



**BOARD OF ESTIMATE & CONTRACT
MEETING MINUTES
TUESDAY, MAY 2, 2023, AT 4:00 P.M.**

**MAYOR'S CONFERENCE ROOM – 1ST FLOOR
CITY HALL, MOUNT VERNON, NEW YORK
&
VIA FACEBOOK.COM/MOUNTVERNONNY**

“REVISED”

Call to Order: At 4:37 PM by Chairwoman Mayor Shawyn Patterson-Howard

Roll Call: Roll Call and reading of agenda items administered by City Clerk Tanesia M. Walters.

Board Members Present: Comptroller Darren Morton, City Council President Danielle Browne (ONLINE VIA ZOOM) and Chairwoman, Mayor Shawyn Patterson-Howard (we have a quorum).

Absent: None

Others: City Clerk Tanesia Walters, Deputy City Clerk Donna Jackson, Assistant Comptroller Condell Hamilton, Corporation Counsel Brian G. Johnson, Assistant Corporation Counsel Alyssa Gillespie, Khush Kam-Au, Legislative Aide.

ADMINISTRATION OF THE AGENDA

RESOLUTIONS APPROVING ORDINANCES

1. Granting permission for two (2) members of the Law Department to attend the NYCOM's Annual Meeting and Training School from May 17th – 19th, 2023 - (the cost for this event does not exceed \$3,500.00 and will be satisfied through Budget Code A1420.417, Education and Training).
Moved: Council President Browne
Seconded by Comptroller Morton
On the Question: None
Response: None
Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.
Nays: None.
2. Granting permission for the Department of Recreation to co-sponsor the “Autism Walk” with the Office of Senator Bailey – (Saturday, April 29, 2023, from 10:00 a.m. to 3:00 p.m. The walk will begin at 1 Roosevelt Square N., and end at the Nichols Playground, 531 N. High Street, Mount Vernon, NY).
Moved: Council President Browne
Seconded by Comptroller Morton
On the Question: Councilwoman Browne noted this had been cancelled from last Saturday
Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

3. Granting permission for the Department of Recreation to co-sponsor the Antigua and Barbuda International Cultural Association (ABICA) Caribbean Food Festival – (Friday, May 26, 2023, at the Doles Community Center from 6:00 p.m. to 9:00 p.m. and Saturday, May 27, 2023, in Brush Park from 8:00 a.m. to 8:00 p.m. -- Funds will be allocated in an amount not to exceed \$2,500.00 from Budget Code A7620.457 (Cultural Civic Adult Education), Department of Recreation 2023 Budget. Funds collected from the entrance fee for this event, as the negotiated compensation share of 60/40 - the City's portion to be deposited into A2705.2.

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Council President Browne noted it is guaranteed to be a great event.

Response: Mayor noted last time the city conducted this event was pre-covid in 2019. We look forward to celebrating our diverse culture.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

4. Amending Ordinance No. 2, adopted January 27, 2021, entitled "AN ORDINANCE DECLARING JUNE 19TH," ALSO RECOGNIZED AS "JUNETEENTH INDEPENDENCE DAY" OR "JUNETEENTH" AN OFFICIAL PUBLIC PAID HOLIDAY FOR THE CITY OF MOUNT VERNON EMPLOYEES." [June 19th, [2021], every June 19th of every year going forward.

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Comptroller asked how this will be paid for. Mayor noted this will have to be a negotiation point in the contracts. We have a certain number of union negotiated holidays. There is a financial consideration.

Response: Comptroller noted that for those that are required to work, how will they be paid? Overtime? Time and a half? Double? The City temporarily agreed to pay time and a half in years prior. Counsel Johnson noted the city received a grievance from the PBA. Mayor noted we will need to have more conversations. Chief Reed noted there is no provision for if the holiday falls on a weekend. If it does fall on a weekend, how would the City observe it? Conversation ensued on what the federal government has done to observe the holiday. That factor must be taken into consideration and incorporated. Counsel Johnson noted it is a "uniform holiday". For this year, Counsel recommends the City recognize it for this year only and collaborate to address how it will be handled moving forward. Council President Browne asked that it be returned to the City Council for review. **HELD FROM THE FLOOR.**

5. Granting permission for the Department of Recreation to sponsor the 9th Annual Mount Vernon Day (formerly known as Mount Vernon Proud) Event, hang banners, co-sponsor the Diabetes Awareness Walk and permission to the Department of Public Safety to close 7th Avenue (between 3rd & 4th Streets) – (June 3, 2023, from 10:00 a.m. to 5:00 p.m., rain date: June 10, 2023) Funds will be allocated in an amount not to exceed \$2,500.00 from Budget Code A7620.457, Cultural Civic Adult Education.

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: None

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

6. Granting permission for the Mayor to enter into an agreement with the Westchester County Office of Senior Programs and Services under Title III-B Transportation Services Contract Program - (January 1, 2023, to December 31, 2023. Total program amount of \$41,838.00 - County share of \$24,684.00, with matching funds of \$17,154.00 from the City Title III-B Transportation Services program are to be deposited in Revenue Code A4803.1 and to provide for an appropriation in Budget Code A6774.458).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: None

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

7. Granting permission for the Department of Recreation to sponsor the Cinco De Mayo Celebration (Hartley Park on May 5, 2023. **There is no cost to the City for this event**, except minimal staff to monitor the event which will be charged to Budget Code A7310.104 not to exceed \$2,500.00).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Comptroller Morton noted this item is unnecessary to present to the BOE&C. The Department is sponsoring it.

Response: Mayor noted the Recreation Dept are working with Westchester Latinos

NO VOTE REQUIRED PER BOE&C

8. Granting permission for the Department of Recreation to co-sponsor the “Community Baby Shower” with the Office of Senator Bailey (Doles Center on Friday, May 19, 2023, from 4:00 p.m. to 6:30 p.m. – funds not to exceed \$1,500.00 for this event are available in Account Code 7310.447, Part Time Salaries).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Comptroller Morton clarified: this event is a co-sponsorship which will require the law department do a rider that names Senator Bailey and his group. The item prior was solely a city event. The City Council may require approval, but for BOE&C it is not a financial approval. It may not even have to go to the council for approval.

Response: Council President Browne noted if it doesn’t have a request for other departments, it does not need to come before the BOE&C.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

9. Granting permission for three (3) staff members including the Executive Director to attend the Roundtable Leadership/Programmatic Track at Phoenix, AZ (May 1, 2023, to May 4, 2023. Funds are to be accounted for in Revenue Code A4820.4 with the appropriations in the following Budget Codes: A7335.101 (Salaries); A7335.402 (Travel Expense); A7335.458 (Misc. Expense); and A7335.423 (Conference Expense).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Comptroller Morton asked Assistant Comptroller Hamilton about Salary Line 101 and the transfer of monies to that line.

Response: Mayor noted an hourly staff member may be in attendance. These are program staff, not administrative staff.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

10. Granting permission for two (2) Members of Service to attend the Annual International Association of Chiefs of Police Training - (San Diego Convention Center located at 11 Arbor Drive, San Diego, California from October 14th – October 17th, 2023 - \$3,700.00 to be satisfied from Budget Line A3120.451, Training).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Counsel Johnson gave kudos to the MVPD for planning ahead.

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

11. Granting permission to the Mayor to enter into an agreement with the Division of Criminal Justice Services and to accept a grant - (\$192,260.00 for gun violence elimination (2022-2023) DCJS ID #GV22-1070-DOO and a contract #C484914. Funds are to be deposited into Revenue Line A3389.3).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: None

Response: Mayor Patterson Howard noted our 2023-2024 grant amount will double. There is open shooting investigation, juvenile gun violence reduction included; we will be able to provide more internal gun violence elimination tactics and field assessments.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

12. Granting permission to the Comptroller to adjust the salary and grade of the payroll specialist position within the Office of the Comptroller -- (upgrade from \$69,522.92 to \$77,972.34 and Grade 11A, Step 10 from a Grade 8D, Step 10).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: The Comptroller did an evaluation of positions in the department. This payroll position is a backup and alternate for a senior account clerk, also regraded from present duties. In addition to the fact that the position has changed with the advanced technology required for payroll (Kronos and Tyler); the person has been there over 10 years. According to the rules they go to Step 10.

Response: Council President Browne noted that at the new grade and step, they exceed average salary. Comptroller noted there was comparative research conducted on the position.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

SETTLEMENT(S)

Settling the claim of:

<u>Item No.</u>	<u>Claimant's Name</u>	<u>Budget Code</u>	<u>Amount</u>
13.	CHURCH OF OUR LADY OF VICTORY	A1930.494 Judgments & Settlements, 2023 Budget	\$190,000.00
		<p>Moved: Council President Browne Seconded by Comptroller Morton On the Question: Mayor noted this extends back to 2018 when Our Lady of Victory church was denied their tax-exempt status. They were required to pay full taxes. This is a refund of a portion of those taxes. Counsel Johnson noted that the church sued the city for the amount that their status had been improperly denied. Also, the city saved \$160,000 of legal costs and attorney fees. We had \$350,000 claim for remedy that did not include attorney fees.</p>	

		<p>Response: Comptroller noted for Assessor’s office and his office, we need to have another means of communication. We get address information from records of the County. It comes to the Assessor, and that comes to the City. If the County’s information is incorrect, then everyone’s info is incorrect. We are losing money because we do not have the right data. In the Comptroller’s video last week he articulated that. Corp noted when mail comes back we need follow up. Council President noted we should follow-up as a matter of process.</p> <p>Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.</p> <p>Nays: None.</p>	
14.	NELCIDA ARMAND	A1930.494 Judgments & Settlements, 2023 Budget	\$115,000.00
		<p>Moved: Council President Browne Seconded by Comptroller Morton On the Question: Mayor noted this is a person injury issue from 2018 that is affecting and impacting this year’s budget. Response: None Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard. Nays: None.</p>	
15.	KENDRICK SPENCE	A1910.469 (Insurance Claims - 2023 Budget)	\$9,500.00
		<p>Moved: Council President Browne Seconded by Comptroller Morton On the Question: None Response: None Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard. Nays: None.</p>	
16.	VALERIE COATES	A1910.469 (Insurance Claims - 2023 Budget)	\$3,000.00
		<p>Moved: Council President Browne Seconded by Comptroller Morton On the Question: None Response: None Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard. Nays: None.</p>	
17.	SADEKA HARRIS	A1910.469 (Insurance Claims - 2023 Budget)	\$1,044.22
		<p>Moved: Council President Browne Seconded by Comptroller Morton On the Question: None</p>	

		<p>Response: None Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard. Nays: None.</p>
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Motion from Mayor Patterson Howard to take 18-20 together, Council President Browne seconds. ALL AYES for the Block Vote.

SALARY RESOLUTION AMENDMENTS

18. MINIMUM / MAXIMUM – Classified – CSEA (Position: Payroll Specialist in the Finance Office).

<u>Grade</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>	<u>Annual Increment</u>
11A	\$59,945.43	\$77,972.34	\$2,002.99

19. ALL POSITIONS – CITY / CSEA – (establishing the salary of the Position: Payroll Specialist in the Finance Office).

From:	To:
\$69,523.00	\$77,972.00

20. ALL POSITIONS – CITY / CSEA (establishing the salary of the Position: Building Clerk, Department of Buildings)

From:	To:
\$39,093.00	\$46,734.00

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Comptroller noted the reason there is no additional requirement for transfer of funds is because it is within the line, and there was a vacancy.

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

PARTIAL PAYMENTS

Authorizing Partial Payment(s):

21. #11 to PCI INDUSTRIES CORP. for Project No. PCI #4360 in the amount of \$331,398.30 (via the Urban Renewal Agency (“URA”) Community Development Block Grant (“CDBG”) Funding).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: None

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

Motion from Comptroller Morton to take 18-20 together, Council President Browne seconds. ALL AYES for the Block Vote.

22. #12 to PCI INDUSTRIES CORP. for Project No. PCI #4360 in the amount of \$100,906.76 (available in Budget Code H5110.203.C931 - Street Maintenance & Repairs, in which all funding is reimbursed 100% via the New York State Chips Program (Consolidated Local Street Highway Improvement Program)).

23. #13 to PCI INDUSTRIES CORP. for Project No. PCI #4360 in the amount of \$1,797,446.66 be paid out as follows:

<u>Funding Source</u>	<u>Budget Code</u>	<u>Amount</u>
New York State Chips Program (Consolidated Local Street Highway Improvement Program) -	H5110.203.C931 (Street Maintenance & Repairs, in which all funding is reimbursed 100% via the New York State Chips Program - Consolidated Local Street Highway Improvement Program)	\$1,349,446.66
American Rescue Plan Act Funding: Roads (Water Sewer Repair)	H5110.203.C931 (Street Maintenance & Repairs, in which all funding is reimbursed 100% via the New York State Chips Program - Consolidated Local Street Highway Improvement Program)	\$448,000.00
TOTAL:		\$1,797,446.66

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Mayor highlighted we passed payments number 11, 12, and 13. This is work we have been doing for the past two years. For the first 2 years of this administration, we had a comptroller that did not pay bills. We historically had access to our Chips funding. We did not get access to ARPA until 2021. Doing the work of the city is complex. She gave kudos to Comptroller Morton for doing the work of the City. This is the 13th payment of our “Paving it Forward” project. A reminder to residents we are grinding down pavements and managing underground utilities. It costs \$100,000 for one single block.

Response: Comptroller noted we are talking about \$1.7 million dollars that is reimbursable. That is money that needs to be “floated” – this speaks to the ability of the Comptroller’s office to manage the cash flow and receive the reimbursements. Thanks to DPW for getting the work done and the paperwork processed.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

ACCEPTANCE OF REQUEST FOR PROPOSALS (“RFPS”)

- 24. National Water Main Cleaning Company, 1806 Newark Turnpike, Kearny, New Jersey 07032 for “Sewer System Cleaning and Inspection Phase 1: Project No. 122022-2 - (\$6,923,630.00) / Department of Public Works (“DPW”).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Comptroller asked if this is just the acceptance of the proposal? It was confirmed yes.

Response: Mayor noted that this \$6,923,630 funding will come from NYS monies that we were awarded in the amount of \$150,000,000. Counsel Johnson noted this cannot be used for judgements. It must be used for sewage.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

- 25. National Water Main Cleaning Company, 1806 Newark Turnpike, Kearny, New Jersey 07032 for “Outfall 24 – Sewer System Cleaning and Inspection Phase 1: Project No. 122022-1” - (\$1,661.800.00) / Department of Public Works (“DPW”).

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Mayor noted this is the same as the prior item, related to the \$150,000,000 grant. This is specialized work. Chief Reed noted it is part of the Consent Decree with timelines to comply with.

Response: None

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

RETAINER(S)

Retaining the Firm of:

- 26. **LITTLER MENDELSON, P.C.** (*engagement of counsel to represent Richard Thomas (“Thomas”) with respect to the pending lawsuit in the Supreme Court, Westchester County – Robert Kelly v. Richard Thomas – Index No. 67166/2021)) - Budget Code A1420.405, Outside Contracted Services.*

Moved: Council President Browne

Seconded by Comptroller Morton

On the Question: Counsel Johnson noted this is for the second Robert Kelly case. The City was successful in the first federal lawsuit. Mr. Kelly then filed this lawsuit, that would make it personal to Mr. Thomas only and the city was not a defendant. Counsel entertained that idea. The City Charter is clear. Once the facts became clear, the allegations and facts were too tenuously and closely related to Thomas’ mayoral tenure. Outside counsel advised the City to provide Thomas with counsel; because if he is hit with a judgment the City could be seen as noncompliant in indemnifying him and providing counsel. Former Mayor Thomas made what Mr. Kelly deemed defamatory remarks on a radio show.

Response: Comptroller noted all of this is based on judgments, decisions and actions of the former Mayor Thomas. From a risk assessment and risk management perspective, the Comptroller’s Office and the Law Office need to look at and assess how to guard against things like this in the future. Learn lessons from the past and codify. Council President Browne discussed language and resolutions for hiring, outside agreements and engagement agreements. We should shift the language in these resolutions and amend the former ones. Counsel noted no objection to the language. Comptroller noted the more specificity, the better for us.

Ayes: Comptroller Morton, Council President Browne and Chairwoman, Mayor Patterson-Howard.

Nays: None.

The agenda was concluded at 6:04 PM

Chairwoman Patterson-Howard asked if there was new business: Chair Patterson-Howard shared there will be a celebration of Cinco De Mayo from 3-6pm. The weather should be clear. Senator Bailey’s autism walk will be 10:30am on Saturday, where we have a playground for differently-abled residents. She discussed the recent rains and flooding, advising residents to take photos and video so it can be sent to insurance. We are working with partners on flood mitigation plans, and flood water upgrades. Please explore flood insurance for your home.

Mayor asked for a motion to adjourn. Comptroller Morton moved to adjourn, Council President Browne Seconded. Roll Call: ALL AYES.

There being no further business, the meeting was adjourned at 6:08p.m.

Donna M. Jackson, M.Ed.,
Deputy City Clerk
Entered May 2, 2023