

**Special Village Board Meeting
Tuesday, October 20, 2009**

A special Village Board meeting was held on the above date at 5:30 p.m. with the following members present:

PRESENT: Deputy Mayor John Meehan
Trustee Dagan LaCorte, Trustee Andrew Haggerty
Trustee Patricia Abato

ALSO PRESENT: Virginia Menschner, Village Clerk
Terry Rice, Village Attorney

ABSENT: Mayor John B. Keegan

A) Request from VFW - Veterans Day Parade and Ceremony - Wednesday, November 11, 2009:

Deputy Mayor Meehan said this is a request from the VFW for a Veterans Day Parade and Ceremony on Wednesday, November 11, 2009. A motion approving the request was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried. Trustee LaCorte asked what time. The Village Clerk said 11:00 a.m.

B) Business District Crosswalks:

Attorney Terry Rice said that we met with Conserve and there is back and forth between Conserve and Riddick Associates. Conserve did not produce the bonds and insurance that was required. There was some short delay because there was a concern that O&R was going to do some construction work but nevertheless they are not producing the bonds. Attorney Rice suggested that, and he is sure that they are amenable to do it if the Board wants to do it, mutually agree to reject the bid and rebid it in the spring. Obviously there may or may not be a cost increase as a result of that but the alternative is to basically compel them to go ahead on the terms on which they bid it. Trustee LaCorte asked if they were amenable to rejecting the bid. Attorney Rice said yes. He said they spoke to Joe Abate and he also spoke to Joe Abate and it shouldn't affect the availability of the funding. Trustee LaCorte said that he thinks their concern was, and he read the letter, and it wasn't just the O&R work - it was the time of year. They didn't want to do a bad job but they also didn't want to run into a situation where time, overruns, weather - where everybody looks bad. Attorney Rice said that we suggested that we would let them do it in the spring if they hold the price and they weren't willing to do that. So some of the stuff may or may not be the same next year. So certainly we can mutually agree to disavow the contract and rebid it in the spring. Trustee Abato said that as far as this goes there was already a price increase anyway, right? Attorney Rice said not that

we would recognize. Trustee Abato said doesn't that say that in the letter - that shortly after we request a cost increase. Attorney Rice said they don't have the ability to enclose a cost increase. He said he just quickly read the letter when we came in here tonight. It was bid for a particular amount so they don't have the ability to then say, well, yeah, we will do it but we are going to charge you more because it was bid at a certain sum. Trustee Abato said that we should reject the bid and then - Attorney Rice said yes, subject to getting documentation that is acceptable to him so it is clear that everybody is writing off any rights or liabilities against the other party. Trustee LaCorte said it was all agreed upon from everyone? Attorney Rice said we didn't walk out of the meeting with an agreement. We talked about that and they seemed to be amenable to that alternative. Deputy Mayor Meehan said so we are rejecting - Attorney Rice said what he thinks the motion should be is a motion to relieve Conserve of their obligations under the bid award subject to provision - Trustee Abato said that it seems like and she doesn't know what the conversation is with Conserve and she doesn't know what the conversation is - this letter from Riddick kind of has some information in it that doesn't seem like it is correct. She said that she would like to see us not go forward with this and try to sort it all out because it just seems like it is very up in the air right now. Attorney Rice said that is fine - you can leave it to the November meeting. Trustee LaCorte said can we leave it to the November meeting. Attorney Rice said sure, you can add it to the November meeting. Trustee LaCorte said he doesn't think we need to table it. Attorney Rice said no, you can just bring it up at the November meeting.

C) Stay Fit Seniors Program - Electrical Modifications - \$3,025:

Mr. Charles Sawicki said that he would like to request authorization to proceed with the required electrical modifications for the Stay Fit Senior program at the Community Center. Funding will be provided by the Recreation Department. Deputy Mayor Meehan asked what are the modifications. Mr. Sawicki said there are six monitors that have to be mounted on the wall on the stage - four in the back and one on each side. And there are coax and electrical power feed to that. And there also is going to be a spotlight that is on the stage that is not wired properly that has to be corrected. Attorney Rice asked who the contractor was. Mr. Sawicki said All Bright. Attorney Rice asked Mr. Sawicki if he got a couple of quotes. Mr. Sawicki said he got two prices - one from All Bright and the other one was Zimmerman. Trustee Abato said she had a question. When we initially signed on for this equipment were we apprized that we would have to make these modifications? Trustee Abato said she knows he is coming in the middle. Mr. Sawicki said he really was asked to bring in the electrician to get some pricing to get this work done. So he can't really say. Trustee Abato said she is just wondering. In the initial contract for the equipment if this kind of work was included in that. Mr. Sawicki said he doesn't believe so. Trustee Abato said so this is an after the fact. Trustee LaCorte said that his understanding was, like her, that we were told this whole thing would be \$22,000 and now this is another

\$3,000 that has to be done because if not they can't get the equipment to work, right, because there has to be electrical modifications. Trustee Abato said they have to do it obviously because the equipment has to work but her question would be how do we - we said \$22,000 and now what is going to be next? Are there going to be any more hidden expenses? Mr. Sawicki said not that he is aware of, no. Trustee LaCorte said we would have to hire actors to use the equipment and that would be about \$15 an hour. Trustee Abato asked and they say what? Trustee LaCorte said playing the role of. Trustee Abato said she would make the motion, seconded by Trustee LaCorte. Attorney Rice said that he wasn't aware that this was coming up. He said he assumed that the agreement that we entered into with the provider of the equipment doesn't include the electrical stuff. And he is pretty close to 100% certain. Why don't you make the award subject to his confirmation that in fact the contract doesn't include that work. Trustee Abato said that she is thinking of something else. What does that mean for warranty and any kind of guarantee on the equipment if we are doing electrical work on it. Does that void any responsibility to the company? Mr. Sawicki said that it is simply going to have two boxes in each location - one would be for the coax and one would be for the power and the monitors are going to plug into a receptacle essentially. The coax will plug in the back of the monitor. So it really shouldn't have any effect on the equipment at all. Trustee Abato said that she would accept that addition to the motion.

AYES: Deputy Mayor John Meehan
Trustee Dagan LaCorte, who said because we have
no choice it seems
Trustee Patricia Abato

NOES: None

ABSENT: Mayor John B. Keegan
Trustee Andrew Haggerty

D) Shared Services:

Deputy Mayor Meehan said that he sent them a memo and he e-mailed them and we could do that tonight. The only two things that we are talking about is the gas pump situation, where we charge them 10¢ a gallon. They are paying 20¢ a gallon. They are paying 20¢ at Ramapo and then the signs. Actually, they are going to have to replace all their stop, all their yield signs and they are going to have to replace all their street signs too so on each one of those, those go for about \$100 and we would make \$5 a piece on those and then on the lettering on street signs. The street signs don't look like much but they are a very high grade aluminum. They cost about \$100 a piece and we would be making another \$5 a piece on each one of those and then we would be making money on the lettering too because the lettering all has to be changed and it all has to be changed by 2017 under federal law. Trustee Abato asked who was going to be paying for the manpower. Deputy Mayor Meehan said we are and the way we figured the manpower is by time and a half so

that we would be making money on the manpower unless we were forced to do it on an overtime situation but the feeling of Dan and Charles is that we wouldn't have to do this in an overtime situation. We would probably be able to accomplish it during regular business hours. And Mayor Kay knows exactly what this involves and it obviously would involve an intermunicipal agreement and Terry would do that. Attorney Rice said that obviously we would have to enter into an agreement and he is going to have some provisions that hopefully will be acceptable to them but that would certainly be part of any type of deal that you make. Trustee LaCorte said that his question is one - would anybody presently employed in Ramapo who is a member of the CSEA lose their job? Would you know? Would anybody lose their job because of this? Do they have a full-time person. Deputy Mayor Meehan said he really doesn't know the answer to that question. He said there hasn't been any criticism. He said that Airmont got a lot of criticism on the snow removal. Airmont is not going to do the snow removal with the town. They haven't decided who they are going to do it with. It will either be one or the other private contractors and that may be a situation but he doubts very much that they do it on signs. We don't spend that much time doing signs and he doesn't think that that small number of signs for just that small part of the town would cause a problem. Trustee LaCorte said that we used to have, and he doesn't know if we still do, we used to have someone who pretty much worked all the time on signs. Trustee Abato asked Charles how many hours a week would he say we have somebody in that sign shop working. Mr. Sawicki said there are two gentlemen that work in preparing the signs and he doesn't know the amount of time that they spend every week. He said he doesn't believe that there is a lot of time spent on an average weekly basis. It is as needed. Trustee Abato asked what they were doing when they are not doing the sign shop. Mr. Sawicki said they are doing other activities. Two guys that are pretty much trained to do it and can do it. Trustee Abato said her question, she guesses, is if obviously they are going to send those two individuals or one individual, whatever the case is, they are going to have to spend more time in the sign shop in order to take care of Airmont's signage and that would take away manpower from the DPW of stuff that they would ordinarily be doing when they weren't working in the sign shop. And that is going to leave, again, we are already talking about manpower short. So that is going to take away from services to the Village, correct? Mr. Sawicki said that is why we priced it on a time and a half basis. Trustee Abato said she is not even talking about getting them paid. She is just talking about our employees working for our Village first. Mr. Sawicki said that any additional work that we take on is - Trustee Abato said is going to take away from the Village. Mr. Sawicki said yes. Trustee LaCorte said his other question was is there any potential issue with the union about whether people can be asked to work on behalf of another municipality when they are essentially lent out for profit. He wanted to know if there is any potential there. Attorney Rice said he didn't think so. Mr. Sawicki said he doesn't think Airmont has anything in place right now in terms of manpower. Attorney Rice said no, Dagan was asking if it increases the workload of people in

the CSEA bargaining unit by us contracting out with other entities - whether or not that is potentially something that needs to be negotiated. Attorney Rice said he doubts it but it is a good question. Trustee Abato said that she is still going to stand on what she says every time that this comes up. It just seems as though there is not enough concrete information that this is going to be a really good benefit to our Village and that is going to be her prime concern in this venture. So she is still going to say that she is not ready to commit to this shared services yet. She said that she is only one person. Deputy Mayor Meehan said that we need three votes, and without her, we are not going to get them. Trustee Abato said you have Andy there. Deputy Mayor Meehan said he knows and he knows how he feels about this. He said that the thing is that we have been approached by them and basically when you are talking about signs, we just don't say well, we need a stop sign and everything stops and we make it stop. Or we need a street sign. We do these - we do a whole bunch at a time. So that is what we - we are just adding a few and he doesn't really see that, from what his discussions with Danny was, is that this is a very doable thing. He is trying to help out Airmont. They approached us and he sees a revenue increase from anywhere of \$5,000 to \$10,000 dollars and you can do that or you can raise it by taxes. Trustee LaCorte asked how many per year are you saying. Deputy Mayor Meehan said 5 to 10,000 per year. Trustee LaCorte asked if that was profit or revenue? Deputy Mayor Meehan said when you are talking about municipalities, you don't talk about profit. He said revenue enhancement. Trustee LaCorte said he is trying to understand how many signs. He said he would be willing to vote yes on this. He said he would like to have a conversation with CSEA to find out if anybody is going to lose their job. He just wants to find out if anybody is losing their job in the Town of Ramapo and what the ramifications is here. He said he thinks we should help the Village of Airmont but he just wants to make sure that the CSEA is on board that we are not doing anything to get them upset over some signs. Maybe someone is going to lose their job and they are not for it. That they have a provision that we don't know about. He is going to make a call to Scott and ask him. Trustee Abato said that just for the record, she doesn't think there is anybody on this Board that doesn't want to be neighborly and help out, and she hopes there is not, but she doesn't think it is about that. She thinks it is just about that we have to be careful in not over-extending ourselves and she just wants to make sure that that is not what we are doing. Trustee LaCorte said if you want to bring it up in November. He is going to talk to Scott and he would be willing to vote at that time.

E) Return of Fire Truck Bids:

Deputy Mayor Meehan said we are talking about the return of the fire truck bids. He asked Chief Dan McInerney why we only came up with one bid. Chief McInerney said the Village Clerk sent out to ten of the manufacturers. We sent it out to ten different manufacturers and the only one that came back was Seagrave and for whatever reason he is not quite sure. He said he knows there is a

lot going on in the industry right now because the 2010 engines are causing a lot of changes. The pricing will go up another 20 to 30,000 dollars once they figure out what engines would fit in what cab designs. A lot of them are having to redesign their cabs to meet the manufacturing EPA standards. So he thinks that has a lot to do with it. Deputy Mayor Meehan said he just wanted to put something on the record on that. Chief McInerney said also the height requirements are a requirement as well because of the bridges we have. Trustee Abato asked if he could give us a number. The Village Clerk said \$957,544. Deputy Mayor Meehan said we are requesting a bond for \$960,000. Attorney Rice asked Chief McInerney if the contractor is willing to hold the bid price for another 45 days before the contract is awarded. Chief McInerney said he believes it is a thirty day. Attorney Rice said he understands but they are not in a position to award the bid tonight because they have to do the bond resolution and that is subject to a thirty day permissive referendum. Chief McInerney said we would need to send them a letter of intent because what we are trying to do is for them to hold a 2009 engine for us. And if we do that then they will. Trustee Abato said if we send him a letter of intent. Mr. Glen Wilson said that if you send them a letter of intent he will hold it. He needs to know by Wednesday. Trustee Abato said that if we send them a letter of intent, because we have to do it at a Village Board meeting because we have to pass a resolution for the bonding then Virginia can send the paperwork out right away. That is not a problem. Attorney Rice said we can't send the paperwork out. He said we can send a letter saying that the Village intends to award. Trustee Abato said she is talking about after that. Attorney Rice said okay. Trustee Abato said and then that would be acceptable to them. Mr. Wilson said as long as he gets the letter of intent tomorrow. Trustee Abato said then she can motion to send out a letter of intent for tonight and then we can go on the resolution. Attorney Rice said the letter of intent would have to say that it is subject to the financing becoming effective. Is that okay with them? Mr. Wilson said he didn't know. He said he called him today and told him that if this didn't go through tonight that he would need a letter of intent because he was notified by the factory today that Wednesday was the last time for this motor. Attorney Rice said he can probably word something along the lines that the Village intends to enter into a contract subject to the obtaining of the necessary financing - something along those lines. It is obviously an extremely theoretical possibility but in theory somebody could file petitions to have a referendum on the bond and if that in fact occurred and if in fact it was determined by the voters not to finance this then we would have a problem. So under law until the thirty day permissive referendum period has expired we really are not in a position to enter into a bonded contract. Trustee Abato said that she is going to motion that we send out a letter of intent that Attorney Rice will draw up and get it out. She asked Attorney Rice how fast he could get it out. Attorney Rice said tomorrow afternoon. He will be in court in the morning and he will be in here in the afternoon. Trustee Abato asked Mr. Wilson to call him and tell him that. Mr. Wilson said he will call him right now. Trustee Abato said if he could ask him if that is suitable -

that we just have to follow municipal law and that is what it is. The motion was seconded by Trustee LaCorte. Trustee Haggerty said that he would like to see this thing pass right now and not wait for the other Mayor or whomever. Attorney Rice said that legally we can't because we have to have the bond resolution passed and a thirty day permissive referendum period has to go by before we can enter into a contract. Trustee Abato asked what thirty days from today is. Attorney Rice said it is going to be more than thirty days from today. Trustee Abato said thirty days from tomorrow.

AYES: Deputy Mayor John Meehan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee Patricia

NOES: None

ABSENT: Mayor John B. Keegan

F) Resolution for \$960,000 Bond - Fire Truck:

Trustee Abato said that she would move the bond resolution. The Village Clerk said you also need to make a motion for the Village Clerk to advertise. Attorney Rice said two motions. Trustee Abato made a motion to accept the bond resolution for \$960,000, seconded by Trustee Haggerty.

AYES: Deputy Mayor John Meehan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee Patricia

NOES: None

ABSENT: Mayor John B. Keegan

A motion to advertise for the bond was made by Trustee Abato, seconded by Trustee LaCorte.

AYES: Deputy Mayor John Meehan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee Patricia

NOES: None

ABSENT: Mayor John B. Keegan

F) Resolution for \$220,000 Bond - Street Department:

Deputy Mayor Meehan said this is for street improvements. Trustee Abato asked what that is going to. Mr. Sawicki said that it is his understanding that this was brought in front of the Board sometime earlier this year and he guesses we want to act on getting a bond in that amount - \$220,000. He said we presently are finalizing our road improvements that we have a contract with Tilcon for Phase I.

We are looking at moving forward to Phase II, Phase III. So we would utilize that money for curbing, paving, resurfacing, drainage work. He said that some of the areas, quite honestly he doesn't have all the streets that we had originally looked upon, but we do have a list of roads that we would like to. Trustee Abato said that this is going to actually be working with our street improvements calendar that we have been following. Mr. Sawicki said that is right. As he mentioned earlier, he was under the impression that this money was already available but we came to find out that it was approved earlier on but we would need to act on it and actually get the bond. Deputy Mayor Meehan said we were presented with a list of the streets. Mr. Sawicki said right, that was the last time. Trustee LaCorte asked if we know if this bond is going to be rolled in with the fire truck bond. We're not going for a bond for \$200,000. Is it a bond or is it a ban - do you know. Mr. Sawicki said he thought it was a bond but he is not absolutely sure. Trustee Abato said that Tom is not here. Trustee Abato asked if we need to do this tonight. Attorney Rice said the resolution would be the same but he doesn't know what the intentions are. Trustee LaCorte said that we can approve it separately and they can still roll it together. Attorney Rice said yes. Trustee LaCorte said that there is no way that we are going for a \$220,000 bond. The Village Clerk said it is a serial bond. Attorney Rice said they do it short term and then eventually they put it into a long term. But he has no idea. Trustee LaCorte said but if we are going out at \$960,000. The Village Clerk said she would like to say something. She said they usually like to keep it separately because if you want to pay one off within five years, you can. But you wouldn't be paying off the \$960,000 one in five years. Trustee LaCorte asked if you had to do a ban. Trustee Abato said she had a question. She asked why Tom was not here. The Village Clerk said he went to donate blood. Trustee Abato said we really need to know what the difference is and where we need to go on this. She asked if this had to be done tonight. Mr. Sawicki said he doesn't believe it does. Trustee Abato said she is talking about the one for the \$220,000. Can we hold that until the meeting? Trustee LaCorte asked if we weren't operating on timelines for these roads because didn't we want to get them started before we run out of time. Mr. Sawicki said that Phase I we are going to be utilizing CHIPS funds. So that is already in place. So we are okay with that. We are going to be working through the winter. We will be formulating Phase II, and Phase III and possibly a Phase IV. Trustee Abato said weather permitting. Trustee LaCorte said we can't award. Can we award it. The Village Clerk said no, we haven't awarded it. Mr. Sawicki said we did award some resurface work to Tilcon and that was CHIPS funds. Trustee LaCorte said okay. So you know that we can't award it until the financing is in place. So you are okay with waiting. Mr. Sawicki said yes, we won't be able to do this type of work until the spring. Trustee Abato said then she would like to table that.

A motion to adjourn the meeting at 6:13 p.m. was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

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