

Appendix B. Village Neighborhood and Shared Services Analysis

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Section A. Neighborhood Revitalization – Related Issues

1. Overview – Related History.

The Village Board and present administration recognize the intrinsic value in maintain traditional village neighborhood character and community and in this regard have been concerned and have attempted to address their concerns through efforts to address quality of life issues and supporting and essential public infrastructure and services. Focused efforts on encouraging owner actions have been only modestly productive and successful only in relation to participation in public infrastructure repairs and replacements. The overall determination of residential housing stock is of considerable concern as this has, in turn, resulted in other widespread adverse effects.

By way of relevant background, as with many towns, villages and cities in the northeastern United States, due to present economic conditions, Village of Phoenix residents and property owners have been limited in their financial ability to maintain Village character through the maintenance and repair of local real property. While certainly the economic downturn over the past several years has exacerbated this, in some respects this trend was already developing in large part as a result of decades of lax zoning requirements and code enforcement efforts.

2. Deterioration of Village Housing Stock – Effect on Neighborhood Character.

(a) Absentee Landlords; Illegal Conversions: Over the past twenty-five (25) years many formerly resident owned and occupied properties have been acquired by absentee landlords. The Village estimates (per James Hayes, Village Administrator) that approximately 35% of former Village residences are rental properties predominantly owned by absentee landlords with no local rental agent or manager. Apartment projects in the Village do not present as much of a problem because most are locally owned and/or have on-premises management. Per former Police Chief Rodney Carr occupants of one-three unit dwellings in marginal condition were the source of an inordinate number of complaints and emergency calls for police assistance. While in many municipalities, these types of properties are often bunched in certain areas, within the Village of Phoenix they are interspersed throughout. Thus, immaculate owner occupied residences are next door to, across the street from or even surrounded by these problem properties. Many life time residents, especially seniors, as a result have been faced with the prospect of moving, if for no other reason than safety, and to sell the property while they still can for a decent return on investment. Given these personal financial considerations, dwellings have been vacated as personal residences, and then converted to rental properties by absentee landlords.

For decades this trend had been supported by the lack of local zoning controls and building code and enforcement efforts. Dozens of illegal conversions have occurred, increasing dwelling units from one to two and three family homes.

The existing Village Zoning Code (§205-9, and Attachment I – Table A Schedule of Uses) provides that in three of the Village’s four residential zoning districts, two family dwellings are permitted as of right. For years unchecked conversions have occurred, in many cases converted homes were again divided, thereby creating from a one-family dwelling, multi-family housing. Because conversions involved for the most part interior modifications, and in many cases pursuant to the NYS Uniform (Building) Code would have involved major expense for electrical re-wiring, replumbing and structural work, building permits were never applied for, and renovation work and subsequent occupancies took place quietly.

As with many Villages effective codes enforcement is a financial challenge. Budget constraints, especially as unfunded state and federal mandates increase, often dictate the hiring of only part time enforcement officials at non-competitive rates. Qualified enforcement officers are difficult to find, often

serve more than one municipality, and often with a full time position in a related field (fire protection or law enforcement).

The Village of Phoenix has had four (4) different enforcement officers since 2006, working independently for the most part, and prevailing on the Village Clerk's office only when absolutely necessary for assistance with paperwork. The Village thus has very limited code enforcement resources. The present administration recalls that past administrations had similar experiences with code enforcement; not enough work hours, turnovers, lack of qualifications, and an inability to deal diplomatically and thus effectively with owners. As in MS4 the Village Code Enforcement Officer has enforcement duties under this process, as well as under the (NYS) Uniform Code requirements, all local governments were required to adopt in 2007. The Village now recognizes that with respect to zoning enforcement, in a very real sense the "cat is out of the bag." Even with an ample allocation of man hours, it is a practical impossibility for the Village to determine and effectively enforce its Zoning Code as against properties that were converted years ago, with no record of a building permit, and no Village file to research. Presumptively, these are (legal) non-conforming uses and thus, per the Village Attorney, the burden is on the Village to prove otherwise.

New York State Uniform Code enforcement is a more significant concern. As these requirements involve health and safety considerations (access/egress, fire protection, electrical/plumbing and the like), perhaps a more aggressive approach need be taken. However, due to the interior nature of these improvements, to discover violations, Village Code Enforcement must be granted access on a voluntary basis (e.g., by a tenant), or pursuant to another regulatory scheme (such as the Village Rental Property Registration and Inspection Law). Absent such means, if a warrant cannot be obtained in some other manner then Village efforts to discover and enforce such violation(s) may be ineffective.

The net adverse effect of inadequate zoning controls and zoning and uniform code enforcement is exponential in effect. Substandard housing begets substandard housing. Otherwise willing owners are not likely to expend effort or discretionary moneys on properties when a village wide problem they have no control over will still exist.

(b) Related Quality of Life Issues – Adverse Effects on Neighborhood Character: Other direct and indirect effects of this deterioration in housing stock perpetuates this downward spiral. Low quality housing becomes occupied by problematic tenants (very often not Phoenix natives – many from the Syracuse and other distant areas. These tenants are the cause of an inordinate number of problems. Village Police attempt to address complaints, but neighborhood character and quality of life continues to degrade. Long time resident owners feel helpless opposing a trend that had been several decades in the making. They often consciously elect to no longer spend, or spend as much, on their homes, and instead look for a way out of the Village and a means of liquidating their investment.

Further indirect (adverse) effects relate to neighborhood, parking, refuse, Village water and sewer service and "quality of life" concerns generally. The abundance of illegal rental units imposes an additional tax on Village services, resulting in residents paying considerably more for the service. In order to methodically determine the incidences of multi-family/tenant dwellings, the Village has undertaken a study/survey. Village DPW personnel (selected based on their knowledge of local properties and residents) have been provided a checklist and were instructed to on a weekly basis complete one street or specified segment thereof. The survey seeks to the following information:

- Apparent Use(s) (e.g., Residential / Commercial / Mixed Use / Industrial / Manufacturing / Other)
- Number of living/commercial/other units (e.g., 2 residential, 8 residential, 1 commercial, 2 residential, warehouse, factory, etc.
- Number of water meters on premises
- Note No. of similar evidence re: refuse containers, recyclable bins, etc.
- Condition of Premises (scale of 1 to 5, 5 being the best condition, 1 being possibly unsafe for occupancy)

- Resident Classification (to extent ascertainable) e.g., (adults w/children); Owner occupied, Tenant occupied or combination)
- note if discrepancy from present billing records/any resident comments re: water/sewer quality issues)

It is anticipated that from that information the Village will be able to determine whether properties are paying for the required units of sewer/water, whether charges are being metered for each such separate unit, and whether or not the owner has requested as a rental property under Village Code. Registration of the property triggers an inspection, and the imposition of a registration fee (intended to cover the cost of inspection/administration). Failure to register is a violation in and of itself is failure to schedule and permit an inspection. Such failures may be an adequate premises (probable cause) that the property is in violation of zoning or building codes.

As in many villages, dwelling lots in the Village of Phoenix are relatively small, with limited areas for parking. Excessive density resulting from the increase in illegal units has created two distinct adverse effects. Village tenants, more often than city dwellers, often have motor vehicles. While there is some public transit, it does not provide the same full service mobility as one might find in a city. Vehicles parked on public streets, often illegally, are more prevalent than ever and steadily increasing. This is especially so during snow emergencies, a fairly frequent winter occurrence in the Village. Distances from respective homes to on street parking are often excessive, and thus problematic especially for seniors and families with small children. This has resulted in increases in vandalism and motor vehicle break-ins. As the parking problems have increased, a frequent resident response is the ad hoc creation of paved/gravel parking areas and driveways on dwelling lots, often in the side and front yard, and street right of way areas. This adverse effect on the streetscape is obvious.

(c) Village Response; Regulatory Enactments; Grants, Programs for Owners: The present administration, recognizing these issues has sought to enact policies and regulatory schemes by local law and resolution over the past four or five years. These are intended to directly address many of the foregoing issues. Additional initiatives are presently under consideration. The established/adopted policies and regulatory schemes, as one may imagine, have no effect if residents are not effectively educated and then the applicable provisions enforced. The Village has take steps in this regard. As of this date, established Village Code provisions (via Local Laws) are as shown on Appendix A. Other initiatives , local laws, and policies under consideration are mentioned elsewhere herein (Also See Section A3(q)).

In conjunction with grant and similar programs for homeowners, the Village Board has within the past two years considered, and requested the Village grant writer “test the waters” on two (2) occasions relating to programs for façade renovations and energy efficient improvements. In both cases, informational meetings were publicized and held, with very little, if any, turnout. Based on this, as well as the Village’s administrative experience with administering grant awards under the Restore New York program, the Village’s perception was that grant applicants felt the applicant application process seems daunting and documentation and information requirements intrusive. Where potential grant moneys are substantial, often for commercial or mixed use projects (such as with the Restore New York Grant program) applicants seemed more motivated, organized and willing to provide the required information.

New York State legislation adopted within the past four or five years provides for public financing of certain residential improvements and demolition the cost of same to assessed against the premises. This potentially provides the Village an ability to become the “lender” for repairs and improvements addressing certain serious adverse property conditions, as well as by one specific provision energy efficiencies. As the Village Board has been made aware of these legislative schemes there was some discussion, however concerns regarding the Village’s bonding limits and internal administration complexities if formalized program(s) were to be adopted, resulted in the Village Board not moving forward with any of such options (one reason being that if homeowners were not interested in seeking grants for such purposes, why would they consider borrowing for the same purpose?). The Village Board will continue to review grant and low interest loan programs, and where it may be productive survey owner interest.

3. Issues Relative to Essential Village Services – Public Utilities – Overview; Relevant History.

(a) Village Infrastructure; Village Streets: The Village of Phoenix provides full municipal services. Most public streets are Village maintained, and several state and county highways intersecting the Village are partially or wholly Village maintained. In addition, Oswego County, through an intermunicipal cooperation agreement renewed annually, compensates the Village for snow removal and salting on several county roads located within Village territorial limits.

Due in large part to weather conditions, the overall age of street infrastructure, past repaving practices, maintenance of the Village street network is challenging and while there is some federal/state assistance (e.g., “CHIPS” moneys) provided on an annual basis, keeping Village streets in passable condition is a year round job for Village DPW staff. Likewise, addressing major maintenance and capital repairs of Village streets are often a financial challenge. Years of “cut and patch” jobs, repaving without remilling and similar “band-aid” type repairs coupled with historically, lack of a long term capital plan for major repairs and replacements, have brought on the obvious problems. By way of just a couple of examples, layers of street repaving without first milling have in many cases changed the direction of surface water drainage flows away from natural drainage courses and storm drainage facilities. This has caused flooding, damage to private property and accelerated the degradation of Village streets. This same practice has also, over time raised the level of Village streets to and beyond curb height, in many cases obscuring the curbing. Thus many Village residents, already challenged with parking, have unilaterally created, without permits, new street openings and offstreet driveways and parking spaces. The past practice of patching and spot repairs, especially following winter when numerous deep potholes suddenly appear, is increasing in number and becoming more expensive each year. These do not effect a long term cure. The Village has therefore, over the past year, determined to enact a Village street plan – a capital plan for street replacement. The intent is to, concurrent with sewer/water (and likely drainage) improvements, take on major repairs and replacement of Village street segments as a budgeted expense each year. If it is determined that budgeting for this expense creates too much of a tax burden on residents, and/or if it is determined more cost efficient to take on larger segments of the Village with only a few successive projects, then bonding, or a combination of bonding and current year budgeted monies may finance these projects. The concept however is to establish a sustainable and affordable capital plan providing for the incremental or replacement of all Village streets and infrastructure.

(b) Village Refuse Removal: The Village also provides refuse removal, including several specialty pick-ups (brush/leaves) through an independent contract with a local refuse hauler. This service is put out to bid periodically for up to three year terms. Refuse removal is one of the services Village residents will often refer to as a very positive aspect of Village life. Haulers are fairly permissive with what items of refuse they will pick up and will often disregard that recyclables have not been perfectly separated. As a result, this service is often abused by residents and stolen by nonresidents for outside Village refuse disposal. The Village also provides this service to the Phoenix School District at an established commercial rate.

(c) Village Issues Relative to Water, Sanitary Sewer and Wastewater Treatment – Overview; Relevant History: The Village of Phoenix recognizes the potential value of its public water and sanitary sewer systems. Sharing of these services with nearby municipalities, via sale under intermunicipal agreements, is a tremendous resource for offsetting costs of Village resident service to the benefit of Village residents. Village water and sewer services can legally be sold at a premium, thus resulting in a source of “profit” from these outside sales.

It is not at all unusual that the Village of Phoenix has major issues relative to its sanitary sewer/wastewater treatment facilities and storm drainage system. These services cause significant issues in many municipalities, large and small, and in many cases have become priority issues due in large part to federal and state regulatory schemes governing sanitary sewer, wastewater treatment (and storm sewer discharges). The Village of Phoenix is perhaps in an even more urgent situation. For one, it is suspected that both public and privately owned sanitary sewer infrastructure (mains and lines) predate not only incorporation of the Village but are remnants of prior infrastructure (in the Business District) that burned to the ground in the early 1900’s. Additional permanent damage to subsurface infrastructure may have occurred during an

earthquake in the 1990's that by all accounts, severely rattled the Village. Some discoveries during excavation for spot repairs in the Village have revealed not only clay, but wooden pipes and lines thus indicating that in rising from the ashes at least some use was made of infrastructure that survived the fire damage. Similar circumstances, mostly due to the respective ages of the systems, make repairs and replacement of sanitary (and storm sewer) infrastructure an all the more daunting task. Many service lines (laterals) running from the main to a home evolved into private mains - extended as additional homes were built and connected to the nearest lateral rather than the main. These multi use laterals, like all sanitary sewer laterals are in large part not located within public easements but on private property. The Village has undertaken several studies over the past thirty or so years in order to document the condition of Village sanitary sewer infrastructure. As far back as 1978, it was documented that major infiltration of surface and groundwater into main and lateral lines was clearly evident. The Village, within the past few years had updated that information in part because of on-going interaction with the DEC.

The Village of Phoenix is an "MS4", somewhat unusual for a small municipality, and due entirely to its close proximity (within 10 miles) to the City of Syracuse. As an MS4 the Village is subject to the same regulations and mandates as major municipalities located in or near large populations. This not only places unusually burdensome economic and regulatory requirements on the Village, but all the more requires (See Appendix A – Local Law No. 5 of 2007) aggressively addressing the Village's stormwater, sanitary sewer and wastewater treatment facilities.

Upon taking office in 2007, Village Mayor Fratto was approached by several developers seeking to annex lands into the Village for residential development. In researching what needed to be done it became apparent that although not involved in any formal proceedings, the DEC had raised serious issues with the Village's wastewater treatment plant. Originally constructed in the mid 1970's, consistent with other Village infrastructure, a plan for capital repairs and replacements was non-existent and only relatively minor repairs and maintenance had occurred over the years. This, together with existing conditions of the sanitary sewer mains had caused the Village on numerous occasions to technically violate the conditions of their discharge (SPDES) permit. Although at the time the Village had not been formally cited, it was clear that numerous written warnings had been given and that the Village's response had been to at best. The administration determined that effective action must be taken as the DEC would not permit any expansion of capacity in the system, in effect prohibiting further development within or outside the Village. In response to this, the Village undertook the updated inflow/infiltration study previously mentioned, and also, with assistance from a grant from NYSERDA, a separate study was completed relating to the wastewater treatment plant. The purpose was to determine the least expensive, most effective way of avoiding permit violations and being permitted to expand capacity. These studies, unfortunately did not present a clearly defined and economical solution for the Village. Work recommended required undertaking a major capital project. The Village Board looked to its grant writer, directing her to pursue funding opportunities and work with the Village engineer to this end. The Village also explored some innovative options, but came to no conclusions.

While it would be a mischaracterization to label this serendipity, since it was colored as a violation of law, several things occurred in late 2010-2011 in effect leading to the Village toward a plan for resolution of these issues. First, it had been made very clear to the Village that insofar as qualifying for grants, the Village would have a much higher priority if formally violated and under a negotiated consent order. For obvious reasons, the Village had earlier been reluctant to head in this direction. Also at this time, the Village's plant operator elected to retire after operating the plant for years. During this tenure he operated rather autonomously, rarely interacting with past Village administrations. For the most part the Village had relied on the fact that operators are licensed, and subject to serious sanctions for failure to properly operate the facilities. This reliance, and the fact that no formal violations had been received, implied more or less that plant operations were generally within legal bounds.

Upon the long term operator's retirement, a full time DPW employee who, at Village expense had undertaken training as an operator, and groomed to assume operations, assumed the position. Not very long after starting, feeling overwhelmed, he asked to be returned to his prior DPW position. The Village, at this point needing to hire or retain an operator, and puzzled over what prompted the DPW employee's departure,

delved into the plant, its operations and present condition. Concurrent with this, the Village Engineer and an independent consultant again looked at plant operations. With the wastewater treatment plant now an open book it became clear that routine maintenance had been ignored for many years, required tests and recording of data likewise had been ignored, no capital plan for repairs, replacements and upgrades was ever implemented, and the plant was not operating efficiently or economically. The DEC had also, during the brief duration of the DPW employee's tenure as operator, visited the plant, observed many of the same conditions, and benefited from an honest assessment from the new operator.

(d) Village Response – Sanitary Sewer – Wastewater Treatment: Resulting from that inspection, in late spring of 2011, the Village was contacted by the DEC, and following consultation with the Mayor, the Village Administration or Attorney and Engineer proceeded to negotiate the terms of a Consent Order. In addition, concluding that the Village Board and administration were in a vulnerable position insofar as their duty to effectively monitor plant operations, the Village Mayor and Board determined to independently contract with a qualified wastewater treatment plant operator, including frequent reports, all necessary repairs and replacements, and a capital plan to proceed with. As a condition of the Consent Order, the Village was required to employee or by contract provide for a qualified operator, the Village desired to retain a credible and reputable operator the DEC would be familiar with and approve of, and when the time came, an operator that could assist with the Village's desire to have additional capacity. The Village, after internal discussions, and then contract negotiations on the terms of hire, entered into a contract to retain OMI (Operations and Maintenance, Inc.) a respectable local firm.

As part of OMI's contract requirements, each month proposed replacements and repairs to plant infrastructure have been presented to the Village Board for consideration, approval and implementation. The Village likewise has undertaken a major capital commitment by the issuance of \$4,000,000 in bonds for sewer and water system improvements (\$3,200,000 for sewer and \$800,000 for water). And as therefore might be the case, the Village also secured a \$400,000.00 Community Development Block Grant (CDBG) for replacement/repair of sanitary sewer infrastructure. With these bond proceeds and grant funds it is expected that all wastewater treatment plant deficiencies can be cured and significant capital repairs and replacements can be addressed. In addition, the Village sewer main network, which in the latest inflow/infiltration study had been plotted and mapped, can now be substantially addressed through significant capital repairs and replacements designed to reduce inflow/infiltration. Based on the expense involved in addressing wastewater treatment plant and inflow-infiltration problems, surplus bond proceeds might be utilized to make additional plant improvements, incorporating green technologies and other innovations to lower operation, maintenance and administrative costs, expand to a regional or multi local government unit facility, or to fund or partially fund the capital repair and replacement plan for sanitary sewer main and related infrastructure.

In this regard, the Village intends that combined grant and bond funds allocated should resolve the issues and satisfy conditions under the Consent Order, and thus make the Village's case for expanded capacity. This notwithstanding however, significant related issues still persist.

(e) Stormwater – Sanitary Sewer; Mandated Regulatory Requirements: As an MS4 the Village is charged with policing illegal connections into the storm sewer system. (See Appendix A – Local Law No. 5 of 2007). There are similar provisions under both Oswego County and Village Code relative to sanitary sewer systems. Illegal connections are quite common, especially in older homes, and often homeowners are not even aware of the existence. Examples of sources include sinks, tubs, drains, storm gutters, storm drains and of course toilets. The issue of enforcing disconnection of illegal connections and working toward resolution of the Consent Order, is compounded by the prevalence of sanitary sewer lateral lines (the private line running from the household plumbing system to the Village sewer main) that are aged, constructed of inferior materials, perforated by tree (roots) and fractured or crushed. In many cases there is illegal inflow (from storm connections) and illegal infiltration into the system from surface and groundwater. The same conditions can also result in the release of sanitary sewage effluent, into the ground, groundwater and drinking water supplies and navigable, recreational and other waters. Inflow and infiltration exacerbate capacity issues. Once existing, it is difficult to detect violations. In addition, voluntary compliance (disconnection of illegal connections and establishment of alternate storm drainage, repair and replacement of sanitary sewer laterals) is wishful thinking. Those knowingly in violation are not likely to spend discretionary

moneys on rectifying a condition that is seemingly innocuous. Only one plagued with sewer backups is likely to voluntarily address the issue. This is all the more probable in the Village of Phoenix given the high percentage of neglected residential rental properties. An absentee owner of already neglected property is not likely to incur any repair expense unless it directly affects his or her ability to collect rent. Nevertheless, the Village is obligated to enforce these laws and specifically to investigate and compel the discontinuance of illegal connections. Recognizing these obligations, and the present inability of the Village to afford the additional cost of a regular course of inspections, and also recognizing that the WWTP plant and major inflow/infiltration issues grant and bond funds are intended for would not address the foregoing, in order to resolve these issues some others too, some creative consideration had to come into play.

(f) Sanitary Sewer – Capital Plan; Main and Lateral Infrastructure Replacement: In early summer 2011, somewhat by coincidence an opportunity was presented. Several residents of Brandybrook Lane, representing some nineteen (19) or so homes, attended two or three Village Board meetings to voice complaints regarding sanitary sewer backups along their street. The damage from backups would sometimes be exacerbated by Village DPW to discover the source of blockage by snaking and jetting the system. Following the initial complaints, within a few months a larger group attended. The Mayor had initially asked the Village Engineer to investigate and report back to the Board. The Village Engineer advised as to his observations, spoke to DPW employees, and opined that the pitch of the main line and a “dip” at a certain point were likely the causes. Although this area was one of the last developed in the Village (thus if a priority listing had been established for implementation of a capital project, this area would not likely have been addressed for some time) because of the defect in the main, and the damage caused to Brandybrook residents it was determined this replacement project be undertaken as soon as possible. As a capital project, the cost of replacing the sanitary main was determined to be a general Village wide expense. It was determined that bond proceeds for the sanitary sewer wastewater treatment allocated portions of the bonding would finance this project and that debt service on the bonds as relates to the main and public parts of the infrastructure would be a Village wide responsibility.

(g) Sanitary Sewer Lateral Replacements; Homeowner Improvement: Installation of the new main connecting to existing laterals would be fraught with problems. It was determined that sanitary sewer laterals should also be replaced such that the useful life of that infrastructure would correspond with that of the main, and that operation of the main would not be compromised by connection to defective laterals. Here traditional constitutional restrictions on “giving” from a public entity to or for benefit of a private person were a concern. In response to this, the Village Attorney consulted with the NYS Attorney General’s Office, reviewed selected NYS Comptroller Opinions as well as NYS Statutes respecting repair/replacement of water service improvements, expenses of code violations and demolitions, demolition of unsafe buildings and finance of energy efficient programs, several of these legislative schemes having been enacted fairly recently. Noting that replacement of a sanitary sewer lateral under these conditions was to address a likely violation of law, and clearly to address a public health and safety issue, it was thus a proper exercise of the Village’s “Police Powers.” Likewise, a prudent and fiscally responsible consideration in the expenditure of public funds dictated that replacement of the main made no sense if defective laterals still existed. There would also be numerous problematic scenarios if replacement of the lateral and connection to the main the homeowner’s responsibility; such work would be at different times, by different contractors, and difficult to oversee or inspect. Finally, as with any engineered network of pipes and lines, post construction problems would likely occur – some perhaps merely working out the kinks, others perhaps more serious and affecting other houses/residents or the effective operation of the entire system. The Village would have no knowledge of work done and no authority to enter onto the private property to investigate. However, if publicly financed, but with debt service related to lateral installation allocated to the benefiting property, the Village could accept an easement to permit access for construction, repairs, warranty work and even for emergency access. Village Code has been consistent with prevailing law in New York. The property owner benefiting from a lateral is wholly responsible for same up to the connection at the main. This true even for those portions of the lateral located within the Village right of way. While this may seem harsh (many municipalities assume responsibility to the “trap”, sidewalk, or edge of right of way) it is fairly well settled law. This resolution would shift the immediate financial responsibility to the Village, in effect financing the cost for the homeowner.

(h) Village – Public Water Service; Overview: The Village of Phoenix provides public water service to the Village and several Town of Schroepfel water districts including an industrial park that is only partially developed. The Village also provides, via individual contracts, water to a handful of outside users, i.e. residences located outside of the Village but not within a town district. As with Village sanitary sewer services, the Village recognizes the supplying of quality potable water to users outside the Village is a source of revenue that can assist with defraying costs of service to Village residents. Outside user and district contracts provide for fees from 125% - 200% of that paid by Village residents for the same consumption. The Town has expressed concern with payment of the higher rate structures.

(i) Water Service –Relevant History: As with Village sanitary sewer, ongoing concerns relative to the quality of Village water, and the rate structure for residents and outside users/districts under the present administration had been cause for consideration and future analysis. The Village Board had undertaken this although on a steady but relatively slow track. This accelerated following a citation by the Oswego County Health Department in 2011 for a GWUDI (Groundwater Under the Direct Influence of Surface Water) event. Because of this the Village was required, similar to a consent order, to dialogue with the State and County Health Departments and agree on a plan and timetable for testing and analysis to be followed by implementation of necessary improvements. This for obvious reasons moved resolution of Village water issue to a priority level (on par with the DEC Consent Order relative to sanitary sewer). One major concern here however is the Village Board's sensitivity to the cost of water service for Village residents. This sensitivity arises from the following: the Village water supply is from a large aquifer located nearby in the Town of Schroepfel – two wells (Foster #1 and #3) are set up to serve the Village although until recently Foster Well #3 was rarely used. In years past the Kline well located within the same aquifer provided water service however that well was determined to be contaminated, and accordingly shut down and capped in 200_. At that time opinions as to water quality were mixed – this is presently the case as well. Some residents express that the Kline well water was more than adequate, that the “contamination” resulted from a perform storm event of very wet weather combined with septic system leakage and use of manure at nearby farms. The same critics contend that the Kline well closure was pursued in order to obtain interest free Environmental Facilities Corp. funding for a major water project. Other residents contend that Village water quality had been consistently bad, that the Village has a reputation for bad water quality and that any prospects of future development will necessarily require quality water service.

In any event, the Village of Phoenix, through the Environmental Facilities Corp. bonded for several million dollars in 2003 or so, and with bond proceeds constructed a water system served by the Foster Wells, treatment facilities and a storage tank to gravity feed water to the Village. The project did not include the replacement of water mains within the Village. Notwithstanding the estimated project cost dictating the bond amount, at the end of the day the project had been overpriced by close to 35% and thus the cost totaled was significantly less, leaving over \$100,000 in surplus bond proceeds with the Village. The surplus as with the proceeds actually used for the project, need to be repaid. Upon inquiry by the new administration, the former Village Clerk and Treasurer advised that it was intended surplus proceeds be used to help defray debt service on the bonding in coming years, the logic apparently being that because the “loan” was at zero percent interest, this made good sense. After taking a close look at the entire transaction, particularly the permitted uses of bond proceeds under the governing documents, and noting that professional fees, appeared at least impliedly to be based upon the bond sizing, elected to be as transparent as possible, return the excess proceeds in full (thus reducing the outstanding principal bond debt) and to establish water rates at amounts sufficient to service the debt and provide the service.

This experience left a bad taste with the new administrations and was all the more upsetting because notwithstanding the project, complaints persist much as they historically did. Many residents still complain, some of significant quality issues on a consistent basis. Others swear by the water's

quality. That some experience problems only after flushing events, or following volume usage by the fire department, Village DPW or Town Highway Department, and given that patterns of complaints relating to certain areas of the Village and not others, seem to be the rule, is indicative of issues with the water system of mains and lines with the Village. Whether and to what extent that was evident under the EFC project was planned and implemented is unknown, as is whether or not it was though problems within transmission would be solid by the new storage tank. Regardless complaints and these concerns persisted following the EFC project and the Village Board had been considering two options although not with the haste brought on by the GWUDI event in 2011.

(j) Village Response – Water Service: Pursuant to discussion with the NYS and County Health Departments following the GWUDI the Village committed to further study and analysis of existing problems. This has involved periodic testing to determine the frequency of similar events (or that same was more or less an isolated event) resulting from the unusually wet weather conditions in spring of 2011), on site measures to address same, such as sealing test wells, low (environmental) impact placement of fill materials, well relocation within the same aquifer and/or other Village or privately owned lands, upgraded treatment facilities, and consideration of the purchase and transmission of water from nearby water authorities (OCWA or Metro). At this time these studies are underway and in some respects completed. The objective is to have a “menu” of alternative remedies, established costs for same and to proceed accordingly. This is consistent with the plan laid out for the respective health departments in response to the GWUDI event. To be clear however, a very significant factor in electing a remedy will be the future cost of service. Given the Village’s previous commitment (Village residents will continue payment of debt service on the bonds for years to come), and that while not solving the problem, at least not conclusively, the bond financed improvements are of considerable value and have utility as part of the Village water system, the administration and Village Board will likely scrutinize any options involving the purchase of water from another authority. Preliminary calculations suggested that even if major improvements to the present system were necessary, the ongoing cost of that debt service, combined with the prior debt service and administration costs would still result in significantly lesser charges than in a purchase scenario.

Likewise, if the Village cannot provide water to outlying areas (i.e., at a reasonable cost) a potential source of revenue will be lost. This being said, the administration and Board recognize that in the final analysis, if an outside supply makes the most sense, as public officials and fiduciaries they would be duty bound to proceed with that option.

Regardless of the water source, in conjunction with consideration of a capital plan for street, sanitary sewer and storm infrastructure and lines, the Village acknowledges that water lines need to be addressed on a long term basis as part of a capital plan calling for annual budget allocations and raising of revenues for that purpose. In this regard, the Village having recently become aware of are specific Village street segment with major water line damage, has committed to repair or replacement of same in this budget year. As previously mentioned with respect to sanitary sewer, the recent \$4,000,000 Village bond issuance is allocated (approximately) \$3,200,000 to resolution of sanitary sewer/WWTP issues, and with the balance of \$800,000 to water issues. Dependent on project costs for resolution of the Village water supply issues, any balance will likely be utilized for initial water main repairs/replacement in those areas where water quality complaints have been most prevalent. In consideration of such a capital plan, to the extent issues relating to water laterals need to be addressed (this is probable), existing state law provides for an owner financing scenario similar to that the Village has proposed sanitary sewer laterals.

(k) Village Storm Drainage – Overview; Relevant History. As previously discussed in relation to sanitary sewer mains and laterals, the Village’s storm sewer network is also comprised of

aged, deteriorated infrastructure. The Village Engineer has documented instances of connections into sanitary lines, and the numerous fractured and crushed storm sewer lines proximate to sanitary sewer lines in similar condition. This causes consistent inflow (where cross connected) and infiltration of storm water (from deteriorated lines) into the sanitary sewer system and WWTP. The effect of this, in major storm events can often be the introduction of sanitary effluent, into the canal, as well as storm runoff and all its contaminants, via over and subsurface migrations. This is further aggravated by illegal storm and similar connections to dwelling and building sanitary laterals and by misdirection of stormwater flows away from storm gutters resulting from years of repaving without remilling. As an MS-4, and pursuant to the Village Code sections previously referenced, these storm drainage connections are illegal and the Village has been required, as an MS-4 to participate in educating residents in this regard and prosecuting violations.

(l) Village Response – Storm Drainage: Per the existing statutory provisions (the aforementioned Local Law No. 5 of 2007 establishing Chapter 163 of the Code, as well as other general provisions of the Code (Chapter 99- Property Maintenance, and Chapter 146 governing recovering professional fees in enforcement proceedings), the Village has ample authority to pursue violations and enforcement. As a practical matter however, the Stormwater Enforcement Officer is the Village Code Enforcement Officer(s), already overburdened with that work. For all the same reasons as relate to condition of the housing stock (owner willingness, financial ability, enforcement officer time and Village budgeting constraints relative to investigation and discovery of concealed conditions), practically speaking, an effective enforcement of these provisions is problematic. As a practical approach, and one which makes good common sense, the opportune time to address these concerns is at the time sanitary sewer issues are being addressed. Ideally, as sort of a holistic approach, the Village should undertake review and a proposed work plan addressing streets and sidewalk conditions, water, sewer and storm sewer as one comprehensive project, performed in targeted areas as part of an annual capital repair, replacement program. Certainly in some, perhaps many instances, all areas and all types of infrastructure may need not be addressed. But in the first instance all should be considered and reviewed.

(m) Village Sidewalks - Overview; Relevant History: The Village fully recognizes the value of a well maintained sidewalk network however given the relative condition of Village sidewalks and frequent need for repair and replacement due to relative age and weather conditions, the Village has been reluctant to assume full responsibility for maintenance, repair and replacement. This is no different than in many municipalities where full responsibility and affirmative obligations for homeowner maintenance and repair including snow removal, as the rule, and with prescribed sanctions and fines for violations. As with other owner obligations however, homeowners, especially under economic conditions as presently exist, are not likely to allocate discretionary moneys for this purpose.

(n) Village Response – Village Sidewalks. In 2008, the Village Board noted that in several recent instances homeowners had replaced sidewalks front their properties with tarvia. The Village's sidewalk policies and code provisions were then reviewed. In response, the Village Board adopted by local law a cost sharing process for sidewalk replacement permitting the owner to incur the cost of materials and Village labor (DPW) to install same, specifically finding (as required under (NYS) Village Law) that the fair value of each's respective responsibility on average was equal. The Village has also formalized a "policy", in part to prevent damage to mature trees located in the street right of way, that sidewalks damaged by Village "owned" tree growth (as well as by Village snow plows – usually at street corners) would be incurred by the Village. The Mayor appointed a two person committee of the Village Board to review and prioritize requests. In place more for the past four or five years the committee's recommendations to the Village Board usually results in an authorization for the work and annual budget reserves for this purpose have been adequate. The

Village also elected by Local Law and resolution, to regulate the materials permitted for sidewalk construction noting that tarvia sidewalks were wholly inconsistent with a desirable streetscape.

(o) Village Parks; Canal Recreational Areas – Overview; Relevant History; Village Efforts: The Village has long recognized the value of its waterfront – business district area not only as an attraction for canal system boat traffic and tourists, but also as an anchor for promoting recreational and business opportunities for families in the local community. To this end, efforts over the past seven (7) years to improve the canal waterfront and business districts, in particular on State Street, within Henley Park, and Lock and North Islands have been bolstered by several grants including for streetscape improvements, dock area and bridge house renovations, parking areas, kayak launch and utility and recreational infrastructure improvements. In connection with these improvements the Village continues to solicit and sponsor, and permit various community events utilizing these areas.

Village efforts in this regard have not been confined to this particular area. One interior (i.e., not canal front) park area with a pond area has been earmarked for improvements for several years. Village Board members recall and propose its use once again possibly as a local fishing preserve (in part to assist with enforcement of the fishing prohibition in park, dock and launch areas along the river) and as a facility for recreational ice skating in the winter months. The Village has also had considerable dialogue regarding a community garden and park-playground area including specialized equipment for disabled-special needs children. While past discussions resulted in inaction, more recently these latter prospects have been considered as potential co-sponsored projects with the Town of Schroepfel.

The Village Board values these types of projects for the purpose of enhancing community and neighborhood character, inducing repopulation by younger couples and families, retaining its senior citizens residents, and thus in time reversing the deterioration of local Village housing stock. The local public school system is excellent, such that if the Village is otherwise perceived as a good place to live, and attractive to families, residents may once again see fit to invest in the local housing stock and economy.

(p) Village Police Department – Overview; Relevant History: The Village has in recent past, argued vehemently in favor of maintaining its local police force. Concern over the costs of maintaining a local police force are frequently raised, but this has always been the case. Many residents cite to instances where a local police presence has made the difference in urgent and emergency situations. The Village administration, under both former police Chief Carr and current Chief Chura have been charged with promoting a policy of community policing as an effective means of law enforcement and good community relations. Officers are encouraged to be polite, diplomatic and reasonable in their interactions with residents, while alert for potential crime, sometimes of a serious nature. Consistent with this policy, the Village Administration and Police Department have sponsored some major and innovative programs (one, providing free drug test kits to local parents on a confidential basis through the local pharmacy, was met with critical acclaim including inquiries and news stories from all across the country). The Village Police Department has also been involved with, including as lead agency, several high profile investigations and resultant arrests.

As mentioned at Section A(2)(b), former Police Chief Carr had consistently maintained, and this was no revelation, that a grossly inordinate number of complaints arose from conduct at the same (or very similar in condition and character) Village residences. Specifically: run down, neglected 2-4 family houses, not owner occupied, often with new, short term tenants –not Village or Town natives or long time residents. Given Village lot sizes, and dwelling and population densities in Village neighborhoods, not simply occasional parties or similar events, but usual afternoon and evening

activities of these tenants are the most frequent and significant cause of neighbor complaints. Excessive noise; nuisance activities, arguments, obscene language, domestic and other physical violence, child neglect and abuse, drug and excessive alcohol use are the usual complaints; sometimes worse. The pre-existing neglected state of these properties is often worsened by tenant activities: household furniture placed and left on porches and lawns, abandoned and junked vehicles, accumulated refuse, unkept lawns and landscaping. These quality of life offenses, and their effects extend well beyond adversely affecting the housing stock and neighbors.

In recent years, loitering and street vandalism have become more prevalent in the Village as has the incidence of teenage youth roaming the streets, often abusive to each other and residents, and often having illegally consumed alcohol or drugs at their residences. Concerns have been raised on occasion from resident activity fearful of remaining in parks and recreational areas after the dinner hour or simply walking Village streets in the evening.

The Village has prohibited fishing in public dock, launch and park areas for years due in large part to the cavalier and sometimes abusive conduct of fisherman freely back casting hooked lines, refusing to permit boat docking or pedestrian access in dock areas, lighting camp style cooking fires (for warmth or their recent catch) on the ground in park, and on or near dock and launch areas, and the cleaning and gutting of fish disposing of them on nearby park grounds. More and more often, and in greater numbers, the Village fishing prohibition has been ignored and more and more fisherman, almost as a rule. Not locals violate the fishing prohibition - often in such numbers that the local community is unable to enjoy park waterfront areas, especially in early evening. Recently the Village Police Chief, Mayor and Village Attorney discussed this issue in particular. While it may seem minor, one need only witness what occurs in late afternoon – early evening to understand the seriousness of the problem.

The Village is also sensitive to the concerns of local residents in close proximity to the canal-business district. Within a one block area, not less than two restaurant-tavern operations exist, with one or two more presently vacant. Several more buildings and vacant space might be suitable for such uses. The present administration having a distinct history with one such operation, and from time to time difficulties in the past with other establishments, is sensitive to the mix of restaurant taverns in the Village, and particularly nearby the waterfront areas. Recognizing however that the canal-business district is important to the viability of the Village and that summer tourist and boating traffic, traveling to and from Lake Ontario and the canal system can be integral to the Village as an interimport if the right mix of services and goods are within close proximity, the Village, as aforementioned has focused for the past several years in this district. Full access waterfront or near waterfront restaurants are a proven magnet for boating and tourist traffic to the dockside of the canal business district.

(q) Village Response – Village Police Department: Intending to review efforts relative to quality of life issues, and enforcement of laws relating to the same, the Village Mayor, Village Attorney and Chief of Police have undertaken a review of the Village's local laws relative to maintaining community character and quality of life. Amongst their concerns were that certain existing code provisions were inadequate, certain provisions sorely needed did not exist, and that Village Police officers (usually part-time employees) were not familiar with enough local code provisions to effectively enforce and cite violations of same. Based on this initiative the Village is in the process of a twofold effort:

- i. Enacting, modifying and annulling certain Village Code provisions relating to quality of life and community character provisions; and

- ii. Establishing procedures for enabling local law enforcement officers to become easily familiar with such laws, and able to effectively issue legally adequate citations.

In furtherance of these objectives, the Village Police Chief has created a Village Code handbook – a quick reference for Village Police Officers. And the Village has adopted citation forms which specifically list various Village Code offenses in one document containing all of the required supporting information, attestations and the like.

In addition, at this time the Village Attorney, is in the process of rewriting and/or creating new code provisions relating to permitted/prohibited conduct in Village parks and dock areas, and bolstering loitering, noise and nuisance provisions. Certain existing provisions, such as the fishing prohibition will be more predominantly posted with permanent attractive signage.

As aforementioned, the restaurant-tavern issue is complex. Based upon inquiries from one restaurant-tavern, and recognizing that the current Village Code did not adequately address the subject matter, the Village recently enacted comprehensive code provisions regulating outdoor restaurant/tavern operations and improvements (See Local Law Index – LL # 3 of 2012). The authorization is via a Special Permit which by definition (in this case) is both a traditional Special Use/Conditional Permit (i.e., a zoning tool) as well as an operations permit enacted under the Villages “police powers.” As such, the legislation, and permits issues thereunder, legally regulate certain operations and practices (such as hours of operation). The Village Board has retained jurisdiction over the permitting (which also includes site plan review) in order to permit the Village Board, as a legislative body, to consider all relevant criteria, including that listed in the relevant Village Code section (See Appendix A). Given the close proximity of residences to the Canal-Business District and the Village’s concern that operations including service of alcoholic beverages not be so overwhelming as to discourage other activities in the waterfront areas, this regulatory scheme is intended to address these concerns.

It is hoped that the net effect of these efforts will be to make the Village not only a safer place to reside and visit, but to help induce, gradually, a return of families looking for reasonably priced housing, excellent schools and attractive local public and business services.

(r) Village Initiatives/Policies To Be Considered: In addition to those shown at Appendix A and otherwise described in this Section A, the Village intends to pursue the following initiatives:

- i. Publicize, promote existing Village special programs related to public infrastructure the cost of which are owner responsibility (sidewalks, sewer laterals).
- ii. Surveying Village residents for interest, commitment to Village sought and/or sponsored grant, loan and similar programs for dwelling property improvements.
- iii. Continue legislative efforts to regulate (reasonably) conduct of Village residents and visitors for preservation of community and neighborhood character and quality of life.
- iv. Amend zoning laws to prohibit two (and greater) family homes in selected residential districts where same are presently permitted. Impose amortization periods for elimination of non-conforming uses.
- v. Accelerate enforcement of Rental Registration and Inspection Law and streamline procedures for compelling registration and inspection with recalcitrant owners. Aggressively pursue Uniform Code violations resulting from dwelling conditions.

- vi. Amend Rental Registration and Inspection law to create presumption of use in violation of zoning law prohibiting multi-family dwellings in certain resident districts (following adoption per (d) above) where owners have failed to register.
- vii. Promote active Village Neighborhood Watch program.
- viii. Complete DPW conducted surveys referenced at Section A(2)(b) to determine accurate number of living units, and thus water, sewer and refuse units, modifying Village billing records to reflect same; adjust as warranted Village water, sewer and refuse charges to properties in question.
- ix. Establish short and long term comprehensive capital plans for street by street/area by area inspection, and as warranted replacement/repair of Village streets, storm and sanitary sewer, and water infrastructure; formulate financial projections for the cost of same and present and promote the plan to residents for support. Budget and bond accordingly.

Section B. Shared Services – Current – Contemplated.

1. Overview – Relevant History: In summary the Village has entered into, intends to consider or perhaps should, the following shared or consolidated services arrangements:

- (a) Real Property Tax Assessing Unit Services: The Village previously ceased operation as an assessing unit. The Town of Schroepfel Assessor provides this service to the Village. Village tax billing and collection (as well as for services such as refuse, water, and sewer) are retained by the Village. The Village might consider consolidated billing services with the School District, Town or County, however the economics of scale and overhead might not be realized unless fiscal years and/or billing periods correspond.
- (b) Professional Services: Prior to recently, when the new Town of Schroepfel Supervisor took office, little effort had been made to consolidate professional services. Both the Town and Village had established retained professionals and especially in the case of legal services, those matters are often sensitive. In early 2012, discussions took place relative to retaining the Village Attorney for Town Board and Planning Board legal representation, however this potential arrangement was rejected, in part due to concerns relating to potential conflicts of interest and dual representation. Nevertheless, to the extent future Town industrial or large commercial projects involving water and sewer access are proposed, it contemplated that Village counsel may be retained by the Town as special counsel. The Town Supervisor most recently has expressed an interest to utilize the Village Engineer for certain selected services, in particular, related to water and sewer. Past interactions relative to water and sanitary sewer district facilities have often been cumbersome. On limited issues and projects such as these, which necessary involve the Village, use of one attorney and/or engineer may be economical and expedient.
- (c) Equipment Sharing: The Village and Town previously applied, in 2007-2008, for a Shared Services grant relating to the proposed purchase of one item of equipment (a street sweeper) to be shared by the Town Highway Department and Village DPW. The grant was not approved. It is anticipated that ongoing discussions may continue in this regard. Given the distinctive physical characteristics of many Village streets and Town highways, and that certain County roads are maintained by the Village; both the Town Supervisor, Mayor and their respective Boards recognize that sharing of certain specialized equipment and operations for specialized work (e.g., smaller Village snowplows for Town park areas, bigger Town trucks for major Village streets),

represent a common sense approach to resolving what might otherwise involve major expense for both municipalities.

- (d) Fuel Facilities: In spring of 2012, the Village has entered into a fuel sharing agreement with the Phoenix Central School District thus permitting Village vehicles to access nearby school district facilities for fueling at competitive pricing. The Town, Village and School District likely could further benefit from joint use of facilities and collaborative purchasing of fuel.
- (e) Sanitary Sewer/Wastewater Treatment: (See also Section A(3) and subsections). The Village provides sanitary sewer and wastewater treatment services to the Town of Schroepfel via several intermunicipal agreements with Town Districts, and to one district in the Town of Lysander. Outside user contracts for sewer service also exist. It is both the Village and Town intention that eventually outside use contracts will be replaced by inclusion of homes (previously under private outside use contract) in Town Districts.
- (f) Village Water Service: (See also Section A(3) and subsections). The Village provides water service to the Town via several intermunicipal agreements. Outside use contracts for water service also exist. It is both the Village and Town's intention that eventually outside use contracts will be replaced by inclusion of homes (presently under private outside use contract) in Town Districts. In addition, the Village recently agreed to be co-applicant with the Town of Schroepfel and other nearby municipalities on a shared services grant application relative to a comprehensive water study. It is expected that the Village will contribute its research and studies evolving from and following the GWUDI incident.
- (g) Refuse Services: The Village provides refuse service to the School District under its hauling contract with the independent hauler servicing the Village.
- (h) Police Services: The Village Police by law serve the Village. Town taxpayers outside the Village do not contribute to the provision of this service. The Town however has no dedicated police service and is served primarily by the Oswego County Sheriff's Office and New York State Police. As the closest first responder however, the Village Police, as a 911 response routinely respond to emergency calls outside of the Village. This response is not via intermunicipal contract but per Oswego County 911 standard policy.
- (i) Constituent Services: Community Recreation Services: Although not by formal agreement, the Town and Village, especially following the new Town administration taking office, now share in publicizing, and at least in spirit sponsoring community events. Annual parades, fireworks displays and similar community events are supported by both the Town and Village, signage, banner and postings are undertaken by both Town and Village employees. As the Town has a department established for this, and the Village prime waterfront facilities (as well as Police Department) further cooperative arrangements would be mutually beneficial.
- (j) Economic Development Initiatives: The Village Mayor and new Town Supervisor commenced 2012 with establishing a constructive dialogue. As many economic development projects are contingent upon having adequate public utility services, efforts in discussions have been concentrated in the water/sanitary sewer –wastewater treatment areas. Although discussions are preliminary/conceptual in nature, the Village, recognizing the economic benefits of taking on additional users as a means of offsetting the increasing costs of Village government, are amenable to looking beyond the currently contemplated options and perhaps toward the creation of additional facilities to support substantial increases in capacity.

Appendix A

<u>Local Law No./Date of Codification</u>	<u>Name/Title</u>	<u>Purpose</u>
No. 2 of 2012	Vehicles, Removal of	Establishes a more effective procedure for the removal of abandoned (junk, unregistered) vehicles.
No. 3 of 2012	Outdoor Food & Beverage Service	In response to effectively regulate outdoor food, beverage service and assembly and musical entertaining in the Canal District, this established a combined permitting scheme, particularly the authority, and procedure for site plan review, approval, review and issuance of a special permit from the Village Board of Trustees, in order to permit outdoor preparation and service of food and beverages, alcoholic beverages, including musical entertainment and accessory recreational and incidental areas.
No. 2 of 2011	Registration and Inspection of Rental Properties	To address the issue of absentee landlord ownership and lack of proper care and management of rental property, this establishes a uniform program for the registration and inspection of rental properties within the Village in an effort to help protect and safeguard the rights, health, safety and welfare of Property Owners and all Occupants. Also, the intent of the program is to ensure proper maintenance of the rental housing stock through periodic building inspections and registration.
No. 3 of 2011	Multi-family meter usage	In conjunction with Village concerns relative to illegal and questionable multi-family dwellings, this established a procedure for investigating incidences of multi-family and multi-unit structures that exist both as non-conforming uses and illegally modified structures many with living and work units that are not separately or entirely metered for water and sewer usage and are not

		charged for refuse removal based upon the number of separate work or living units, and adequately addressing such problems by charging the respective property owners and occupants for water, sewer and refuse usage based on the number of separate living and work units actually in existence, provided however that the discovery and imposition of such charges shall not, in and of itself, legitimize or legalize a use that is in violation of the Village Zoning or Building Code or the New York State Uniform Code
No. 2 of 2010	Parking Prohibition	To address the increasing incidences of ad hoc driveway and parking space creation, this was an amendment to Section 190-2(A) of the Village of Phoenix Code relative to parking restrictions with respect to yards and areas between sidewalks and the nearest edge of street pavement.
No. 3 of 2010	Parking Prohibition	Amendment to Section 190-2(A) of the Village of Phoenix code relative to parking restrictions with respect to (a) certain street(s) within the Village (Main St. & Culvert).
No. 1 of 2009	Replacement of Sidewalks	In response to the incidences of sidewalk replacement with substandard materials, this is an amendment to Chapter 165 of the Village of Phoenix to provide for the types of materials to be used for the replacement of sidewalks.
No. 3 of 2009	Solid Waste	To address increasing incidences of landlord cleanouts following tenant abandonment and individuals bringing refuse into the village from outside locations, this is an amendment to Chapter 161 of the Village of Phoenix entitled "Solid Waste" to provide for additional provisions relative to the prohibition of importation and relocation of waste materials, the collection of construction debris and green waste, the imposition of fees,

		and enforcement procedures.
No. 3 of 2008	Shared Expense Joint Sidewalk Program	To assist property owners with repair and replacement of sidewalks fronting their respective properties, this was an amendment to Chapter 165 of the Village of Phoenix to provide for the types of materials to be used for the replacement of sidewalks and to more particularly articulate the Village of Phoenix’s Shared Expense Joint Sidewalk Program pursuant to New York State Village Law §6-620.
No. 2 of 2007	NYS Uniform Fire Prevention & Building Code	This local law represents an unfunded State mandate shifting NYS Uniform Building Code (Building, Fire, Plumbing, Electric, etc.) administration to the local government. This Local Law provided for the administration and enforcement of the Uniform Code and the Energy Code, the Code of Phoenix and this Local Law in this Village. All construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, are subject to the provisions this Local Law.
No. 4 of 2007	General Property Maintenance Law	This was an amendment to the Village of Phoenix Code creating a new Chapter 99, expanding the scope of the Village Board’s authority pursuant to its “police powers” to enforce property maintenance standards through the same mechanism (notice and due process hearing) as was traditionally established for “unsafe building” and “clean up”/ “tall grass” conditions and amongst other things providing for enforcement through the Village Clerk’s Office (rather than the Code Enforcement Offices) and the cost of enforcement to be assessed against the

		real property subject of the proceeding.
No. 4 of 2007	Professional Services Reimbursement	To supplement other sections of the Code in order to clearly provide that not only development applications, but code enforcement proceedings would subject the owner or other responsible party to a claim for reimbursement of Village professional fees incurred. This enactment of Chapter 146 to the Code of the Village of Phoenix, provides for a mechanism whereby the Village of Phoenix may utilize necessary expertise for particular land and improvements within the Village, and to make recommendations to the Code Enforcement Officer, Village Board, Planning Board, Zoning Board of Appeals, Village Attorney and Building Inspector, without imposing the cost on its taxpayers
No. 5 of 2007	Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems of the Village of Phoenix	This represents a NYS/Federal mandated (unfunded) local law for MS4 designated municipalities requiring the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) specifically, (1) To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised; (2) To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes; (3) To prohibit Illicit Connections, Activities and Discharges to the MS4; To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; (4)

		To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.
No. 6 of 2007	Curfew Law	This local law was established in response to the increased incidences of juveniles and teenagers roaming and loitering throughout the Village. This local law establishes Chapter 90 of the Village of Phoenix of Code entitled “Curfew Law of the Village of Phoenix” reflecting the Village’s substantial interest in the safety and welfare of minors, and an interest in preventing crime by minors, promoting parental supervision through the establishment of reasonable standards, and in providing for the well-being of the general public.
No. 7 of 2007	Fires, Control of	This local law was enacted in response to the increasing incidences of bonfires on private premises nearby other residences and structures, and on public property (parks, dock areas, by small groups of teens and young adults and fishermen) but not within designated cooking (grill) facilities. This prescribes minimum requirements necessary to establish a reasonable level of life safety and property protection from the hazards created by to supplement and expand upon the requirements of the New York State Uniform Fire Prevention and Building Code.