

Village of Phoenix
Regular Board Meeting
Tuesday, March 4, 2014 at 7:00 PM
Sweet Memorial Building
455 Main Street, Phoenix, NY 13135

Present: Mayor Anthony Fratto
Trustee John Halstead
Trustee Danny Dunn
Trustee David Pendergast
Absent Trustee Ryan Wood
Investigator Joe Marotta
Village Clerk Roxanne Demo
Clerk Laura Gonzalez
Attorney Steven Primo

1 Public in Attendance

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

Mayor Fratto asked Investigator Joe Marotta to introduce the new police officer to the board. Officer Dan Balloni started with the Phoenix Police Department on February 6, 2014. Dan was welcomed with handshakes by the Mayor and the Trustees.

Greg Sgromo

Engineer Greg Sgromo said that last Friday February 28, 2014 we had a change in the WWTP operation company. He spoke with OMI at the beginning of the week and he found out they were leaving the plant on Friday and Dean Merritt was not willing to extend their contract for 30 days. He spoke with Attorney Primo and the DEC to get a licensed operation company to take over the operation of the plant at the end of Friday. O'Brien & Gere LLC are currently operating the plant. It is a temporary situation. The Village right now is in compliance with the DEC. Since O'Brien & Gere is familiar with this type of plant and also with the DEC they meet all the requirements. Mayor asked if there was something put together by Attorney Primo. Attorney Primo said that he is working with Engineer Sgromo on the RFP's and the RFQ's for permanent services to go to everybody including O'Brien & Gere, it is not necessary to do it because of professional services but will seem to make sense to have options.

Attorney Primo said that the problem was that OMI contract was expiring and when they sent the new proposal they raised it about \$50,000, some of that had to be with buying a pick-up truck and adding a part-time employee. Primo said that when they came to the last meeting they were concerned because the contract was expiring and the Village hadn't responded to them, but just for the record, when they first came with the proposal the Mayor asked them for a contract and they sent us a letter itemizing additional fees, not a contract. At that time Attorney Primo wrote an email to Bill Buchan asking very pointed questions but he never responded back. Attorney Primo received a call from Jen Powell the attorney from the DEC and she said that the contract was about to expire the following Friday. He said that he was aware of this matter and that we are working on something to fill the gap, but she said that

OMI had sent a letter to DEC saying that they were going to extend the contract for an interim basis if we were able to negotiate a new contract but the letter we got the week before from OMI said we are out of here.

Engineer Sgromo said that Village Clerk/Treasurer Roxanne Demo got a call from Val Murakami saying that OMI sent him a letter saying that they were out as of Friday February 28, 2014. Attorney Primo said that Jen read the letter over the phone, but she was under the impression that they were going to stay in an interim basis, so we received mixed signals from them, but the bottom line is that they're up \$50,000 on a contract that was originally \$90,000 and was over all up to \$130,000 to \$150,000 depending what option we took, so there was a lot of wiggle room. So we have O'Brien & Gere in there on an interim basis with a short term contract that needs to be approved tonight, it was done by a purchase order on Friday to get them there before the weekend. O'Brien & Gere's working on something for the long run, it could mean substantial cost savings also especially if Justin Hart who is our licensed operator is willing to get involved again. Attorney Primo asked the Board to approve the interim contract and that was done by purchase order last Friday for \$8,000 and also authorized the RFQ's for permanent contract services.

Mayor Anthony Fratto made the motion to approve the interim contract with O'Brien & Gere Operations, LLC., dated February 28, 2014, seconded by Trustee John Halstead. All ayes.

Mayor Anthony Fratto made the motion to authorize the RFP's and RFQ's for long term contract services, seconded by Trustee David Pendergast. All ayes.

Engineer Sgromo said that John Kerfien and Justin Hart were a huge help on Friday. Justin was willing to do whatever he needed to do as far as operating the plant over the weekend. Sgromo said that they were great. Sgromo said that one thing the Board will need to have on their mind is that Justin's license has expired because he hasn't done his continuous education and it's maybe something the Village wants to work with him since it is nice to have someone like him with the Village that can step in when we need it.

Mayor Anthony Fratto asked if there will be always someone at the plant from O'Brien & Gere. Engineer Sgromo said that there is different ways to do it. One is like how OMI used to do it, there was always someone at the plant, and the other one is to retain them on a part-time basis and the Village will do the maintenance, that it would be more cost effective. The Village crew will be working under their permit number and they will be responsible for the actual operation.

Engineer Sgromo said that he is working on the grants, but he didn't have the chance to meet with Kristy LaManche yet. He would like to put this all together for the Board so they can see all the options, the financial impact for the Village and the different bonding options prior to the next meeting and if the Board wants to talk about this in the meeting they will have an updated review of the different options. Attorney Primo said one thing that changed since the Board looked this last time and that is we now have a firm commitment from EFC for the money, they're committed to the money so it is like closing on a loan and it is a substantial amount of money and its interest free. He said that Engineer Sgromo is going to put it all

together but one thing he is going to do is a comparison between bonding for x amount of dollars versus EFC for the same or lesser amount of money and how the debt service looks from a budget standpoint, if you can get \$6 million from EFC at zero percent as opposed to bonding for it. Now we'll be in a much better situation to make these improvements that we've sorted backed away from, like filtration stuff. Engineer Sgromo said that he wants to make sure that numbers are accurate and they are presented in a clear manner so that there is no confusion, since there is a bunch of different scenarios that can fall in place. Like Steve said with everything we've got so far with EFC, zero percent loans, the only thing they are asking for is an update of the paperwork we did last year which is already approved, such as the Village financials, updates on projects we're currently doing and where they stand. They've accepted the engineering report which was huge to update.

Rural Development Engineer Sgromo said that they are asking for a couple minor forms to be updated and they are working on it. He also said he wants to finish the EFC and then modify those couple of forms for USDA. He said that at that point he will know whether or not they will get us any money. He said that he's heard that probably we won't because they don't feel that the Village has not spent enough money to put a heavy burden on the residents, since they said there are Village's where they have residents paying between \$800 and \$900 a year for water and sewer services and the Village of Phoenix won't be there. This may be the issue if we'll get the \$750,000 grant. Attorney Primo said they are giving the money to Village's that are in worse shape than we are, they're paying \$1,000 a year for water/sewer.

CDBG CDGB Grant money we have a couple paper work things but it looks like we should get the \$400,000 before the project is done. Sgromo said that Roxanne's been working with Ric from his office and Kristy's involved on that too.

Water Engineer Sgromo said that culvert needs to be changed, John Kerfien has seen the plans but never actually received them from James Hayes so he is going to sit down with John and walk through the plans and see if it is something they can do, if not I think we should get a couple more quotes and get the culvert changed and the pipe drainage done, it's under \$10,000 and then I've got to start doing some more testing. I've talked to the Health Department and we are looking for grants options. So far new tests have come back negative so it is not a burning fire at this point but we will have to keep moving forward trying to remediate the existing wells. Attorney Primo said the route we've been trying to go we now have couple plans to go forward and John Kerfien may be able to help, if not we should put it out to bid. We should get that done so that we're all on the same page and we can take a run at the county and state with this violation and resist if we can going metro. Now the County has been on our case because the quarterly notices need to go out. Primo said we're two quarters delinquent, Mr. Heavener has an updated notice and he sent an e-mail last week and he'll get back to us whether he wants to change it or not. We'll need to wait and see. First step is Greg and this additional work that John has now, if we'll do it in-house or with an outside contractor. Sgromo said we'll start testing aggressively on a tight schedule.

Trustee David Pendergast suggested that we send a letter to the County and Town of Schroepel Highway Department asking for assistance, since we pay town and village taxes and see if they can help us because they have the equipment and the manpower. Mayor Fratto

said it sounded like a great idea. Attorney Primo suggests contacting Town of Schroepel not the County. One task that John Kerfien will have a problem with is cleaning the ditch out and the Town might be able to help us with that. Mayor Fratto asked Engineer Sgromo if he can write a letter so he can sign it and send it to the Town. Sgromo said he'd put it together for Mayor's review.

Mayor Fratto asked if the Board had any additional questions for Engineer Sgromo. Trustee Danny Dunn asked where we stand with the bath house at Henley Park. Engineer Sgromo said that SHIPO said that we are not going to be able to put the bath house on the Bridge House where we originally thought, it has to be separate. He would like some input from the Village as to where that bath house should go, we can wrap up the design and get it out to bid. Mayor Fratto said he'd like to see it at the north end of Henley Park. Engineer Sgromo suggested that we put some flags in a couple spots and then the Board can take a look. Mayor Fratto said he wants it in a spot where it can be visible and patrolled for safety reasons.

Mayor's Comments

Mayor Fratto had nothing at this time.

Trustee Reports

Trustee John Halstead had nothing.

Trustee Danny Dunn had nothing.

Trustee David Pendergast had nothing.

Investigator Joe Marotta

Investigator Marotta said they responded to 162 calls for service.

Attorney Steven Primo

Attorney Primo said that Chief Nerber forwarded him a letter from Phoenix School District Superintendent Judy Belfield where she mentioned a speed limit reduction. Courtney Hills responded to her but it's not clear what area she's talking about. If it's a Village Street that we have jurisdiction over then under the right circumstances we can go as low as 15 mph as long as it's 1,300 feet of the school or something like that. Trustee Danny Dunn said that they were talking about the roads in front the high school which is on Main Street and it belongs to the County and the elementary school which is on Elm Street that belongs to the Village. Trustee Dunn said he's been asked why we don't have a sign to slow down by the schools where other district do and they also have children crossing signs. Primo will have Chief Nerber get with Judy Belfield to find out exactly where she'd like the signs.

Attorney Primo asked if the Board was going to consider the approval of the "Green Waste" Local Law. Mayor Fratto agreed to proceed. Mayor Fratto said we'll need to put something

in the Valley News and Phoenix Register notifying the residents of this change. We can also put a notice on the next water billing. Mayor Fratto made the motion to approve the Local Law #2 as proposed, seconded by Trustee John Halstead. Trustee David Pendergast, aye. Trustee Danny Dunn, nay.

Union. Our contract with the Operating Engineers expired last week, there are two requests from them. One is pretty easy it's just the usual extension agreement that we sign and they send us the extension agreement, this was signed March 3, 2014 by Carl Button who is the representative for the union. The other is extending the agreement during negotiations, benefits are extended, and changes in wages, fringe and similar provisions will be reconciled and retroactive to March 1, 2014. Attorney Primo asked the Board to approve the extension, seconded by Trustee John Halstead. All ayes. Attorney Primo said that we also need to start negotiating with them, Trustee John Halstead is willing to do it probably in two weeks.

Main Street Grant. Attorney Primo said that in connection with the Main Street Grant that Kristy LaManche is working on the Request for Proposal (RFP) and Request for Qualifications (RFQ). One is for administration services and the second one is for contractor services. In connection with this Kristy LaManche prepared a letter to the residents in the neighborhood to tell them to take advantage of this Grant which needs to be approved by the board. Mayor Fratto made the motion to approve issuing the RFP, the RFQ and the notice to the residents for the Main Street Grant Program, seconded by Trustee Danny Dunn. All ayes

Clerk/Treasurer

Clerk Roxanne Demo asked on behalf of Carole Sponable if the board would approve the concerts in the Park for the Town of Schroepel for the dates of July 7, July 14, July 21, July 28, August 4, August 11, August 18 and August 25, 2014. Mayor Fratto made the motion to approve concerts in the park, seconded by Trustee Danny Dunn. All ayes.

Abstract

Mayor Fratto asked if everyone had a chance to review Abstract #1 dated March 4, 2014 in the amount of \$41,412.23. Mayor Fratto asked if there were any questions or concerns. Mayor Anthony Fratto motioned to approve, general fund vouchers 1-23; water fund vouchers 7-23; sewer fund vouchers 7-23; library fund vouchers 1-5 and trust and agency fund vouchers 1-6, seconded by Trustee John Halstead. All ayes.

Old Business

Meeting minutes for February 4, 2014 and February 18, 2014, Mayor Fratto asked if anyone had any questions or concerns. Mayor Fratto made the motion to approve the minutes for February 4, 2014, seconded Trustee John Halstead. All ayes. Mayor Fratto made the motion to approve the minutes for February 18, 2014, seconded by Trustee David Pendergast. All ayes.

Public Comments

There were no comments or concerns from the public in attendance.

Mayor Fratto called for an executive session at 7:52pm to discuss matters regarding 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, seconded by Trustee David Pendergast. All ayes.

Mayor Fratto made the motion to closed executive session at 8:00pm, seconded by Trustee Danny Dunn. All ayes.

Mayor Fratto made the motion to resume the general meeting at 8:00pm, seconded by Trustee John Halstead. All ayes.

Mayor Fratto made the motion to close the general meeting at 8:00pm, seconded by Trustee David Pendergast. All ayes.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer