

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on May 23, 2006 at 7:30 p.m. at the Cyrus Russell Community House, 779 Route 35, Cross River, New York.

PRESENT: Supervisor - Edward P. Mahoney
Councilmen - Peter DeLucia, Al Perruzza, Suzanne Whalen
Town Clerk - Kathleen G. Cory
Town Attorney - Jessica Bacal

Also attending were Deputy Supervisor Joann Vasi and Facilities Maintenance Manager Joel Smith.

PARKS AND RECREATION – Town Pool – Discussion re Construction Problems

Supervisor Mahoney noted that due to construction problems the main pool will not be ready for opening on Memorial Day as scheduled. Dana Mayclim, Superintendent of Parks and Recreation has made arrangements with the Town of Bedford for use of their facilities. Bedford has also requested 50 to 75 passes for the fireworks. Lewisboro would charge out-of-town residents \$20 per carload and have them park off-site. Mr. DeLucia noted that the request is now 100 passes and they also want ping-pong tables donated.

Mr. Mahoney reviewed the pool project, noting that construction got underway late, in November of last year. The opening date target is now July 4 weekend. The wading pool is definitely on target.

Nicholas Piazza of West Lane addressed the Board regarding problems with the construction. Mr. DeLucia said Mr. Piazza is a contractor with municipal-project experience and he has some concerns. Mr. Piazza addressed the Board regarding the finish on the pool. He felt the Town could not paint the pool, but rather should use a “marbelite” finish. Due to the patching that was done, Mr. Piazza did not think the contractor would be able to get a smooth finish. Mr. DeLucia said the contractor is grinding the surface but the result is not a smooth finish. Mr. Piazza said the problem with epoxy paint is that the patches will be visible. He said the new wading pool is beautiful, but the main pool is a “patched pool”. He said the gutter system will crack. Where the new concrete meets the old there is bentonite. He said the Town can blame the contractor for workmanship on the old pool—it’s poor, but on the new pool it’s good. Mr. Mahoney said he understood that the cement work was not a monolithic pour. Mr. DeLucia said he attended a meeting in the fall when Mr. Piazza advised the former Town Supervisor that the planned construction method was not the way to go. He said the pool was losing 13,000 gallons of water a day and that was not coming from the gutter system.

Mr. Perruzza asked if the contractor was cutting corners and if there was something the Town Board should be doing. Mr. Piazza noted that all the inspectors and experts came in after the fact. He suggested that the pool and gutters be tested, and for that the pool should be filled above the cracks. He noted the increased cost of maintaining the pool every year due to the patching. He said eventually the bentonite will fail. Mr. Piazza also stated that if the pool is finished with marbelite the pool must be filled all the way up the first time or there will be fill marks. He said

he does about \$15,000,000 worth of work with JMOE Engineering each year. He asked their engineers if they could guarantee the initial work on the pool. They said “no, they were brought in later.” Mr. Piazza said he volunteered his workers to supervise the pool project and the former Supervisor did not want to meet him. He finally called Mr. Piazza and told him “we had it under control.” He said the pool repair method was a “totally political move to gain votes” and the “wrong thing at the wrong time.” He also said he felt the retainage was inadequate and the Town should have had a bond.

Mr. Perruzza thanked Mr. Piazza for his comments. He asked again if there was something the Town should do. Mr. Piazza said “test the pool.” Mr. DeLucia said the pipes have been air-tested and there were no leaks. Mr. Piazza said the way the pool is designed, it is moving, expanding and contracting. He doesn’t think it is going to hold, and it should have been done using gunite. Mr. DeLucia said the Town cannot demolish the pool and start over. The Board is trying to resolve issues as best it can. He said the Town was fortunate to have the services of concrete expert Wayne Coluccini who oversaw the repair of the cracks. Mr. DeLucia said the Board should look into the marbelite solution. Mr. Piazza said they must be sure the marbelite will hold over the caulking.

Mr. Mahoney asked Mr. Piazza if he felt the Town was spending wisely to have the engineering firm overseeing the project. Mr. Piazza asked who was present when the contractor was preparing to pour, not during the pouring of cement.

Mr. Mahoney said one way or another the way the project was constructed will come back to haunt someone someday. He said he was not casting blame. Mr. Perruzza said “there is blame, let me cast it--this is a bloody mess.”

Mr. Piazza said he felt the project was a bad design and some of the work was shoddy. He said the new work however, is “nice.”

Mr. Perruzza asked if the Town brought someone else in, what would a new contractor do at this point regarding the points of potential failure? Mr. Piazza said he is dealing with Frank Norberto as a pool contractor. He asked Mr. Norberto to come up and see the job and give him an estimate of what it would cost to finish. Mr. Piazza said he would be willing to pay his employees to finish the pool properly. Mr. Perruzza said there must be some failure points. Mr. Piazza said the caulked joints will hold, but for how long? Mr. Perruzza said if there were remedies that would extend the life of the pool he would vote to spend money for them.

Mr. DeLucia said the Board will hear what Mr. Norberto has to say and explore the marbelite option, but he feels that the Town must continue with Scott Pools. To do otherwise would involve the Town in a lawsuit and delay the finishing of the pool.

Mr. DeLucia said since the majority of the Board was elected they have had Mr. Coluccini involved. He said they can put some water in the pool and see what happens, they will be checking the gutter system. He said they also have to keep the contractor to the contract with an extended deadline of June 1. The contractor will also have to deal with the coping stones that were delivered broken.

Mr. DeLucia said Mr. Piazza's experience is mostly municipal pools whereas Scott Pools did mostly residential work. When they did have municipal work, there were lawsuits involved.

Mr. Mahoney read from an email regarding repair vs. new construction at the pool. It was noted that an attempt was made to stop leaking of the old pool with a liner and that did not work. The stainless steel gutter system is the reason for the leaking and to replace it with a new similar system was ruled out. The concrete floor of the pool was inspected and found to be sound except for the upper portion of the walls. The proposed approach was to remove the existing gutter system and the upper portion of the walls and reconstruct the walls with a concrete gutter system. Mr. Mahoney asked if the concrete gutter system is going to crack. Mr. Piazza said concrete has to crack somewhere. He said the Town is draining the pool and normally a pool has water in it over the wintertime.

Mr. DeLucia said he would talk to the Superintendent of Parks and Recreation and ask her to get a price for the marbelite. In answer to Mrs. Whalen's question as to why the pool finish is so rough, the answer was "poor workmanship."

The Board discussed the pool contract and proposed amendments. Mrs. Whalen said without a bond the contractor is holding the Town hostage. Mr. DeLucia said the Town is in a "horrendous" position. Mr. Perruzza said "this is a terrible contract." Ms. Bacal replied, "that was the kind of deal that was made." Mr. DeLucia noted that Mrs. Whalen and Ms. Bacal wanted to award the contract to Norberto last year. Mr. DeLucia said he wondered if filling the pool part-way would provide enough pressure on the joints to adequately test them. A filled pool would provide more pressure.

Mr. Piazza said the Town is not held hostage. He advised the Board to tell the contractor that the walls are unacceptable and either take them down and re-do them or marbelite them at his cost. If the contractor walks off the job for poor workmanship the Town can sue him. The Board expressed concern about having the pool ready for this summer. Mr. Piazza volunteered to finish the job.

The Board discussed the bids that have come in for fencing and landscaping. Two bids were received for landscaping, one at \$70,000 and one at \$140,000. The fencing bid was for the wrong fence and must be rebid. One vendor for the landscaping said the specifications were "overkill." The Board will discuss the issues with the landscaping bidders.

LEWISBORO VOLUNTEER AMBULANCE CORPS – Authority for Addition to Building

Ms. Bacal advised that the ambulance corps wishes to add onto its headquarters building in Cross River. The building and land is owned by the Town and leased to the corps. The addition would encompass an area which now has an existing deck. The corps has received a grant for the addition which will include a meeting room and bedrooms. They are asking for permission from the Town to add onto their building.

Mr. Perruzza said the corps is a vital service and he was in favor of the addition. The other Board members agreed.

On motion by Mr. Perruzza, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE: Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Lewisboro Volunteer Ambulance Corps to act, as tenant, to secure whatever permits are needed to expand their building on the site of the existing deck.

BUILDING DEPARTMENT – Discussion re Vehicle Lease

The Board reviewed a proposed vehicle lease for the Building Department. It was noted that the funding is in the budget.

PARKS AND RECREATION – Discussion re Vehicle Lease

The Board discussed a proposed vehicle lease for the Parks and Recreation Department. The vehicle would be used by the Parks Maintenance foreman.

GRANTS – Report re Watershed Grants

Mr. Perruzza said the Town has been advised by the County that it had been chosen to receive a watershed project grant. The Town will be asked to sign an Inter-Municipal Agreement with the County. Ms. Bacal said the County is very enthusiastic about the Town’s project due to the level of cooperation between participants.

EXECUTIVE SESSION – Employment History/Litigation

On motion by Mr. Mahoney, seconded by Mr. Perruzza the Board voted 4-0 to go into executive session to discuss the employment history of a particular person and pending litigation.

On motion by Mr. Mahoney, seconded by Mr. Perruzza, the Board voted 4-0 to come out of executive session.

TOWN OFFICIALS AND EMPLOYEES – Authorize Contract with Dana Mayclim

On motion by Mr. Perruzza, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE: Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign an employment contract, as amended, with Dana Mayclim.

EXECUTIVE SESSION – Negotiations

On motion by Mr. Mahoney, seconded by Mr. Perruzza the Board voted 4-0 to go into executive session to discuss contract negotiations.

On motion by Mr. DeLucia, seconded by Mrs. Whalen, the Board voted 4-0 to come out of executive session.

ADJOURNMENT

On motion by Mr. Mahoney, seconded by Mr. DeLucia, the Board voted to adjourn at approximately 9:30 p.m.

Kathleen G. Cory
Town Clerk