

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 7, 1996 at 8:00 P.M.

PRESENT:

EDWARD B. DUNN, Mayor
JAMES K. BURKE
EDWARD J. COLLINS
CAROLYN C. CUNNINGHAM
ROBERT H. HUTCHINGS
JOSEPH L. LATWIN
KATHLEEN E. WALSH
Councilmen

ABSENT: None

1. Roll Call

Mayor Dunn called the meeting to order; a quorum was present to conduct official City business.

2. Presentation of Distinguished Service Awards by the Mayor

Mayor Dunn recognized the spirit of volunteering as one of the most important traditions in Rye. He thanked all volunteers for their many years of service and experience in helping guide the City. Mayor Dunn presented Certificates of Merit to the following:

The Honorable John L. Alfano	Board of Assessment Review
Mr. Myron Weinberg	Board of Assessment Review
Mr. James Shea	Commission on Human Rights
Steven Otis, Esq.	Conservation Commission/Advisory Council
Barbara Cummings, Esq.	Landmarks Advisory Committee
Mrs. Florence Sniado	Landmarks Advisory Committee
Councilwoman Cunningham	Planning Commission
Councilman Latwin	Planning Commission
Mr. Theodore Konopka	Examining Board of Installers of Mechanical Equipment
Mr. Richard Mecca	Examining Board of Installers of Mechanical Equipment

3. Old Business

In relation to the User Friendly concept, Councilman Latwin told the Council that homeowners wishing to do work on their homes must have proof of workers' compensation coverage or proof of exemption. Through the efforts of Corporation Counsel Richard Gardella and Building Inspector Adolph Orlando, a waiver from the State of New York Workers' Compensation Board may be obtained via telefax instead of going to Brooklyn to obtain a statement that the applicant does not require workers' compensation or disability benefits coverage.

4. Residents may be heard who have matters to discuss that do not appear on the agenda

Mr. Steven Otis, 26 Lynden Street, told the Council that he was proud to have been a member of the Conservation Commission/Advisory Council and able to contribute positively to the community. However, Mr. Otis told the Council that he believes the City Court and various boards and commissions in Rye are no longer bipartisan which is not in character with the history of Rye.

5. Discussion of the role of the Community Residence Advisory Committee

Councilwoman Cunningham reviewed the Senate Research Analysis regarding the State's Padavan Law and the Federal Fair Housing Amendments of 1988. This analysis stated that certain provisions in the Padavan Law were effectively preempted by these amendments. Mr. Michael Shea and Mrs. Nan Hackett of the Community Residence Advisory Committee told the Council that even though this Committee has been dormant, it would serve an important purpose if the State wanted to establish a group home in Rye in the future.

Mayor Dunn suggested that Mr. Shea conduct a poll of the existing members of the committee to determine if they wish to continue to serve on the Community Residence Advisory Committee. The Mayor suggested that the committee continue for one year and then review it again.

6. Review of the City of Rye Procurement Policy

City Manager Culross explained that New York State requires Rye to review its Procurement Policy, which became effective January 1, 1992. Based on comments received from heads of the City's various departments, he recommended the following adjustments in the dollar limits in Section 3 of the policy:

Purchase contracts requiring two verbal quotations would become \$500-\$3,499 (current amount \$250-\$2,999). The range for three written/fax quotations would become \$3,500-\$9,999 (current amount \$3,000-\$9,999).

For Public Works contracts, the range requiring two verbal quotations would become \$500-\$3,499 (current amount \$250-\$2,999). The range for two written/fax quotations would become \$3,500-\$9,999 (current amount \$3,000-\$4,999); and for three written/fax quotations would become \$10,000-\$19,999 (current amount \$5,000-\$19,999).

City Manager Culross suggested that these adjustments in limits would expedite the procurement policy while ensuring the prudent and economical use of public moneys. In response to inquiries from Councilman Burke and Councilwoman Cunningham, City Manager Culross explained that the figures stated were based on prior experience. Councilman Latwin suggested that the figures be called minimum standards. Mayor Dunn added that these changes in the policy are positive steps toward making purchasing easier.

Councilman Collins made a motion, seconded by Councilman Hutchings, to adopt the amendments to the Procurement Policy:

CITY OF RYE PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the City of Rye involved in the procurement process, now, therefore, be it

RESOLVED, that the City of Rye does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE CITY OF RYE

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.
3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>		<u>Method</u>
\$ 500 - \$3,499	2	verbal quotations
\$3,500 - \$9,999	3	written/fax quotations or written request for proposals

<u>Estimated Amount of Public Works Contract</u>		<u>Method</u>
\$500 - \$3,499	2	verbal quotations
\$3,500 - \$9,999	2	written/fax quotations
\$10,000 - \$19,999	3	written/fax quotations or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Rye to solicit quotations or document the basis for not accepting the lowest bid:
 - a) Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the City Council shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of any attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

- c) Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the City of Rye is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
 - d) Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de- minimis contracts would be awarded based on favoritism.
7. This policy having been adopted on January 9, 1992, has now been amended on this the 7th day of February, 1996, and will be reviewed annually.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham,
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

7. Authorization to pay balance of Union Free School District taxes as of December 31, 1995

Councilman Burke made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

RESOLVED, that the City Comptroller be, and is hereby authorized to pay the balance of Rye Neck Union Free School District taxes as of December 31, 1995, in the amount of \$16,153.92 in accordance with Section 22.9 of the City Charter.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham,
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The resolution passed.

8. One appointment to the Board of Assessment Review to fill the unexpired term ending September 30, 1996

This agenda item was postponed to a future Council meeting.

9. One appointment to the Recreation Commission for a three-year term, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Mr. Douglas Carey to the Recreation Commission for a three-year term.

Mayor Dunn added that Mr. Carey has contributed a great deal to Rye in the area of recreation.

10. Authorization to purchase three police cars

City Manager Culross explained that the 1996 Vehicle and Building Maintenance Fund budget allocates \$60,000 for the purchase of three police vehicles. The Police Department continues to believe that a full-size, rear-wheel drive vehicle, such as the Chevrolet Caprice, is the type best suited for their needs. Unfortunately, the automobile industry is phasing out full-size rear-wheel drive vehicles. The size and increased down-time of compact, front wheel drive vehicles, such as the Chevrolet Lumina, does not make this vehicle a viable alternative. The City Manager cited the following key points in making a decision to purchase these vehicles:

1. Sole Source: Warnock Motor Sales of East Hanover, New Jersey, seems to be the sole source of these vehicles. They currently have a limited supply of 1996 Chevrolet Caprice police vehicles that they are selling on a first-come, first-served basis for \$20,900.
2. Time Constraint: Because of the limited supply, it would not be in the City's best interest to prepare specifications and seek formal bids.
3. Standardization: This purchase would allow the City an additional year to review the advantages and/or disadvantages of alternative police vehicles. This purchase would also allow the City to use existing police car components such as light bars, consoles, and cages. The purchase of a different model would require the purchase of new components for each vehicle, which may cost approximately \$1,700.

Councilman Burke made a motion, seconded by Councilman Latwin, to adopt the following resolution:

RESOLVED, that the City Council specifically determines and finds that the needs of standardization, including repair, inventory, and operation, require the purchase of full-size 1996 Chevrolet Caprice police vehicles to replace retired police patrol car vehicles in the Rye Police Department, and be it further

RESOLVED, that such vehicles are not presently available under State contract or from dealerships or other providers except for Warnock Motor Sales, and be it further

RESOLVED, that the City Council specifically finds that Warnock Motor Sales is the sole source of the needed full sized Chevrolet Caprice Police Vehicles and that efficient operation of the Rye Police Department requires an immediate attempt to obtain three such vehicles from the above sole source, and be it further

RESOLVED, that the City Manager be and is hereby authorized to purchase up to three 1996 Chevrolet Caprice police cars from Warnock Motor Sales at \$20,900 each.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham,
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The resolution passed.

11. Bids for Dock Electrification at the DePauw Municipal Boat Basin

City Manager Culross informed the Council that the low bid of \$55,000 exceeded the anticipated project cost. The Council decided that the plans and specifications be redesigned and that this contract be rebid.

12. Draft unapproved minutes of the regular meeting of the City Council held January 17, 1996

Upon motion made by Councilman Collins, seconded by Councilman Burke and unanimously carried, the minutes of the regular meeting of the City Council held January 17, 1996 were approved as amended.

13. Miscellaneous communications and reports

A. Mayor Dunn reported on three items discussed at the most recent meeting of the Rye Town Park Commission.

Regarding the 1996 proposed budget for Rye Town Park, the Mayor reported that, at his suggestion, projected revenues had been reduced by \$25,000, bringing them closer into line with revenues in the previous five years. This raised the projected deficit to \$48,000. He went on to say that he felt that expenditures were understated in the budget, allowing no room for unexpected events during the year. He said that he had been unsuccessful in convincing the Commission to raise the expense line. He stated that in his opinion Rye Town Park, as currently structured, was running at the rate of between \$50,000 and \$75,000 annual deficit. He indicated that he and Commissioner George Ilse may determine to vote against the proposed budget unless it is substantially changed. He also added that he would request the Commission to request a restructured salary line, pointing out that compensation expenses had risen dramatically in the last five years.

Mayor Dunn then reported that the audited figures for 1994 have been received by the Commission and will probably be accepted at the next meeting. This means that the City of Rye will soon be receiving a request to pay its portion of the deficit which Rye Town estimates at approximately 48% of the \$200,000 deficit. The Mayor expressed the feeling that the capital expenditures incurred in 1994 were made without appropriate authorization from the Commission and that the City of Rye should ask for an opinion from the State Comptroller whether it is legally empowered to pay.

Lastly, the Mayor reported that there was discussion of capital expenditures for improvements at the concessionaire's building at Rye Town Park which he will report on in the future. He added that any Capital expenditure should be approved by the Rye City Council before the Commission proceeds.

B. Councilwoman Cunningham advised the Council that the Board of Architectural Review (BAR) is planning a review of the City's sign ordinance. In addition, Mayor Dunn said that if Councilwoman Cunningham felt that the BAR has been substantially weakened, as implied earlier by Mr. Otis, he would like it to be brought to the attention of the City Council.

C. Councilwoman Cunningham reported that the Special Task Force on Whitby Castle is up and running. Items on their agenda include setting up a work plan, rules and procedures, and hiring a consultant in preparation for a fall 1996 referendum.

D. Councilman Burke acknowledged the January 31, 1996 letter from Mr. Lewis Birns, president, Rye Chamber of Commerce, regarding police coverage in the Central Business District.

E. Councilman Hutchings asked the City Manager what could be done regarding the untidy construction site at City Hall.

F. Mayor Dunn told the Council that RCTV should be utilized as a communication tool to inform residents of matters relating to the City. Councilman Hutchings advised that a committee is being formed to study the RCTV, and a charter will be presented to the Council in March.

14. New Business

In response to an inquiry from Councilman Burke, City Manager Culross explained that Requests For Proposals (RFP) have been received for operation of the snack bar at Rye Golf Club. He added that recommendations are expected to be presented at the February 21, 1996 Council meeting.

15. Adjournment

Councilman Collins made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn into executive session to discuss litigation at 10:00 P.M.

The Council reconvened at 10:30 P.M.

There being no further business to discuss, the meeting was adjourned at 10:35 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk