



FILED  
CITY CLERK  
MOUNT VERNON, NY

2021 AUG 27 P 12:46

**BOARD OF ESTIMATE & CONTRACT  
AGENDA  
FRIDAY, AUGUST 27, 2021  
10:30 AM  
MAYOR'S CONFERENCE ROOM – CITY HALL  
MOUNT VERNON, NEW YORK  
& VIA FACEBOOK.COM/MOUNTVERNONNY  
“SPECIAL”  
“REVISED”**

**RESOLUTIONS APPROVING ORDINANCES**

1. Authorizing the transfer of funds to cover the cost of EPA fines. (\$222,000.00)
2. Authorizing the Mayor to enter into an engineering service agreement with Environetics Group Architects, PC for the Armory Senior Center, Doles Recreation Center, the Oak Street Firehouse Station (Station 4), the DPW Yard on Canal Street, and the 6<sup>th</sup> Avenue Firehouse Station (Station 5). (\$95,700.00)

**SETTING THE RATES**

3. Setting the rates for the Law Office of Karl A. Scully to serve as trial counsel in the Matter of Mega Beverage Redemption Center Inc. v. The City of Mount Vernon.

**DISCUSSION**

4. A lease agreement between the City of Mount Vernon and Macquesten Station Takeover LLC to lease 156 Mt. Vernon Avenue/ 20 S. West Street for a temporary fire station

AUG 27 2021

SPECIAL

RESOLVED, that an ordinance adopted by the City Council on August 27, 2021, and signed by the Mayor on August 27, 2021, authorizing the transfer of funds to cover the cost of EPA fines from Budget Code A1930.494 (Judgements & Settlements) to the escrow account authorized by the Board of Estimate and Contract on August 17, 2021, be and the same is hereby approved.

Vote Taken As Follows: 8/27/2021 special  
Griffith: Absent Thompson (acting): Yea  
Reynolds Absent  
Patterson - Howard: Yea Resolution Adopted


APPROVED AS TO FORM

  
Assistant Corporation Counsel

ADOPTED BY  
BOARD OF ESTIMATE  
AND CONTRACT

APPROVED

Dept. \_\_\_\_\_

7   
Clerk

AUG 27 2021

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS TO COVER THE COST OF EPA FINES.

WHEREAS, by letter dated August 24, 2021, Mayor Shawyn Patterson-Howard is respectfully requesting that the City Council enact legislation to transfer \$222,000.00 to cover the cost of EPA fines ordered by the Honorable Cathy Siebel for the City's inability to comply with the Court's Third Remedial Order concerning the DOJ/EPA/DEC consent decree; and

WHEREAS, Mayor Shawyn Patterson-Howard further requested that the \$222,000.00 be transferred from Budget Code A1930.494 (Judgements & Settlements) to the escrow account authorized by the Board of Estimate and Contract on August 17, 2021; NOW, THEREFORE,

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. The Comptroller is hereby authorized and directed to transfer the sum of \$222,000.00 to cover the cost of EPA fines ordered by the Honorable Cathy Seibel for the City's inability to comply with the Court's Third Remedial Order regarding DOJ/EPA/DEC consent decree.

*\$ 222,000 with interest*

Section 2. Funds for the aforesaid of \$222,000.00 shall be transferred by the Comptroller from Budget Code A1930.494 (Judgements & Settlements) to the escrow account authorized by the Board of Estimate and Contract on August 17, 2021

Section 3. This ordinance shall take effect upon its approval by the Board of Estimate and Contract.

Vote Taken As Follows: 8/27/2021 special  
Duarfe: Yea Thompson: Yea  
Farquharson: Absent Copeland: Yea  
Griffith: Yea Ordinance Adopted

APPROVED AS TO FORM

*Jane Beasly*  
Assistant Corporation Counsel

*Jane Beasly*  
Councilperson

THIS ORDINANCE ADOPTED BY CITY COUNCIL

*Shawyn Patterson-Howard*  
President

ATTEST:

*Melissa J. Holmes*  
City Clerk

APPROVED  
AUG 27 2021

APPROVED  
Dept. \_\_\_\_\_

Date  
*Shawyn Patterson-Howard*  
By \_\_\_\_\_ Mayor

1

AUG 27 2021

**SPECIAL**

2

RESOLVED, that an ordinance adopted by the City Council on August 27, 2021 and signed by the Mayor on August 27, 2021, authorizing the Mayor to enter into an engineering service agreement with Environetics Group Architects, PC for the Armory Senior Center, Doles Recreation Center, the Oak Street Firehouse Station (Station 4), the DPW Yard on Canal Street, and the 6<sup>th</sup> Avenue Firehouse Station (Station 5), funds for which shall come from the American Rescue Plan Act (ARPA) Funds in Budget Code A9900.001, be and the same is hereby approved.

Vote Taken As Follows: 8/27/2021 special  
Griffith: Absent Thompson (acting): Yea  
Reynolds Absent  
Patterson - Howard: Yea Resolution Adopted

**APPROVED AS TO FORM**

  
Assistant Corporation Counsel

ADOPTED BY  
BOARD OF ESTIMATE  
AND CONTRACT

**APPROVED**

Dept. \_\_\_\_\_

  
Clerk

2

AUG 27 2021

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENGINEERING SERVICE AGREEMENT WITH ENVIRONETICS GROUP ARCHITECTS, PC FOR THE ARMORY SENIOR CENTER, DOLES RECREATION CENTER, ~~AND THE OAK STREET FIREHOUSE STATION (STATION 4),~~ DPW yard at Canal Street, and the 6<sup>th</sup> Ave Firehouse Station (Station #5). 90 8/27/21

WHEREAS, by letter dated August 23, 2021, the Commissioner for the Department of Public Works has requested legislation authorizing the Mayor to enter into an engineering services agreement with Environetics Group Architects, PC ("ENV") for a conditions assessment report at the Armory Senior Center, Doles Recreation Center, and the Oak Street Firehouse Station (Station 4) in the amount of \$56,950.00; and

WHEREAS, the aforesaid consultant rendered consultant engineering services in 2012 to provide preliminary assessment reports for several facilities, including the Oak Street Firehouse. Due to their previous knowledge, completion of preliminary reports, and understating of the facilities, it would behoove the city to retain ENV to complete the necessary engineering documents, oppose to identifying another consultant firm which will have to commence without any prior experience, thus resulting in additional associated cost(s); and

WHEREAS, the updated reports will include a review of each building's envelope, infrastructure, structure, electrical, mechanical, plumbing, fire protection systems and potential environmental issues. The report will also include observations, descriptions of each building system, recommendations, estimates and level of priority; and

WHEREAS, the aforesaid consultant shall complete full conditions assessments reports for the following facilities:

- Armory Senior Center (Shut Down) - \$19,450.00
- Doles Recreation Center - \$18,750.00
- MVFD Station 4 – Oak Street Firehouse Station (Shut Down) - \$18,750.00;

90 8/27/21 and DPW Yard at Canal Street - N \$20,000.00; and ~~WHEREAS, the funds for the aforesaid in the amount of \$56,950.00 are available~~ not to exceed \$95,700.00 from the American Rescue Plan Act (ARPA) Funds in Budget Code A9900.001; NOW, THEREFORE,

The City of Mount Vernon, in City Council convened, does hereby ordain and enact that:

Section 1. The Mayor is hereby authorized to enter into an engineering services agreement with Environetics Group Architects, PC ("ENV") for a conditions

assessment report at the Armory Senior Center, Doles Recreation Center, ~~and the Oak Street Firehouse Station (Station 4),~~ DPW Yard at Canal Street, and the 6<sup>th</sup> Ave Firehouse Station (Station #5) in the amount of ~~\$56,950.00.~~ not to exceed \$95,700.00. 90 8/27/21

→ • 6<sup>th</sup> Ave Firehouse station (Station #5) - N \$ 18,750.00

AUG 27 2021

not to exceed \$95,700.00  
8/27/21

Section 2. Funds for the aforesaid in the amount of ~~\$56,950.00~~ are available from the American Rescue Plan Act (ARPA) Funds in Budget Code A9900.001.

Section 3. This ordinance shall take effect upon its approval by the Board of Estimate and Contract.

Vote Taken As Follows: 8/27/2021 special  
Duarte: Yea Thompson: Yea  
Farquharson: Absent Copeland: Yea  
Griffith: Yea Ordinance Adopted

APPROVED AS TO FORM

James Beasford  
Assistant Corporation Counsel

James Duarte  
Councilperson

THIS ORDINANCE  
ADOPTED BY CITY COUNCIL

James Duarte  
President

ATTEST:

William J. Helms  
City Clerk

APPROVED  
AUG 27 2021

APPROVED  
Dept. \_\_\_\_\_

Date  
By James Duarte  
Mayor

2

**SPECIAL**

3

WHEREAS, pursuant to Section 153 of the Charter of the City of Mount Vernon, the Corporation Counsel, with the written consent of the Mayor, may employ counsel at such compensation as may be agreed upon by the Board of Estimate and Contract in the conduct of proceedings in which the City is a party; and

WHEREAS, by letter dated August 27, 2021, the Corporation Counsel has recommended that this Board retain the Law Office of Karl A. Scully as trial counsel Mega Beverage Redemption Center Inc. v. The City of Mount Vernon, Index No. 63251/2016 for the general litigation for the City of Mount Vernon; NOW THEREFORE, be it

RESOLVED, that the Law Office of Karl A. Scully be retained at the firm's hourly rate of \$350.00 an hour, \$100.00 an hour for legal assistants, law clerks, and paraprofessionals. Reimbursement is also requested for the ordinary and customary expenses, such as transcript costs, filing fees, reporters, etc. Any unusual expenses, such as expert fees, travel, etc., will be discussed and pre-approved by the City before they are incurred; and be it further

RESOLVED, that funds will be made available in Budget Code A1420.405 (Contract Legal Services). Law Department 2021 Budget; and be it further

RESOLVED, that this resolution shall take effect immediately.

**APPROVED AS TO FORM**

  
Assistant Corporation Counsel

**ADOPTED BY  
BOARD OF ESTIMATE  
AND CONTRACT**

**APPROVED**

Dept. \_\_\_\_\_

3

  
Clerk

Vote Taken As Follows: 8/27/2021 special  
Griffith: Absent Thompson (acting): Yea  
Reynolds Absent  
Patterson - Howard: Yea Resolution Adopted