

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 4, 2004

A Regular Meeting was held by the Board of Trustees on Tuesday, May 4, 2004 at 8:25 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Deputy Village Clerk Linda Knies.

CITIZENS: Five (5).

PRESENTATION - Receipt of New York State Audit

Village Manager Hess: The New York State Audit was referenced at the last meeting and is on our Website. By state law, it has to be presented to the Board at a public meeting, which we are doing tonight. We are developing an action plan to address the questions or comments raised in the audit, and probably at the first meeting in June you will get that action plan for review and action.

ANNOUNCEMENT - Parks & Recreation Trailways Map Award

Mayor Kinnally: We were notified that the Village was awarded the New York State Recreation and Parks Society Marketing Award for Class 1 of 2004 for the trailways map. That was done without cost to the Village and with volunteer help in the community. Ray, do you want to discuss what was done here and the significance of this award?

Parks & Recreation Superintendent Gomes: The New York State Parks & Recreation Society has a statewide contest for brochures throughout New York State. We had submitted our brochure designed by Adam Hart, and we won. We were presented the award at an awards ceremony last week, and Fred Hubbard and Adam were on hand. It did not cost us a nickel. It was done through grants. There were quite a few entries throughout the state, and congratulations to these two gentlemen for doing such a fine job.

Mayor Kinnally: Absolutely. Adam and Fred, come on up. We want people to see what we have and what we are talking about in the way of the map. This is the plaque, and this is the trailways map that was published by the Village through the efforts of Fred, and Meg Walker, and Adam Hart. Thank you very much for all that you've done. You have brought recognition and honor to the community. It is a very useful map, and it is also a very beautiful map, and it is a credit to everyone who was involved.

MAYORAL APPOINTMENTS

Mayor Kinnally: The following are the Board liaison appointments:

Affordable Housing:	Trustee Swiderski
Architectural Review Board:	Mayor Kinnally
Committee on the Disabled:	Bruce Jennings
Conservation Commission:	Trustee Apel
Deputy Mayor:	rotating among the Trustees according to seniority; Trustee Holdstein is Deputy Mayor for April, May, and June.
Downtown Partnership:	Trustee Apel
Draper Review Board:	Trustee Holdstein
Finance Committee:	Trustees Apel and Swiderski
Fire Department:	Mayor Kinnally
Historic Rivertowns of Westchester:	Trustee Holdstein.
Library Board:	Trustee Jennings
LWRP:	Trustee Holdstein
Newsletter:	Trustees Jennings and Apel
Parks & Recreation:	Trustee Swiderski
Planning Board:	Trustee Holdstein
Police Commission:	Mayor Kinnally
Public Health Commission:	Trustee Jennings
Safety Council:	Trustee Apel
School Board:	Trustee Jennings
Senior Council:	Trustee Holdstein
Youth Council:	Trustee Swiderski
Vision Plan:	
	Waterfront, Mayor Kinnally; Village core, Trustee Swiderski; Residential areas, Trustee Holdstein; Parks, trailways, and public spaces, Trustee Apel; Large Land Tracts, Trustee Jennings.

APPROVAL OF MINUTES

Trustee Holdstein: Page 2, Ms. Ryberg's first name is Betty, not Berry. Page 5, second paragraph, second to the last line, the word ver should be over.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of April 13, 2004 were approved as amended.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 13, 2004 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Regular Meeting of April 20, 2004 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 62-2003-04 \$141,874.92

Multi-Fund No. 63-2003-04 \$ 11,165.28

Multi-Fund No. 64-2003-04 \$ 11,116.51

34:04 CHANGE ORDER GC-02 - JULIUS M. CHEMKA POOL PROJECT

Village Manager Hess: You have the detailed change order before from Norco explaining the \$5,400 change order. Additional work at DI-3 connecting existing pipe that was not located upon installation; installing drain pipe; building new rock retaining wall; and removal and replacement of 4 yards of unsuitable soil.

Trustee Holdstein: A backhoe has been up at the pool site for awhile. I do not know if you know whether that backhoe had to come back to do this or whether it was already on-site. Because if the backhoe is up there for an extended period of time, and they are charging us \$1,000, that sounds like a cost if they had to bring the backhoe back for a day to do this work versus it sitting there idle and then being used to do this work. It seems like a high price.

Dan Flaherty, Ward Associates: I am currently handling the project. That was an additional backhoe brought down for that work.

Trustee Holdstein: So the backhoe that I have noticed over the last couple of months...

Mr. Flaherty: That was working at another section of the site. That allowed the general contractor to work within the boundaries of the fence doing his work, while he was able to sub the work out there to another contractor.

Trustee Apel: There are two backhoes on the bill here?

Village Manager Hess: A backhoe and a loader.

Mayor Kinnally: Apparently, there is one backhoe that is part of the GC's work, and then the other backhoe was brought in by Tom Bucci to do the excavation on this change order.

Mr. Flaherty: Yes, that is correct.

Trustee Holdstein: It seems like there could be some way to do a little bit of shared resources here.

Mayor Kinnally: He is saying that the one backhoe could have done both projects. Why do we have to bring another one in?

Mr. Flaherty: That is at the discretion of the contractor.

Village Manager Hess: Let me put it this way, Trustee Holdstein. If you have to pull them away from doing one part of the pool to bring them over to do this work, then you are not getting something else done.

Trustee Holdstein: I understand. But one day to take the backhoe that was already there in an effort to share resources and save the Village \$1,000. To have it come over, do the work that needed to be done here, and then the next day go back to wherever it was on the other part of the site.

Village Manager Hess: Then you are just putting off work for an additional day.

Trustee Holdstein: I just think that if you have a GC overseeing the whole process and something comes up, we look at the resources that we have doing the work and find a way not to add on \$1,000 that I think we could have saved.

Mayor Kinnally: I do not know if it was a savings. If that operator has to do additional work, we are going to get charged back for the additional work.

Trustee Apel: But that would be the labor.

Trustee Holdstein: You have \$900 in labor. So you have an extra \$200 because the guy has to extend one more day. But we rented a backhoe for one day for \$1,000 when we had a backhoe there. I do not think that is proper oversight of the overall construction, and whether

that falls to Board, or Ray Gomes, or Neil Hess I do not know. But I find that ridiculous when a backhoe is sitting there and you have a one-day project that you do not use the same doggone backhoe. I do not think that is very prudent.

Mayor Kinnally: Good point.

Village Manager Hess: Dan just said they were working on another part of the site with their backhoe. I am not sure how long this took, but it was at least one day.

Trustee Holdstein: It seems to indicate it was just one day. I understand that that other backhoe was busy doing something else, and yes it would have been pulled to do this and would have delayed whatever he was working on by one more day. But I still think that would have been more economically prudent than bringing a second backhoe up there for \$1,000. By delaying what the guy was already working on the backhoe for one day, I do not think would have cost this Village \$1,000 plus the labor. The whole thing, based on this, was one day. Five thousand dollars to do a job in one day, which included \$1,000 to bring a backhoe in there and three laborers for \$900.

Village Manager Hess: Right, and a dump truck to haul the stuff away.

Trustee Holdstein: I just do not think it is proper management. I really do not.

Village Manager Hess: They had to bring in 40 yards of clean fill.

Trustee Holdstein: I am not suggesting that we would not have had 2,000- or 3,000 dollars cost to get this change order accomplished. I am not saying it should have been zero. But I think there has to be better management on-site of our resources. Two backhoes at a small community pool like that for a one-day job does not make sense to me. And I am just concerned that we have oversight here.

Village Manager Hess: I have to disagree.

Trustee Holdstein: I have one further comment. Going forward, who is the point person that should be responsible for the next four, five, six weeks of this job that things like this do not happen, and that we better manage the people and the equipment doing the work?

Village Manager Hess: That is me. Are you asking that no change orders shall be approved unless they come to the Board?

Mayor Kinnally: If that is the case, we will be open Memorial Day for 2005.

Trustee Holdstein: I am not suggesting that, Neil. I am suggesting the same thing I just said. That somebody looks at the job at hand, the resources there, and makes, in what my opinion, would be a smarter move. Which is to pull the backhoe that was already there and ask it to go over to this other site.

Mayor Kinnally: Michael, in all due respect, this is not a new comment. You have made that point.

Trustee Holdstein: But I am saying going forward...

Village Manager Hess: I made a decision based on the fact it is less than half a percent of the total job, number one. And number two, I did not want a delay from whenever this was proposed.

Mayor Kinnally: It was done on February 24.

Village Manager Hess: Dan and Ray called me that day: we have this unsuitable material; we have this situation, that situation. Do I wait for three weeks to give them a decision?

Trustee Holdstein: You are making it either/or. I respect that the decision was a valid one. I am not saying you should not have made that change. But you had two backhoes there, and we spent a lot of money for one day. I am simply saying that, yes, the decision should have been made; it should not have been delayed; we need to move forward to get the pool completed. But it does not appear as though we are managing our resources as efficiently as we should. Whether it is a half a percent or 20 percent, it is still money out.

Village Manager Hess: I understand that. My decision was based on the fact that I did not want to hold up the job and I did not want him to stop work at another location to come over and do this work. He still had to rent some equipment. He still would have to get a dump truck. He subbed it out to Bucci from Dobbs Ferry.

Trustee Holdstein: I understand that. Those are all accounted for: the fees, the truck, and everything else. But within that total there could have been a cost savings, in my opinion.

Trustee Jennings: My perspective is that if it was not the case that you had a down day for the backhoe in its normally scheduled use so that you could just pull it over, then \$1,000 versus opening the pool on time is the right trade-off. We need to affirm our feeling about

management of the job the rest of the way out. We cannot be second-guessing you, Neil, on every decision you make. But I would like to say for the record that I would go for completion of the project on time and opening the pool on time, even if it means spending a little bit more to get us there, rather than trying to minimize the costs at the expense of opening late. Our role as a board is not to do this after the fact, but rather to give you a general sense of how we would like to see you manage it and then go forward from here.

Trustee Holdstein: I respect exactly what you are saying, Bruce, except when you say it is not our place to do this after the fact. We are voting on the change order tonight, so we are put in a position of acting after the fact. I would be hard-pressed to believe that moving that backhoe to hold off on what it was doing for one day to do this, and then go back to the other, would have severely impacted four months later the opening of the pool. I am not second-guessing the Manager. I am just suggesting that we manage our resources a little better.

Trustee Jennings: It has probably been understood implicitly, but I thought we had never explicitly conveyed to the staff that we place a high value on completing the project and opening the pool on time. That is a priority for us. I agree with you, Mike, it is a little odd to approve these change orders a couple of months after the work has been done. This process is a little strange, but I am not talking about this process of the change order as much as I am looking forward and saying let us make our priorities clear to Neil so that he knows what he is working with when he has to make these decisions. I think it would be helpful to him.

Trustee Apel: One of the problems that people do not foresee is that under the best of circumstances the weather would have been perfect this entire time, and every day was useful, and they could get things done. But, unfortunately, it was not. There were times when it rained and nothing could be done, and the project fell behind. In order to catch up, sometimes these decisions have to be made. It is peculiar to approve something that has already happened. But this is one of the problems that comes with construction, and sometimes you are forced to make a decision of time versus billing. In terms of percentage of the overall, it was not a considerable amount of money. It was very rainy then, it could have just been that you could not have moved the other one, it was too wet.

Mayor Kinnally: I know the day they did the work it rained.

Trustee Apel: So it is hard to move different things in.

Mr. Flaherty: The site was cut off because they put in piping going from the training pool to the filter room and there was a hole with the piping in it. The fill was not good fill. It

would have broken the pipe. We had a construction meeting that morning, and that was when we said, we have to get somebody in here to fill this so we can get to the backside. I cannot answer you why they did not use theirs. I know there was some broken equipment at one point blocking the concession area. I cannot say if their machinery was back there and that is why they used Bucci . But getting that covered so they could get to the back of the site and move around the site was a high priority. You have to remember, we are pigeonholed into that one fenced-in area. Whenever we move or do something it is double work. You have to move this pile, you have to move it here and then you have to move it back. I have been telling them we have to get moving on this. I cannot answer your question, Michael, but I could find out tomorrow from the contractor why he chose to do that.

Trustee Holdstein: My thought is that the general contractor was responsible because he is overseeing the site in terms of the movement of equipment and the efficiency of what needs to be done. You can expect a certain number of inclement weather days to affect the overall outcome of this project in terms of its completion by Memorial Day. I would expect they would build in a factor of days that weather will impact their ability to get work done.

Village Manager Hess: The weather this year exceeded the averages from the past three years as far as rain, snow, and freezing weather.

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees approve Change Order GC-02 of Norco, Ltd. for the Julius M. Chemka Pool Project to increase the general construction contract in the amount of \$5,408.14.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

35:04 CHANGE ORDER EC-02 - JULIUS M. CHEMKA POOL PROJECT

Village Manager Hess: This one I did not approve. It exceeded the percentage that I feel comfortable with approving without Board authorization. That is why I gave it to the Board last week to get direction. The \$25,000 is work mandated by Con Edison; you have the backup material from RLJ Electrical. After the Board's indication last week that they would approve this change order I authorized them to go ahead.

The purpose of this is adding a new transformer and pole, removing the existing underground feeder, putting in new metering equipment and supplying installation of new, as per Con Ed specifications. And we have to extend the existing feeder conduits to the new pole location.

Trustee Holdstein: Were we going to use the old transformer all along, and then Con Ed came in and took one look and said we could not?

Village Manager Hess: They said it has to be changed.

Superintendent Gomes: What we have now is semi-adequate, according to Con Ed; if we turn on our night lighting, our pumps, and the lights in the building all at once, our current power cannot handle it. Will that ever happen? Doubtful, but they do not feel comfortable with it. Hence, they told us we have to get something bigger. Similar to the Health Department. They were not happy with our filtration system. We had to add an extra to it. You just cannot argue with them.

Trustee Holdstein: In a project like this is Con Ed asked to come in before we begin the project or at any part of the bidding-out process so that people know going in?

Mr. Flaherty: Con Edison did not. Con Edison said that the pole that was there when they came down to do the work was unsuitable. They did not know that it was unsuitable. We did not know, so we were not able to put that work into the contract drawings. Whether we had it in the contract drawings or a change order, it would have been the same price.

Trustee Holdstein: Would it normally be that somebody would invite Con Ed in the beginning of a process like this to review it?

Mr. Flaherty: We told Con Edison what we wanted to do. They chose not to look at it.

Village Manager Hess: We had a similar situation, when we redid this building, with Con Ed. They came in after the fact and made changes we had to deal with.

Trustee Jennings: I am not happy with the documentation for this. At the very least each of the four items listed should have a cost figure associated with it that would add up to 25. It is a lot of money and I do not feel totally comfortable about having such a vague accounting.

Mr. Flaherty: I did review the submission, and if you want to see my records I can send them to you.

Village Manager Hess: Yes, if you can e-mail that.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees approve Change Order EC-02 of RLJ Electrical Corporation for the Julius M. Chemka Pool Project to increase the electrical construction contract in the amount of \$25,000.00.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

36:04 PROFESSIONAL FEES – BOULANGER RETAINING WALL

Village Manager Hess: When Christina Griffin came to the meeting on March 30 she pointed out, because of the extent of the change to the work that has to be done at Boulanger Plaza, that there would be additional fees involved. She promised to get us a breakdown of the estimated changes, which you received in your packet. There will be an estimate of additional fees to complete project of about \$8,600.

Mayor Kinnally: Have you reviewed these, and they appear reasonable?

Village Manager Hess: They appear reasonable. I thought she was going to be here tonight to answer any questions. She was invited to come tonight.

Trustee Holdstein: I am very unhappy about this. I understand that they re-looked at the wall. But you have enormous increases in the site development and drawing phase for both the landscape architect and the landscape architect assistant that seem way out of whack for this change order on the structural decision about the wall. I am not going to vote for this tonight. I respect that they came to the decision to alter the wall, but I do not think this is a fair price for that decision.

Trustee Apel: I do not know how we can vote on this if they are not here to answer questions.

Mayor Kinnally: What is the Board's pleasure?

Trustee Apel: I think we should put it over to the next meeting.

Mayor Kinnally: Why do we not hold this, give her some more time; maybe she is coming.

37:04 COMPLUS TICKET MANAGEMENT AGREEMENT

Deputy Village Treasurer Zaratian: I have a gentleman here from Complus, Mr. Bill Garrity, who set up the contract. The contract is an extension of where we are now with some new features, one of them being Web-based payments that we were very interested in getting, and it is not going to cost us anything to initiate it. And it gives us two new PC computers, two new hand-helds in case we ever get a second PEO, as well as new software and better ticket processing.

Bill Garrity, Complus Data Innovations, Inc.: This will allow violators to go on-line to a Website which we will customize on behalf of the Village. We can even put a link on the Village's existing site directing them to our site. The violator then has the ability to call up any open parking tickets and to pay those through the Internet site. There are bank fees associated with that that Complus has agreed to pick up for the initial six months. If the Village feels it is a viable and successful program we can continue it from there.

Village Manager Hess: What are the bank fees Complus is picking up for six months?

Mr. Garrity: Complus is picking up a one-time \$100 bank fee to set up the sub-merchant bank account which is required from the credit card companies as well. For the initial six months, it is a \$25 fee to maintain that account. It is debited directly from the account, but Complus is going to reimburse and pay that \$25 a month for the first six months. And if the Village feels it is a successful program, at that point they would then have that fee debited

from their account. The funds go into the merchant account, and they are sent to the Village on a weekly basis for the tickets that were paid during the previous week.

Village Manager Hess: If I have a \$10 ticket and go to the Website to pay with my credit card, what am I charged on that \$10 ticket?

Mr. Garrity: It is a \$3.50 per ticket fee. This covers the Visa and MasterCard charges as well as the bank and gateway fees. So the Village is yielding 100% of the ticket revenues, and the violator incurs the fee. Based upon your ordinances, the fine doubles after two weeks; if people realize after-hours on the 14th day that tomorrow my ticket is going to double, it makes sense in a lot of cases for a lot of people. We have found that it has been a real success for our clients and they are seeing already an increase in revenue as well as an increase in their collection rates.

Village Manager Hess: MasterCard and Visa charge 7% for each one of those transactions, which would amount to about 70 cents, and you are charging \$3.50.

Mr. Garrity: I am not privy to the charges of the costs that we incur as the merchant from Visa or MasterCard. I understand there are gateway charges and some bank fees involved; I do not have all the costs in front of me and I apologize.

Village Manager Hess: But if those fees are coming back to us after six months, then are we sharing in the \$3.50?

Mr. Garrity: The \$3.50 covers the Visa/MasterCard charges for the transaction as well as gateway fees. In addition to that, for the monthly cost of that merchant bank account to which the funds are then sent from Visa/MasterCard, the bank assesses a \$25 monthly maintenance fee like you might have on your regular bank account; we have agreed to pick this up for the first six months to see if the Village is interested in it. There is no obligation for the Village after the six months to continue it. If you do not like it, you can cancel it.

Mayor Kinnally: And who gets the \$3.50 transaction fee?

Mr. Garrity: The \$3.50 transaction fee is something that Complus takes on to pay the transaction fees associated with each time a ticket is paid. We have found that because Visa/MasterCard does not allow us to have a sliding scale, whether it is a \$5 ticket or a \$100 ticket, we have to have that set fee to cover all ranges. That is standard for all our clients that we set up a Website for, whether in Westchester County or Michigan.

Village Manager Hess: Complus is paying Visa and MasterCard based on a certain volume. They are not going to bill you based on just the volume of Hastings. You are going to have a volume for all the municipalities you have in this program. So on a low-volume, let us say it is a 7% charge. On a higher volume it could be a 4% charge.

Mr. Garrity: Again, I apologize I do not have all the numbers, and I was not part of the negotiations with the bank and Visa/MasterCard. I am not familiar with any of those percentages, so I cannot even confirm or deny.

Village Manager Hess: Raf will probably be authorized to negotiate for a much longer than six-month deal on those bank fees.

Deputy Village Treasurer Zaratzian: The way we had discussed it was that the fee would be like our compensating balances that we have with the bank. We would not pay it directly. It would be just taken out as the postage and some of the other things are taken out of the monthly business for the court.

Village Manager Hess: I am not sure legally you can do that. Because you have fines mailed that went to the justices, you cannot be deducting fees out of those fines.

Deputy Village Treasurer Zaratzian: We get a monthly bill from Complus, and it would be part of that monthly bill.

Village Manager Hess: That is not what you said.

Deputy Village Treasurer Zaratzian: No, not the \$3.50. The \$3.50 is something that the person using the Website has to pay. There is a monthly \$25 fee for the transactions of sending the check every week, for updating the databases, the whole thing.

Village Manager Hess: My concern is about the bank fee and the maintenance fee.

Mr. Garrity: As I said, we have agreed to pay those for the first six months. There will be no cost to the Village for six months to use this program. If you decide it is a successful program and you want to continue it, your only obligation at that point is the monthly fee of \$25. It is a test pilot program, and we think it could be successful for you based upon the other clients that are using it, and we would like you to try it.

Village Manager Hess: What percentage do ticket-holders pay over the Internet?

Mr. Garrity: I do not have all the exact numbers in front of me. What we are finding, though, is that people are paying sooner, especially on the hand-held ticket writers. We are going to have the ability to print the Website address right on there. All the delinquent notices we send out on your behalf will have the Website address on there. We only started the program officially in July or August of last year, and as we have been growing more and more clients it is still too soon to have any of those numbers. What we are seeing is that their monthly revenues have already been starting to increase for the clients who are using it.

Deputy Village Treasurer Zaratzian: You do not have to necessarily use it just for paying. You can go on to see if you have any outstanding tickets as well.

Mayor Kinnally: The percentage that goes to Complus for the state of New York and the add-on for state parking tickets, is that changing under this agreement?

Mr. Garrity: It is staying the same. We have had increases in operating costs, but we have had a good relationship with the Village for a number of years. We have been successful in it, and right now the Village is currently on 91% of the parking tickets that are being issued. That is pretty much among the highest in the state as far as municipalities we service. And it has been a good relationship, so in seeing that we have decided that we are not going to increase our fees despite increases in operating costs.

Trustee Holdstein: With this resolution we are getting some other bonus things besides this Website. But I do not see a dollar value to the overall contract between the Village and your company. How much is that, including everything? What I am looking for is, with this new agreement, what is the upcharge?

Mr. Garrity: We take a percentage of the total tickets paid. I do not have the contract in front of me.

Mayor Kinnally: It is 13.5% for instate and 25% for out-of-state parking tickets.

Trustee Holdstein: So these enhancements on this resolution tonight are just part of the ongoing program we have in use. There is no specific increase in the cost.

Mr. Garrity: That 13.5% covers all of our costs. There are no additional fees to that outside of the postage, which is reimbursed at first-class pre-sort rates, and there is no markup.

Trustee Holdstein: With such a high rate of collecting on our tickets, why the need for Web-based payments? We are getting our money.

Mayor Kinnally: Easier and earlier.

Mr. Garrity: Convenience. And it is a pilot program, as I said. If you do not like it after six months it is not costing you a dime.

Trustee Holdstein: I understand that. I just do not know if it means that much to us. If we were only collecting on 67% of our tickets and we thought we could get an extra 20% if we had this, but it is such a high rate it does not seem like it is something that is screaming as a need to help collect money.

Mr. Garrity: You could judge its success after six months; you can cost-justify it at that point to see if it is working for you. If is bringing you up to 92, 93%, even 1 to 2% might cost-justify the \$25 a month.

Trustee Holdstein: Good point.

Trustee Swiderski: The \$3.50 strikes me as high. Having paid some significant amounts out in parking tickets, and a number of those in late fees, I may very well pay that \$3.50. But Complus's generosity of the \$25 bank fee coverage a month is offset by, I am sure, additional revenues in the \$3.50.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign an agreement with Complus Data Innovations, Inc. for a ticket management system, such agreement to extend for three years.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

38:04 GRANT AWARD CONTRACT – DIVISION OF CRIMINAL JUSTICE SERVICES

Village Manager Hess: We applied to the state for a \$10,000 grant, which we were awarded. It requires no local match. We just have to sign some contracts and we can order the material. We will be purchasing gas masks, body armor, replacement sites for departmental weapons, and certain tactical equipment.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the contract for a Grant Award in the amount of \$10,000.00 from the Division of Criminal Justice Services for body armor, gas masks, and tactical equipment.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

39:04 SCHEDULE PUBLIC HEARING – MORATORIUM ON LI ZONING DISTRICT

Village Manager Hess: The current moratorium is about to expire. We have just received the proposed zoning for the LI district from the Planning Board, so we need to extend the moratorium for another 60 days to give us the appropriate time to review the zoning package, set public hearings, and deal with that issue.

On MOTION of Trustee Jennings, SECONDED by Trustee Holdstein the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, May 18, 2004 at 8:00 p.m. to consider the advisability of Adopting Local Law No. 4 of 2004 imposing for 60 days a temporary moratorium on development in the Village's Limited Industry (LI) Zoning District.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	

Trustee Bruce Jennings	X
Trustee Marjorie Apel	X
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

40:04 TAX WARRANT 2004 - 2005

Village Manager Hess: You have before you the warrant for the levy and collection of taxes for 2004-2005, and we are asking that the Mayor be authorized to sign the warrant.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the Tax Warrant for 2004 - 2005.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

41:04 CHANGE OF MEETING DATES

On MOTION of Trustee Apel, SECONDED by Trustee Jennings the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees hereby schedule the following Regular Meeting dates:

1. June 8 and June 22, 2004
2. July 13, 2004
3. August 17, 2004
4. September 14 and September 21, 2004

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	

Trustee Marjorie Apel	X
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

VILLAGE MANAGER'S REPORT

Village Manager Hess: We are having the presentation by Lothrop on the Community Center on May 17 in this room at 7:30 p.m.. Copies of the plans are at the library and the Community Center. We sent out an e-mail asking for comments and questions from residents. I am putting together a summary of the meetings we have had so far, with the comments on changes to the plan. So by the end of May we will be able to get some redesign of the layout of the Community Center.

We have received from the Planning Board the proposed zoning for the LI district. If we can get that sent to us electronically, we will put it up on our Website and people will be able to take a look at that proposal.

Trustee Holdstein: The different interested parties, whether it was the original 9-A coalition, people that were on a panel that Ginsburg paid for: if we have a list of people that served, should all those people get a copy of this directly from us?

Village Manager Hess: Possibly. I do not know if I have any kind of list. I will have to see what we have on file, but I am sure anybody that has an interest in that will be coming.

I have forwarded you some information about the Museum in the Streets and the participation of the Historical Society. They are going to come to our meeting on May 18 to make a presentation to the Board.

We received our May sales tax check today. It is up approximately 8% from the same period last year. That does not include the new 1%, which took effect March 1. So it appears consumer spending is up at least 8% from the same period last year. That is good news.

The last thing is to try to set some work session dates. We have 32 items sitting on the pending list.

[After discussion the Board scheduled work session dates of June 15 and June 29.]

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: All the interested parties have signed the trust agreement with the bank; that should be set up any day now, and the money will be deposited. I am hoping to get another meeting with ARCO to start talking about the additional items that are in the settlement agreement: the open space, etc. So when we get the money in, we will take it to the next step. I think we are making some progress here.

Trustee Holdstein: I had posed to the Manager whether there could be some creative way short-term that we could find access for boaters to launch from Kinnally Cove. Among many of our projects for all these work sessions, we seem to be stalled and not moving anywhere on what we are going to do with the cove.

Village Manager Hess: Because we need some direction on some of these things. Ray has already been asked about this. He is looking into it. He will get back to us.

2. Update on Julius M. Chemka Pool Project

Mr. Flaherty: The May 29 deadline that the Village had will not be met by the contractors. That deadline will be pushed back to June 12. We set an ambitious schedule to make the May 29 date, hoping for certain breaks from the weather. But we did not get them. Average rainfalls were higher. Snow was on the ground for extended periods of time. All this built up, and in the contractor's estimation it cost him about a month of work. We should be able to open by June 12, barring anything unforeseen.

Village Manager Hess: Two weeks prior to when we are able to open we have to get as-built drawings to the Health Department. They have to come over and make final inspections. What else is needed at the very end?

Mr. Flaherty: I have to give the Health Department five business days after I do my inspection that the project is done. I have to also deliver to them on that day when I tell them, the record as-built drawings stamped and signed by our office. So that is at least one week. We would like to have a week before that to balance the water and make sure everything is exactly finalized. We will inspect, we will make up a punch list of items for them to complete, and then they should be done. And then I can be starting on my as-built drawings, make sure everything is set so the Health Department can make their inspection and approve it.

Village Manager Hess: So we need about a two-week lead time. Even though it is going to appear to be completed on May 29, we need that time between the 29th and the 12th to get all

these other approvals. We wanted to have the contractor completed by the middle of May so we could have that two-week period. Now you can understand we were so tight because of the weather, that is why I authorized that work up at the pool on that GC work. We have another big one coming. When they took off the roof, all the beams are rotted underneath. So we are going to be getting a detailed change order on replacing those beams and putting in a whole roof.

Trustee Swiderski: And that will be ready by the end of May?

Village Manager Hess: That will definitely be ready by the end of May. We are estimating it is going to be in the \$41 to \$46 thousand range.

Trustee Apel: Because there have been discussions about the style of the roof and the opening and whether we wanted it opened or closed, if we are going to put up a new roof do you not think that should be discussed, or redesigned? There has been discussion that instead of leaving it open it should be closed. And we did not think we were going to have to fix the roof. But if we are going to have to fix the roof...

Mayor Kinnally: We knew we had to fix it.

Village Manager Hess: We were putting a new membrane on.

Trustee Apel: Just on the part that is already there. If you are going to start ripping that out and putting in new beams, and if part of the discussion had been to fully enclose it...

Village Manager Hess: That was the first discussion, way back when, before we bid. There was a decision made to deduct out a pitched roof because of the cost, and it was just to repair the existing roof. That was a cost item because the original bids came at \$2.1 million.

Trustee Apel: But if you want to enclose it, now is the time you have to make that decision, because you are taking off the whole roof.

Village Manager Hess: Let me ask: is it going to slow up the project even more if we have to redesign our roof?

Mr. Flaherty: They will not be able to get a new roof on there by June, or by the end of the summer right now. And a large majority of the work has already been done, as per the contract.

Trustee Apel: But I do not understand. If you are going to rip out all this wood, that is going to take time.

Mr. Flaherty: That has been done.

Mayor Kinnally: You are down to the rafters at that point? You are down to the beams?

Mr. Flaherty: Only a small portion of the structural beams are rotted out. A large portion of the plywood was rotted out. So we had an allowance in our contract. On top of that removal is roughly \$40,000 worth of work. Now they are doing the edging, and in that edging they are finding rotted plywood on the face of the roof that you see from the ground.

Trustee Holdstein: When a contract goes out to repair a roof, in the whole bid process does someone not lift a few shingles, get a sense of the roof, before they say the roof part is \$20,000? Again, I am shocked that we are finding out we have a \$41,000 roof problem and nobody, whether it was your company who supposedly has guided us through this whole process or the contractor who was bidding on it and saying this is what it is going to cost me to do this work, do they not examine what they are up against?

Mr. Flaherty: The unit price for the plywood was negotiated in the contract.

Trustee Holdstein: Forget a unit price for plywood. That is based on what you need. Does somebody look to see the condition to know how much work they are going to have to do before they bid on something? Would he lift up a couple of shingles and get a flashlight or get somebody to look at it?

Village Manager Hess: It is not a house roof. This is a flat roof. You have to rip off the entire membrane to see what is underneath.

Trustee Holdstein: But would one not have to look at it and see what he is up against to make a fair appraisal as to what he has got to do for the roof?

Village Manager Hess: He bids on what is spec'd.

Trustee Holdstein: I understand that. The spec is to repair the roof. Well, repair the roof may mean two 2 by 4's and it is done, so it costs me 50 bucks. Or it is all rotted out and it costs me \$40,000. I do not understand who is looking at this project. I am really upset about this. I have never heard of a contractor bidding on a job and not knowing what he is up

against. And do not tell me that he could not have looked at that roof in some way, even if he had to temporarily patch it, knowing that later on he is going to fix it anyway because it is part of the bid. To come here at the eleventh hour to find out we have a \$40,000 roof problem does not mean the roof problem was not there before. The general contractor, in making a fair bid on work, should have known what we were up against. It did not get rotted in the last six months. So I am not happy about this. I do not think we are having proper bidding on things and knowing what we are up against. This is ridiculous.

Village Manager Hess: What Ward recommended, and what was recommended originally, was to take off that roof and put on a new pitched roof. When the bids came in, Ward made a decision just to repair the roof. If you recall, we were even looking at redoing the entire bathhouse.

Trustee Apel: But he did not make a recommendation because he thought that the roof was rotten and needed to be repaired.

Mayor Kinnally: Well, he knew some parts of it needed repair. The question is, to what extent did he know or should he have known.

Trustee Holdstein: But when Ward was done, and we were done working with Ward coming up with a budget, then was the time for people to bid on the work. I hold the general contractor at fault. He did not look at the roof closely enough. If he did, he would have seen the rotted beams and plywood and the bid would have been \$40,000 more, and we would have judged it at that time. But now, a month before we had hoped to have this pool open, this same contractor is telling us we have a problem with the roof. After work was done, after we deliberated whether it was going to be a new bathhouse, a pitched roof, or just repair the existing, that general contractor did not make a fair appraisal of what his work was going to be. And now we are looking at another 40 grand.

Trustee Swiderski: I am in accord with Mike. The rafters are open to visual inspection. I am trying to remember what it is like being inside the bathhouse. I think you look up and see rafters. And a walk-through, poking at things with a stick: maybe I am being simplistic here, but I am surprised. Twenty thousand sounds like a lot of money when it would cost \$5,000 to re-shingle my roof. Forty thousand implies a pretty big problem.

Mayor Kinnally: It would cost you \$5,000 to re-shingle your roof without touching the plywood.

Trustee Swiderski: True. But in describing the problem you are saying the plywood is visible from below. So does that mean I could go there now, look up, and see rotted plywood? I also share surprise at the dollar sum.

Village Manager Hess: What did the spec call for in terms of the work to be done there?

Mr. Flaherty: The specifications called for 600 square feet of new plywood and a unit price to be bid on by each contractor to remove any rotted plywood beyond that and install new plywood. And then they call for a membrane roof to be put on top of that.

Village Manager Hess: So what makes up the \$40,000?

Mr. Flaherty: That is the plywood, at eleven dollars per square foot.

Trustee Swiderski: That is expensive plywood.

Mr. Flaherty: That is what was in the bid, and approved.

Mayor Kinnally: What is it, mahogany?

Village Manager Hess: Right now, exterior grade plywood is \$22 to \$23 a sheet, which is 32 square feet.

Trustee Apel: You have to come back with a better price.

Village Manager Hess: Yes, we are going to need that information.

Trustee Apel: I think there is a credibility problem here that is annoying us. We are really angry. Because Ward came to us before and there were problems about the rocks and we had to redo the entire place. And now you are coming again. I do not trust that even in the next few weeks you are not going to come back and say there is another problem that you have not foreseen. You were hired to foresee these things. That is what we are paying experts for, and it is very, very upsetting and annoying for you to come back and to keep saying these things. And we have to deal not only with you, but with the public.

I like to do things right from the beginning. And I do not like the idea of just patching up the roof now that there is a problem with it if we could do something better with it. And now we are being told, well, it will take a year to do it? I don't think so. I think it is your

responsibility to make sure the job gets done, and gets done sooner, and I don't care what you have to do to get it done.

Mayor Kinnally: That is easy to say, but we have to work with the conditions that exist. You are talking about two different things here. Repairing the roof, and changing the whole configuration of the roof. Those are two separate things.

Trustee Apel: Well, once you start putting \$41,000 into that you might as well do it the way you wanted to do it.

Mayor Kinnally: We have to see what it would cost. You may have to completely reconfigure the underlying structural supports for a roof like that. We have to spec it out. We have got to see what the alternatives are. And it may take them a lot longer to do that.

Trustee Apel: Are we going to approve the resolution and then we are going to do it in a week?

Mr. Flaherty: If you are talking about the plywood on the roof, that is the \$40,000 number. That is already as per the contract. You signed the contract saying we authorize you to do this work at this unit price.

Trustee Holdstein: The contract that we approved has this \$40,000 in there?

Mayor Kinnally: It has a unit number of \$11 per square foot and we are questioning that. But you do not have the number in for the supporting beams. And what else would you have to have to round out that project?

Mr. Flaherty: There are rotted mansard walls that had to be redone.

Mayor Kinnally: Have they been done?

Mr. Flaherty: Yes they have.

Trustee Holdstein: Which is a change order, which is more money.

Mr. Flaherty: Yes, yes.

Mayor Kinnally: Is that included in the 40,000?

Mr. Flaherty: No.

Mayor Kinnally: What is the full amount that you are estimating it will cost us to have the bathhouse in completed fashion?

Mr. Flaherty: I do not have that number in front of me right now.

Mayor Kinnally: Give me a ball park, over and above the 40,000.

Mr. Flaherty: I would say about \$10 or \$20 thousand more.

Mayor Kinnally: I must add my disappointment. We were supposed to get a status report tonight, and we are not getting it. When can you get us that information?

Mr. Flaherty: I can give it to you tomorrow. I already gave Neil an estimate of how much it is.

Mayor Kinnally: That is the \$10 to \$20 thousand dollars?

Mr. Flaherty: Yes. And that is additional work that needed to be done.

Mayor Kinnally: And how much of the work that you are saying is additional work has been done? Give me a percentage.

Mr. Flaherty: I would say about 30, 40.

Trustee Holdstein: Now, shame on all of us because we have already approved it. But \$11 for a foot seems like a heck of a lot of money. I could go down to Torre Lumber in Yonkers and I do not think I am going to pay \$11.

Trustee Swiderski: Is labor included?

Mr. Flaherty: Yes, that is everything.

Trustee Jennings: The original contract had a specification of so many dollars per square foot for the plywood. I understand that. But you must also have had a number of square feet you anticipated purchasing to add up to a line item total of \$10,000, \$20,000, whatever the line item was. So we are talking about going beyond that original amount, is that not right or am I missing something?

Village Manager Hess: I do not know. I am confused at this point. I thought he said it was spec'd out at 600 square feet.

Mr. Flaherty: We specified 600 square feet in the contract.

Trustee Jennings: Yes, 600 square feet is what you anticipated had to be repaired. And when you got in there and looked at it, you discovered that it was a lot more than 600 square feet, right?

Mr. Flaherty: Correct.

Mayor Kinnally: How many square feet in the roof?

Mr. Flaherty: About 5,000. We are replacing roughly 3,000.

Trustee Jennings: I share my colleagues' concern. As I recall our process of decision-making, we decided to postpone the complete rebuilding of the bathhouse because so many other things had to be done and the cost was high. We thought we were fixing a roof as a temporary measure on top of an inadequate bathhouse that we would later tear down and rebuild. That is why a failure to inspect the roof thoroughly and to tell us the cost of that roof repair might have made a real difference in our planning. We might have decided not to throw good money after bad. Why not replace the whole bathhouse now and absorb the cost? I do not know if we would have decided that, but we might have. So not only were you badly served by the lack of thorough inspection of the roof, so were we. Now we are in a position of putting that money into this roof, but because the underlying bathhouse is still not to our liking presumably we are going to go forward in a few years and get rid of that bathhouse and get rid of this relatively new roof, too. We are not going to get a useful life out of the investment we are making, and that is very unfortunate.

Trustee Holdstein: Ward should have been looking at that roof as well. We relied on his guidance. We went through a lot of process with him. He took a lot of heat from this board when the bids came in wrong. He knew he was under the gun, he knew our frustrations, and we went back to the drawing board. I would have expected that he would have professionally looked at some of these details. I would not expect him to know what is 20 feet under the ground when you start digging. But something that was clearly visible, that was clearly discussed, as Trustee Jennings has said, in part of our deliberation, I fault Ward and the GC. This is a real blind-side.

Mayor Kinnally: I suggest that you and Mr. Ward come back next Monday night at our work session and talk about this. We have you in the cross hairs here, and you came in after the fact. But I think Mr. Ward should be here, also. This interim roof is getting awfully expensive.

Trustee Swiderski: There is one last related issue. If we are giving up two weeks of June, which is one-sixth of the summer, and people are paying \$500 for membership, that strikes me as wrong.

Village Manager Hess: We are only open limited hours until school is out. So whatever hours are lost until we open, we are going to make that up during the summer by being open additional hours. Depending on the weather, we may be able to extend into September or even longer.

Trustee Swiderski: We need to publicize this. I am in the demographic that uses that pool, and I am going to get hounded.

Village Manager Hess: We will have specifics on hours, and what we will be extending. We may even go above and beyond just because of the inconvenience.

Mayor Kinnally: We better talk to the people in the area about extending the hours. There is a constituency that is not happy about extending the hours.

Village Manager Hess: That does not normally mean extending the hours at night. We could open at 10 a.m. instead of noon.

3. Boulanger Resolution

Mayor Kinnally: Let us put the Boulanger resolution over until May 18.

4. Indian Point Relicensing

Mayor Kinnally: We will put the resolution on for action on May 18. Neil will get us an update to see if anything in the resolution has to be changed. We will tailor the resolution to our needs.

Village Manager Hess: The support resolution states that we are opposed to relicensing. I assume that is where everybody is coming from, or at least that will be the vote on that discussion.

Mayor Kinnally: Yes.

4. Community Development Block Grant Funding Reductions

Mayor Kinnally: We have the draft for my signature. Does anybody have any comments?

Trustee Swiderski: No. Yet another pressure on our budget.

Village Manager Hess: That grant is providing us with \$380,000 towards the Community Center. I think the Board can authorize you tonight to do it.

Mayor Kinnally: Put it in final form and I will sign it tomorrow.

EXECUTIVE SESSION

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel items.

PUBLIC COMMENTS

Mayor Kinnally: There being no public, there are no public comments.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting.