

BOARD OF TRUSTEES  
January 26, 2015

PRESENT: Mayor Sellier  
Trustee Schwarzfeld  
Trustee Vandenberg  
Attorney McLaughlin  
Manager Pierpont

ABSENT: Trustee Annunziata  
Trustee Winston

PLEDGE OF ALLEGIANCE AND FIRE SAFETY ANNOUNCEMENT

Mayor Sellier led those assembled in the Pledge of Allegiance and notified those in attendance where the fire exits were located. He said that this was a particularly memorable day because twenty six years ago his son Matthew was born and he is now thriving in Istanbul.

-----

DECLARATION OF EMERGENCY

Although there is not much happening now regarding the weather, it may be appropriate to keep streets cleared. Mayor Sellier signed the Declaration of Emergency after reading it.

The Declaration of Public Emergency for the Village of Pelham Manor is listed below.

I, Bertrand C. Sellier, Mayor of the Village of Pelham Manor, do hereby find that the approach of a blizzard gives rise to the reasonable apprehension of a natural disaster creating a public emergency that is likely to have a serious affect on the Village of Pelham Manor and imperil the public safety of its residents.

I, therefore, declare, in the exercise of my authority pursuant to the Executive Law and the Village Law of the State of New York, a state of emergency in the Village of Pelham Manor effective 11:00 PM Monday, January 26, 2015 and further declare as follows:

1. No person shall remain in any area within the Village of Pelham Manor if the circumstances are such, in the judgment of the Village Manager, that it is unsafe to do so by reason of the effects of the blizzard.
2. No person shall remain on the streets of the Village of Pelham Manor if, in the judgment of the Village Manager, the circumstances are such that it is unsafe for persons to do so by reason of the effects of the blizzard or is it likely that the presence of persons will hinder or impede any effort to rescue persons, protect property or otherwise recover from the effects of the blizzard.
3. All departments of the Village of Pelham Manor shall take whatever steps are necessary to protect life and property, public infrastructure and provide such emergency assistance as is deemed necessary.

This declaration and order shall remain in effect for the five days from the date hereof or until rescinded by a subsequent order. Any person who knowingly violates this order is guilty of a class B misdemeanor.

The Mayor noted for the record that a number of items have been postponed, including the public hearing on the Canal Road Urban Renewal Plan.

-----

RESOLUTION TO ADJOURN THE PUBLIC HEARING ON CANAL ROAD URBAN RENEWAL PLAN UNTIL MONDAY, FEBRUARY 9, 2015

After discussion and upon motion duly made and seconded it was unanimously

RESOLVED, That the public hearing on the Canal Road Urban Renewal Plan be and hereby is adjourned until Monday, February 9, 2015.

-----

MINUTES FROM THE JANUARY 12, 2015 PUBLIC HEARING AND REGULAR MEETING

The Mayor asked if there were any comments or questions on the minutes. Trustee Vandenberg commented that the minutes were well done and extremely accurate.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the minutes from the January 12, 2015 Public Hearing and Regular Meeting be and hereby are approved.

-----

REPORTS

The Village Treasurer reported that the Village received the second payment of mortgage tax. It was not as bad as originally thought, but the revenue is still thirteen thousand dollars less than the Village anticipated.

The Superintendent of Public Works reported that eighty six trees were planted throughout the Village in November. The trees are all in and the trees marked for removal have been taken down.

Trustee Schwarzfeld asked about stump removal and was told that once the Village is finished with the removal the stumps are done. If Con Edison takes the tree down, it is put on a removal list.

Trustee Schwarzfeld said that there was a stump in front of his house.

RESOLVED, that the reports be and hereby are accepted.

-----

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS NUMBERS 21128-21173

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that the Mayor be and hereby is authorized to sign Abstract of Vouchers Numbers 21121-21173.

-----

STATEMENT BY MAYOR SELLIER

Mayor Sellier read the following statement.

The Board of Trustees is very saddened by the recent incident concerning Police Officer Ken Campion. Our thoughts and prayers are with Officer Campion and his family. We wish him a full and speedy recovery.

After the news stories over the past week concerning our Police Department, I believe that it is important to report to the residents of the Village about these matters.

In March 2014, two Village police officers Marc Lenci and Greg Paci, retired in order to avoid facing potential disciplinary charges. The incident that led to the potential charges arose when Officer Lenci and Officer Paci arrested an African-American man by the name of Jamainne Hall. Mr. Hall was charged with resisting arrest, obstruction of governmental administration, disorderly conduct, assault of a police officer,

speeding and failure to stop at a stop sign. The officers submitted sworn supporting depositions attesting to the truth of these charges. Subsequently, companions of Mr. Hall, who were present at the time of the arrest, produced a videotape of the encounter that contradicted the sworn statements of Officers Paci and Lenci. Chief Mosiello notified Officers Paci and Lenci that he had reviewed the videotape, and was contemplating bringing them up on charges of misconduct for filing false supporting depositions. Officers Paci and Lenci decided to retire rather than defend those potential charges.

Mr. Hall commenced a lawsuit against the Village in the United States District Court for the Southern District of New York. His lawsuit asserted claims for false arrest, false imprisonment and violation of civil rights. The Village's insurer settled the lawsuit pursuant to a confidential settlement agreement. Therefore, I cannot comment on the terms of that settlement.

Because the two officers retired when they did, they were both ineligible for certain retirement benefits under the collective bargaining agreement between the Village and the Police Benevolent Association. Specifically, they were ineligible for cash payments for their accrued vacation time, and to have the Village pay the full cost of their health insurance as retirees. The Village declined to pay anything more than what was required under the collective bargaining agreement. Former officers Paci and Lenci then spent several months trying to persuade Village officials, including Chief Mosiello, to change the Village's decision to adhere to the collective bargaining agreement. Their efforts were unsuccessful.

Last summer, former officer Lenci approached me at Shore Park and asked me to meet with him and Officer Champion concerning alleged misconduct by Chief Mosiello. I agreed to that request and met with them at my home on two occasions. At the second meeting, they provided me with information concerning allegations that Chief Mosiello had acted improperly by causing traffic tickets to be dismissed. I presented their allegations to the Board of Trustees, and recommended that we retain counsel who had no prior contact with or connection to the Village or its officials to investigate the allegations. The Board retained Brian Nugent, who is lawyer from Rockland County, and served as a police officer for twenty years. After conducting his investigation, Mr. Nugent concluded that the ticket fixing claims against Chief Mosiello were unfounded.

On December Fifteenth of last year, while Mr. Nugent's investigation of alleged ticket fixing was still under way, former officer Lenci sent me an email with an attachment. Based on the attachment, it appeared that in 2011 Chief Mosiello had received emails in his personal account containing racially offensive material and then forwarded those emails to the personal accounts of several officers in the Police Department. Mr. Lenci expressed the opinion that the Chief's employment should be terminated immediately in light of these emails, and that the emails would be made public if that did not happen. Because Chief Mosiello admitted that he had received and forwarded those emails, we did not expand the scope of Mr. Nugent's investigation to include this subject.

The Board took this matter very seriously, and an emergency meeting was held on December Twenty Sixth. It is significant that Chief Mosiello would have been entitled to a full Due Process hearing before the Board of Trustees could impose discipline of any kind, and whatever decision the Board made could potentially be subject to lengthy judicial challenges. Recognizing the potential costs, risks and delays of litigation, and further recognizing that Chief Mosiello is a long-term Village employee who immediately acknowledged what he had done and apologized for his poor judgment, on January Twelfth Board imposed significant discipline (but not termination) on the Chief, which he agreed to accept without legal challenge. The Board made that decision before last week's press reports. The discipline imposed was substantially more serious than any of the other options available to the Village under the Westchester Police Act, and included a significant loss of pay and the requirement that Chief Mosiello submit to counseling.

In short, we have given serious consideration to all of the charges we received, investigated them thoroughly and imposed appropriate discipline. Because these are personnel matters that are, in the ordinary course, kept confidential, we do not have any further comment.

- - - - -

PUBLIC COMMENT

Maggie Klein, editor of The Pelham Weekly, asked if the Police Chief was on leave and employed.

Mayor Sellier said that his statement answered that. The Police Chief's employment was not terminated.

-----

EXECUTIVE SESSION

It was determined that an Executive Session was not needed.

-----

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

-----

Clerk