Attorney Primo asked Tim Seeler "Seeler Engineering" to speak to the board. Tim said when this was all put into place a report was issue and it outlined that was going to be done and backup the dollar amount, but one of the line items in that list of things was the hydraulic analysis essentially the report said we're

going to do A, B and C but D which is this hydraulic analysis may identify other things based on what DEC is going to establish in terms of requirements that go beyond what we had identified. That report that just went in identifies other things that need to be accomplished in order to satisfy their warrant. What went in was a concept it will take some time to negotiate work with them and find out what is really going to be done, his concern is that the dollars identified and allocated were intended for another purpose or intended of a piece of the solution that is not what they'd looked at with the hydraulic analysis so they need to make that all match. He doesn't have a clear picture of the overall scope will be yet with DEC, that's going to take some time, some negotiations and some push back on the part of us to make sure they're not asking for things that really they shouldn't be, but none the less there's kind of an open end out there that needs to close in order to make sure we're defined clearly of what the whole thing is going to cost.

Primo said some of it can be backed out from the original scope of work, not necessary based on the hydraulic study, there will be a change of scope of work, sanitary sewer/WWTP and storm water and our bond didn't cover the scope of work that was contemplated under the bond, storm water stuff and illegal connections that private owners responsibility that were setting a financing mechanism for. All needs to come together and we'll have to adopt separate bond resolution. Primo said we'll keep overall cost as low as possible. Primo said proposed local law framework for amending codes setting up owner assessment finance for private improvements subject to DEC consent order. The DEC consent order we have a local law on the books that the village was required to adopt in 2007 because were a MS4, regulated public storm sewer system. So that provision in our codes is actually very helpful for what we're going to have to do, it sets up whole violations, compliance scheme and an enforcement mechanism, mechanism to do inspections and warrants and discover where the illegal connections are were going to have to do this with this work we ran across on Brandybrook is if you have an illegal to the sanitary sewer with storm water it has to be undone, on average were looking at \$2,000 to \$2,500 per home and we have hundreds of homes in violation, we'll set up a financing scheme and the mean of doing it is under our storm water local law and adopt under sanitary sewer regulations and we used that for the Brandybrook thing, if you have a violation there's incentive for you to come forth and the Village will figure out what the problem is and what it's going to cost and we'll do all this as public works projects, the issue is you're working on private property and that's a no no. If the regulation is set up properly you can, we're being forced to do this as part of our consent order and we in turn charged with enforcing that with our property owners. The section of code under storm water compliance that that 2007 provision, standard provision it's comprehensive and tells you exactly what the homeowners obligation so we'll add to that an amnesty if you cooperate we'll take a violative condition and fold in this finance scheme and you'll pay it off over time.

Primo said he'd like to have a public hearing for this local law. Trustee Pendergast asked if an outside contractor will do the work. Primo said that is the best way doing it. Primo said he'd like to schedule a public hearing on December 19th at 6:50pm, motion was made by Trustee Pendergast, seconded by Trustee Burgess. All ayes.

Abstract

Mayor Ryan Wood asked if anyone had any questions or concerns with Abstract #18 dated November 21, 2017 in the amount of \$41,779.46, Trustee Musumeci made the motion to

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approve, general fund vouchers 566-590; water fund vouchers 566-590; sewer fund vouchers 566-590; library fund vouchers 112-120 and trust and agency fund vouchers 166-173, seconded by Trustee Sweet, Trustee Burgess aye, Trustee Pendergast nay. Motion carried.

Motion was made by Trustee Burgess to approve November 7, 2017 meeting minutes, seconded by Trustee Sweet. All ayes.

Mayor Wood asked 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 7:48pm, motion was made by Trustee Sweet, seconded by Trustee Musumeci. All ayes. Motion to close executive session was made by Trustee Sweet at 8:18pm, seconded by Trustee Musumeci. All ayes. Motion to open regular meeting was made by Trustee Pendergast at 8:18pm, seconded by Trustee Sweet. All ayes.

Public Comments

There were no public comments.

Motion was made by Trustee Sweet to adjourn the regular meeting at 8:18pm, seconded by Trustee Pendergast. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer