

Village of Phoenix
Regular Board Meeting
Tuesday, September 3, 2019 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present:	Mayor Caleb Sweet	Chief Martin Nerber
	Trustee Danny Dunn	Village Clerk Roxanne Demo
	Trustee Paul Griser	Attorney Rebekah Prosachik
	Trustee Adam Mulderig	Administrator James Lynch
	Trustee David Pendergast	

4 Public in Attendance

Mayor Sweet began the Board Meeting with a salute to the flag at 7:00 P.M.

Miller Engineering

Doug Miller reported that the paving has started on Lock Street, they've spoken with Grant Street Construction and are not pleased with the paving. Miller showed the board a video of how the slip lining for the sewer work on Lock Street will be done. They'll dig up the laterals, this will be coordinated with the homeowners, they'll bypass the pumping of the sewer from block to block and at certain amounts of time the laterals will be shut off, the robot goes in, cuts it open. This takes place in a day. The slip lining credit will be \$101,700 and he'll discuss this further with Jim tomorrow. Miller gave a preliminary schedule together and if it starts next week then it'll be wrapped up mid to late October.

Miller is reviewing the quotes for the WWTP roof. Motion was made by Trustee Griser to approve the amended agreement with Central New York Stormwater Coalition, seconded by Trustee Pendergast. All ayes.

Mayor and Trustee Comments

Mayor Sweet had nothing.
Trustee Griser had nothing.
Trustee Mulderig had nothing.
Trustee Pendergast had nothing
Trustee Dunn had nothing.

Department Comments

Chief Marty Nerber said we should hold off on the court system, there are new laws coming into effect January 1, 2020, he has a meeting with Greg Oaks this week to discuss the laws. The SUV came back today. Chief said they've teamed up with Oswego Expeditions for Pancake & Paddles to be held on September 29th starting at 8:00am, the police department will be cooking pancakes, a \$20 donation for two tickets for all you can eat pancakes and you can paddle down the river

and a chance to win a kayak. Proceeds will go to the Bridge House Brats. The school SRO's have been busy training over the summer. Chief met with the school officials and they have upgraded the contract to include the ammunition for training, school pays for that. Trustee Pendergast asked if they go back and get the sheet for the number of tickets that have been written for the month.

Administrator Jim Lynch said he spoke about the potential planting of trees, there will be 10-15 trees, he has given the board a breakdown of all the addresses, just looking for input, if you'd like to pick the locations, line Main Street or side streets. Mayor Sweet asked for any comments. The board would like to have them focus on Main Street.

Attorney Comments

Attorney Prosachik said she has the chicken law ready and the board needs to vote whether or not to move forward with it. Motion was made by Trustee Mulderig to go ahead with the law, seconded by Trustee Griser, Trustee Pendergast nay, Trustee Dunn nay, Mayor Sweet aye. Motion passed. Motion was made by Trustee Griser to hold the public hearing regarding the chicken law on September 17, 2019 at 6:55pm, seconded by Trustee Mulderig. All ayes. Prosachik has the signed Verizon Small Wireless contract for the files. Prosachik has not heard back from Jennifer Powell regarding the Sewer Use Law. We can go ahead and approve it and if we hear anything it can be addressed. Motion to approve Local Law #5 - 2019 Sewer Use was made by Trustee Dunn, seconded by Trustee Mulderig. All ayes.

Abstract

Abstract #13 dated September 3, 2019 in the amount of \$54,351.65. Trustee Mulderig made the motion to approve, general fund vouchers 402-431; water fund vouchers 402-429; sewer fund vouchers 402-431; capital water/sewer fund voucher 410; library fund vouchers 116-125 and trust and agency fund vouchers 103-112, seconded by Trustee Griser, Trustee Pendergast nay, Trustee Dunn aye. Motion passed.

Motion to approved meeting minutes from August 20, 2019 was made by Trustee Griser, seconded by Trustee Dunn. All ayes.

New Business

AMENDING BOND RESOLUTION OF THE VILLAGE OF PHOENIX, OSWEGO COUNTY, NEW YORK, ADOPTED ON THE 3rd DAY OF SEPTEMBER, 2019, AMENDING A BOND RESOLUTION ADOPTED ON OCTOBER 16, 2018 TO INCREASE THE MAXIMUM ESTIMATED COST OF THE PROJECT AND AMEND THE PLAN OF FINANCE

WHEREAS, the Board of Trustees of the Village of Phoenix previously determined that it is necessary for the Village to undertake a certain water improvement project (the "Project") consisting of the replacement of an existing 8" water main with a 12" water main on Lock Street

between Elm Street and State Street to alleviate, in part, the deficiencies identified in the Water System Hydraulic Analysis prepared by Miller Engineers dated April 5, 2016 (“WSHA”); and

WHEREAS, the Village of Phoenix (the “Village”), is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); and

WHEREAS, pursuant to the Regulations the Village is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Village and the approval of the Project and the financing thereof constitutes such an action; and

WHEREAS, the Board of Trustees of the Village, having (a) carefully considered the nature and scope of the Project, and (b) reviewed the criteria contained in Part 617.5(c) of the Regulations together with the recommendations provided by Miller Engineers, PLLC, by resolution adopted on April 3, 2018, determined that the Project, together with related sewer improvements, is a Type II Action in accordance with Part 617.5(c)(11) and (29) of the Regulations and is not subject to review under SEQRA; and

WHEREAS, on October 16, 2018 the Board of Trustees duly adopted a Bond Resolution (the “2018 Bond Resolution”) that authorized the Town to undertake and finance the Project; and

WHEREAS, subsequent to October 16, 2018, (i) detailed plans and specifications were developed with respect to the Project, (ii) a bid package was circulated to interested contractors, and (iii) bids were opened and reviewed by Village officials, (iii) the bids received were significantly higher than contemplated in the Project’s plan of finance; and

WHEREAS, the Board of Trustees now desires to increase the maximum estimated cost of the Project and amend the plan of finance relating to such Project.

NOW, THEREFORE BE IT RESOLVED THIS 3rd DAY OF SEPTEMBER, 2019 BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PHOENIX, OSWEGO COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The adoption of this Amended Bond Resolution constitutes a “Type II Action” under Section 617.5(c)(25) and (26) of the Regulations and is not subject to review under SEQRA.

Section 2. The maximum estimated cost of the Project is hereby increased from \$1,100,000 to \$1,500,000 and said amount is hereby appropriated therefor.

Section 3. The plan of finance is hereby amended to authorize the issuance of serial bonds in the aggregate principal amount not to exceed \$1,500,000, subject to available State aid or to any other revenues available for such purpose from any other source. It is hereby determined that the requirements of SEQRA have been met.

Section 4. Bonds and bond anticipation notes of the Village, including renewals thereof, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York, in a principal amount not to exceed \$1,500,000 to finance said appropriation for the Project.

Section 5. Except as herein modified, the 2018 Bond Resolution remains in full force and effect.

Section 6. Pursuant to Section 36.00 of the Local Finance Law, this resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. This Resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

Motion to approve the amended bond resolution was made by Trustee Mulderig, seconded by Trustee Pendergast. All ayes.

Motion to approve Local Law #5 – Sewer Use was made by Trustee Dunn, seconded by Trustee Mulderig. All ayes.

Motion to appointment Butch Remington as Chairman of the Planning and Zoning Committee for a five year term and Ron Johst for a one year term was made by Trustee Pendergast, seconded by Trustee Dunn. All ayes.

Public Comments

There were no public comments.

Motion was made by Trustee Mulderig to adjourn the meeting at 8:09, seconded by Trustee Griser. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer