

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 17, 2002 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
FRANKLIN J. CHU  
ROBERT S. CYPHER  
CAROLYN CUNNINGHAM  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
Councilmen

ABSENT:

DOUGLAS McR MCKEAN

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll, a quorum was present to conduct official business.

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

“Sis” D’Angelo, Wappanocca Avenue, thanked the Council and staff for keeping an eye on the ugly gas stations at the head of Purchase Street and for having the boxes removed, but she reported that it was still a toxic dump with junk inside, high weeds, and graffiti and she would like to see more results. She said there is garbage everywhere in Rye, but especially inside these gas stations. Mayor Otis said he would have the Fire Inspector look inside the stations.

4. Presentation by the Rye Fire Department of the next steps for Locust Avenue Fire Headquarters

Richard Mecca, Co-Chair of the Fire Department Building Committee, along with Co-Chair George Ballantoni, and Members John McDwyer and Dan Decarlo told the Council that \$2.8 million in additional funds is necessary to complete the Locust Avenue Firehouse and to

buy two new fire trucks, so he is asking the Council to approve a Bond Referendum for \$2,800,000 to be held on October 8, 2002.

In a letter he read to the Council he outlined the needs of the Fire Department as follows. There is a shortage of funds because of the mathematical error that showed up after the last bond was passed. Additional funds are necessary to make the needed improvements to the Locust Avenue Firehouse (the roof is past its useful life; the concrete floor is collapsing; the heating system is in grave danger of failing and being "red tagged" by the heating contractor; the electrical, plumbing and other mechanical systems need replacing; the two mid-seventies additions are pulling away from the main structure). The committee is aware of Rye's financial situation, but has carefully reviewed all needs and reiterates their need to finish the job started. In addition there is a need to replace two apparatus (a cost of \$900,000).

Mr. Mecca said they would like to schedule a meeting with the finance committee; hold the referendum at the Locust Avenue Firehouse in the middle of Fire Prevention week; set up all the necessary public hearing dates; and take care of all public notices, mailings, etc.

Councilwoman Cunningham recalled that a year ago she was under the impression that the shortfall would be absorbed at the Locust Ave. Fire House. Mr. Mecca said he did not recall saying that, and inflation and the firehouse needs require making up the math error which was not the fault of the Fire Department. He said the shortfall was not caused by having to replace the tank at the Milton firehouse. Councilman Chu asked if there was a back-up plan. Mr. Mecca said there are enough funds to replace the roof, redo the floor for the apparatus, and make interior improvements, but it would really not complete the job.

Mayor Otis said everyone was agreed that the Locust Avenue Firehouse was in bad shape and in need of help, but that the Council would need a more specific breakdown before going forward, especially as times are not good and having two referendums in one month (this and the school bond request) might cause neither to pass. Councilwoman Larr suggested a solicitation for private donations, even though this is not usually done for infrastructure projects, and looking into leasing concept for the apparatus. Councilman Hutchings suggested separating out the apparatus request from the rest. In closing, the Mayor agreed that the next step was to present the idea to the Finance Committee.

5. Presentation by the City Manager of the 2003 Financial Forecast

City Manager Julia Novak presented the 2003 Financial Forecast the Council had requested at the June 12, 2002 meeting. The request was to summarize the projected operating deficit and required tax rate increase using the following guidelines: a maintenance only budget and no Fund Balance Transfers to the Operating Budget. She said her forecast is intended as a broad overview based on financial data available today. She estimates non-property tax revenues will increase by \$163,222. On the expense side, salary and wage increases, as mandated by employment contracts will increase by \$626,270 and Debt Service payments will increase by \$705,590 (\$93,838 for debt associated with the 2002 CIP; \$248,752 for the EFC Loan; \$223,000 for Damiano Center improvements; and \$140,000 for the new recreation fields).

The \$1.8 million for the Locust Ave. Firehouse is not included. Vehicle Replacements (not including fire apparatus) will cost \$356,000 and technology replacement items will cost \$200,000. The prior year operating deficit was \$1,385,000. Spending assumptions include additional increases in health insurance and retirement expenses of \$434,834 and a liability insurance increase of \$64,000. On the revenue side, she made the assumption that Assessed Value will increase by .008% for an additional \$188,678. In summary if revenues increase by \$351,900 and spending increases by \$2,386,694, the projected deficit will be \$3,419,788, resulting in a 29% increase in the property tax rate from \$88.18 to \$113.41.

Ms. Novak said that she was happy to have the opportunity to share this forecast with department heads and the public as the budgeting process kicks off so that all methods of closing the gap can be considered. She said few modest revenue opportunities exist, such as potential increases in recreation fees, mooring fees or a surcharge on non-resident members of both the Golf Club and the Boat Basin, but that expenses will have to be cut. She said she had asked department heads to provide her with suggestions and recommendations for budget reductions as part of the budgeting process and that any policy direction the Council wishes to provide regarding service reductions will be welcome.

Councilman Chu said that the cancer of deficit spending needs to be removed and that this forecast should not come as a surprise to anyone as the City Manager has been forecasting the situation for quite some time. He said he was sympathetic to not having to reduce services and would welcome the input and ideas of all citizens as to what services to cut, which employees to lay off, how to raise additional funds, etc. He said, however, if everyone wants to keep things the same, they will need to know they will have to pay. Councilman Hutchings thanked Ms. Novak for getting the report together and said everyone needs to face financial reality, particularly as the fund balance has been reduced from 19.5% to 7.5% to cover operating deficits. Councilman Cypher said it was time to answer for prior irresponsible financial management over the last decade; that the Council should not think revenues will recover enough to balance the budget; and that it is necessary either to pay more taxes or face drastic reductions in services.

Mayor Otis said he was disappointed in hearing the overreaching and hyperbole that does not reflect an accurate historical financial record. He reviewed the past 10 years using charts and examples and said over past years it had been a bi-partisan decision not to raise taxes; to use fund balances to cover short-falls; and to leave some infrastructure needs unattended. He said, in retrospect, prior councils perhaps should have looked at the loss of elastic revenues and raised taxes over the last 10 years more than they had. He said the City's Aaa credit rating was fine and that no one should be alarmed about the drop in fund balance or the projected deficit as it is still early in the year. The Mayor quoted George Leong, former Managing Director of Moody's in the Municipal Bond Department, who spoke at the last Finance Committee Meeting and said Rye was a "natural Aaa" and that the City's bonds are "considered within the top 10% of all municipal outstanding bonds." Mayor Otis said a 29% increase is unacceptable and the City should not spend money where we can avoid it, starting now. Councilwoman Cunningham agreed. The Mayor said the Fund Balance was at its highest point in 2000 and his goal would be to try and get it back to 10%. The Council agreed that everyone should look at how to sharpen the pencil and look at all possible areas to cut as no one wants to see a 29% increase.

Councilwoman Cunningham reiterated the request to hear from constituents, saying present services are not sacrosanct. Councilwoman Larr reminded everyone that the increases being discussed are based on only 16% of the total tax bill.

Duncan Hennes, chair of the Finance Committee, said Mr. Leong, had been complimentary about our solid property tax base, but he had also said that rating agencies want to see a fund balance at 10%; that they don't usually like to see three consecutive years of downturns; and that the City will need to show a willingness to achieve a better balance between revenue and expenses. He pointed out that over the past two years \$4.1 million of surplus had been spent because increased revenues had not covered anticipated short-falls. He said forecasts are a valuable tool and are more accurate than one might assume. He also pointed out that this forecast included zero in capital improvements. Everyone agreed the staff had their work cut out for them when working on the 2003 budget.

6. Public hearing on proposed local law amending Chapter 191, Vehicles and Traffic, by adding a new section prohibiting or restricting "U-Turns"

Mayor Otis opened the public hearing on proposed local law amending Chapter 191, Vehicles and Traffic, by adding a new section prohibiting or restricting "U-Turns." There were no comments from the audience and the Council was in agreement that such a law was absolutely necessary so the Mayor closed the Public Hearing.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to adopt the following amendment to the local law:

Amendment to the Rye City Code  
Chapter 191  
VEHICLES AND TRAFFIC  
Part I  
General Regulations

191-1. Definitions.

The terms "motor vehicle", "parking space", "public highway", "safety zone" [and]. "street", and "U-turn", when used in this Part 1, unless otherwise expressly stated or unless the context or subject matter otherwise requires, shall be deemed to mean the same as defined in the Vehicle and Traffic Law.

191-9.2 U-turns.

A. U-turns are prohibited upon the following streets:

Boston Post Road between Purchase Street and the Metro North Railroad,

Elm Place,

First Street,

Locust Avenue between Purchase Street and the Metro North Railroad,

McCullough Place,

Mead Place,

Purchase Street between Boston Post Road and Cedar Street/Highland Road,

Purdy Avenue,

School Street,

Second Street,

Smith Street,

Theodore Fremd Avenue between Locust Avenue and Purchase Street.

B. U-turns made upon any street are prohibited unless such a turn is made without interfering with the right-of-way of any motor vehicle, bicycle or pedestrian.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The amendment carried.

7. Review of Financial Goals and Policy Statements by the City Council

Mayor Otis reported that the Finance Committee and the Comptroller have been working on the financial goals for the City. He said the goals are already sophisticated and conservative, but the draft of the new document had consolidated several individual policies into a single policy. The City Manager said because of the consolidation many of the repetitions had been removed. Councilwoman Larr suggested that the policy referring to the minimum fund balance be changed to read "at least 7%" rather than "at least 5%," but it was generally agreed to leave the figure at 5%, as recommended by the Finance Committee and the Comptroller, so that the City would have more flexibility to manage its positions. The Mayor said it was important not to make language changes which may come back to haunt the City by tying the hands of future councils. He quoted former Moody's Managing Director George Leong's comments to the

Finance Committee where the Mayor stated he said, “We tend not to like to see a community tie itself up, it is bad to take away flexibility. We do not like to see you restricting your ability to properly manage. Rating agencies do not want you to lock yourself up to deal with the future. Rating agencies do not like absolutes.”

The Mayor said he had some specific changes to make, mostly concerning wording and placement, and some he considered substantive. For example, he referred to the Government Finance Officers Association (GFOA) Practice Guidelines and expressed concern that the deletion of the fourth operating policy language that provided criteria for deviating from policies contradicted “GFOA Practice 4.5” (outlining use of fund balances). The majority of the Council was satisfied with the draft as presented, so the changes were not included, to the disappointment of both the Mayor and Councilwoman Cunningham, who said they considered it an abrogation of City Council responsibility not to carefully review the work of the Finance Committee (which is advisory) and the Comptroller. The Mayor listed several Practice commentaries that might be used to upgrade the City’s financial policies next year (Practice 4.5 – Balancing the Operating budget; Practice 4.7 – Contingency Planning; Practice 9.1 – Conducting Long-Range Financial Planning; Practice 9.3 – Documenting Revenue Sources in a Revenue Manual; Practice 9.5 – Evaluating Revenue and Expenditure Options; Practice 11.1 – Monitor, Measure and Evaluate Program Performance; and Practice 12.1 – Adjusting the Budget).

Councilman Cypher made a motion, seconded by Councilman Hutchings, to adopt the Financial Goals and Policies as presented in the July 17<sup>th</sup> final draft. After discussion, a roll call vote was called as follows:

ROLL CALL

AYES: Mayor Otis, Councilmen Chu, Cypher, Hutchings and Larr  
NAYS: Councilwoman Cunningham  
ABSENT: Councilman McKean

Mayor Otis said he was voting in favor because he thinks it was a good idea to consolidate the policies, but he is concerned about some of the changes. The motion passed by a vote of five to one.

8. Discussion of Rye Playland Advisory Committee memorandum regarding the Playland Master Plan proposal

Mayor Otis asked Bill Walsh, chairman of the Rye Playland Advisory Committee, to report on their recent meetings. Mr. Walsh said the committee had met three times, including once with Joe Montalto, director at Playland, and once with County Legislator George Latimer. He said that based upon their meetings thus far, the Committee is concerned that the voices of Rye citizens are heard in all aspects of planning the future of Playland, but that at this moment their only concrete recommendation is that the City Council voice its support for funding a county-sponsored Playland Master Plan. The City Clerk, member of the Historic Parks Advisory Committee for the County, mentioned that the future governance of Playland was to be one

aspect of the Master Plan study and that the Council might want to request a review of the RFP for the plan before it goes to contract.

9. Consideration of a proposed local law amending Chapter 104, Graffiti, of the Code of the City of Rye by amending Section 104-6, Failure of owner to comply

Councilman Hutchings said that amending Chapter 104, Graffiti, of the Code of the City of Rye by amending Section 104-6, Failure of owner to comply, would provide the City with the legal right to make homeowners remove graffiti from their property should the actual perpetrator of the graffiti not be willing to remove it.

Councilman Hutchings made a motion, seconded by Councilman Chu and unanimously carried, to adopt the following resolution:

**WHEREAS**, a proposed local law amending Chapter 104, Graffiti General Regulations, by amending Section 104-6, Failure of owner to comply, has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 14, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Chapter 104, Graffiti, of the Code of the City of Rye by amending Section 104-6, Failure of owner to comply.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 14th day of August, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending the Code

of the City of Rye by amending Chapter 104, Graffiti, by amending Section 104-6, Failure of owner to comply.

Copies of said local law may be obtained from the office of the City Clerk.

10. Consideration of a proposed local law amending Article VIII, Section 108-56, Penalties for offenses, of Chapter 108, Housing Standards, of the Code of the City of Rye

Mayor Otis explained that the proposed local law amending, Article VIII, Section 108-56, Penalties for offences, of Chapter 108, Housing Standards, increased fines for violations of Chapter 104, thereby making consequences of actions such as failure to remove graffiti, more stringent. Corporation Counsel Henry Neale said that while the amount of any fine would be set by the Court, the new ceiling of such fines was to be raised from \$100 to \$1000.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the following resolution:

**WHEREAS**, a proposed local law amending Article VIII, Chapter 108-56, Penalties for offenses of Chapter 108, Housing Standards, has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 14, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Article VIII, Section 108-56, Penalties for offenses, of Chapter 108, Housing Standards, of the Code of the City of Rye.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 14th day of August, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded



an opportunity to be heard concerning the proposed local law amending the Code of the City of Rye by amending Article VIII, Section 108-56, Penalties for offenses, of Chapter 108, Housing Standards.

Copies of said local law may be obtained from the office of the City Clerk.

11. Consideration of a proposed local law amending Section 68-12, Fees, of Chapter 68, Building Construction, of the Code of the City of Rye

City Manager Julia Novak explained that the proposal to amend Section 68-12, Fees, of Chapter 68, Building Construction, of the Code of the City of Rye, was made in an effort to make City building fines consistent and to impose an adequate penalty for people who ignore the recommendations and approvals made by the Board of Architectural Review. Mayor Otis suggested further examination of when and how stop work orders are issued and perhaps these procedures should be included in the new law as well.

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adopt the following resolution:

**WHEREAS**, a proposed local law amending Section 68-12, Fees, of Chapter 68, Building Construction, has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 14, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law amending Section 68-12, Fees, of Chapter 68, Building Construction, of the Code of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 14th day of August, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending the Code of the City of Rye by amending Section 68-12, Fees, of Chapter 68, Building Construction.

Copies of said local law may be obtained from the office of the City Clerk.

12. Consideration of a proposed local law electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, State of New York, for the eligible employees of the City of Rye

Manager Novak explained that a retirement incentive plan has been offered by the State Legislature, available only if selected by the end of September, 2002 and if the City can demonstrate that there would be some savings. She said 28 employees would be eligible, offering a potential savings of up to \$88,000 per year, but she would hope not all would elect retirement as there would be quite a brain drain on the City staff. She also said there were four employees whose departure could actually cost the City, but the Civil Service Employees Association (CSEA) is urging adoption and she feels it would be positive to offer this added benefit. She said the law has to be adopted by September 3, 2002 to be timely and she recommended the Council set a public hearing.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adopt the following resolution:

**WHEREAS**, a proposed local law electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, State of New York, for the eligible employees of the City of Rye, has been introduced at this meeting and placed before the Mayor and each Councilman; and

**WHEREAS**, it is now desired to call a public hearing on such proposed application, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 14, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such application.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, State of New York, for the eligible employees of the City of Rye**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 14th day of August, 2002 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law electing a retirement incentive program as authorized by Chapter 69, Laws of 2002, State of New York, for eligible employees of the City of Rye.

Copies of said local law may be obtained from the office of the City Clerk.

13. Authorization for the City Manager to enter into an Inter-Municipal Agreement with the County of Westchester to obtain Geographic Information System (GIS) consultant and technical support services

City Manager Novak explained that the proposal to enter into an Inter-Municipal Agreement with the County of Westchester to obtain a Geographic Information System (GIS) consultant and technical support services is an excellent opportunity for the City; that the cost of \$17,500 has already been approved; and will allow the City to continue progress in this important area.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to approve the following resolution:

**RESOLVED**, that the City Manager be authorized to enter into an Inter-Municipal Agreement with the County of Westchester to obtain a Geographic Information System (GIS) consultant and technical support services.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS:           None  
ABSENT:        Councilman McKean

The resolution was adopted.

14.    Discussion and instructions to staff regarding next steps for development of a management plan for the Friends Meeting House

The City Manager explained that the City had asked for proposals from community groups who might wish to be a “managing tenant” of the Friends Meeting House. She said that the City had received two proposals (from Empty Hand Zendo and KidsSPACE). She said proposals were judged based on meeting the City’s goals for use of the facility and identifying the specific economic feasibility of all elements of the proposal. She recommended that neither proposal be accepted at this time, primarily because both will limit public access to the building and grounds. Zendo is the most limited in this respect as they treat the Meeting House as a sanctuary. She urged the Council to authorize the City to be the managing tenant.

Marion Anderson from Kids’SPACE, spoke on behalf of their proposal saying that there is no more space for them in the schools; that they are very community-based and would like to be seriously considered. Victoria Sterling concurred, saying the Kindergarten program has the most critical need for space. Councilman Cypher said he would hate to see the proposal rejected out of hand, but is concerned about the size and condition of the site, especially for small children. Ms. Anderson said they had already spoken with an architect and with the State Family Agencies, but the Mayor and Councilman Hutchings both agreed with Councilman Cypher. The Mayor suggested the group look into using space at the Rye Town Park Pavilions that stand empty. The City Manager said she will keep both proposers in the loop.

15.    Resolution authorizing the waiver of review by City advisory boards and commissions of the City's plans for work at the City-owned Rye Nursery property

The City manager presented a resolution authorizing the waiver of review by City advisory boards and commissions of the City’s plans for work at the City-owned Rye Nursery property. She said it has been a consistent practice not to submit projects being undertaken or funded by the City and involving use of city-owned land for review and approval of the City’s boards and commissions, but she thought it would be wise to keep the Council appraised of the practice and formalize the procedure. She said all approvals required by local law, such as the Coastal Consistency permit, would be obtained. Councilman Hutching said he thought the resolution was fine especially as it was the intent of the Council to get the fields completed as soon as possible. Michael Klemens, Charlotte Street, expressed concerns, not so much that the plans for the fields were to move forward without being reviewed, but that the wetlands portion would not get proper scrutiny. He said the process needs to use the temporary committee already set up and to keep the process open, especially for the wetlands portion. City Planner, Christian Miller said that the City intends to get all required approvals; that the LWRP is for the Council to approve with the advisory recommendation of the Planning Commission, and that the intent of

the resolution was simply to seek direction from the Council. Mayor Otis said there was a history of public participation through collaborative committees on such projects as Whitby and the fire houses and that he would expect that the special committee, which was set up to advise on all aspects of the project, would continue to be involved. He proposed several changes to the resolution addressing Mr. Klemens' concerns.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings, to adopt the following resolution as amended:

**WHEREAS**, the New York State Constitution, Article IX, and the General City Law, Articles 2-A, 3 and 5-A, grant certain powers to the City of Rye, including, without limitation, power to regulate, manage and control its property and local affairs; and, the City of Rye has been granted all the rights, privileges and jurisdiction necessary for carrying such powers into execution; and

**WHEREAS**, the Charter of the City of Rye states in Article 3:

“The City shall have all the powers granted to cities under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

“The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power states in this Article.” and

**WHEREAS**, the City of Rye acting in accordance with the authorization granted by the State of New York has, as a matter of local choice and initiative, adopted local laws intended to prevent the depletion, despoliation or destruction of the natural resources of the City which exceed the mandated requirements of generally applicable State law; and

**WHEREAS**, as a matter of consistent practice the City has not previously submitted projects being undertaken or funded by the city and involving use of city-owned land for formal review and approval by City Boards and commissions in accordance with provisions of local laws which were not mandated or imposed by State law: and

**WHEREAS**, the City intends to take appropriate action necessary to provide recreation facilities upon City-owned property on Milton Road, commonly referred to as “the Rye Nursery site”, now, therefore be it

**RESOLVED**, that formal review and approval by City Boards and Commissions of the City's plans for use of the Rye Nursery site are, to the extent such review and approval is not mandated by the requirements of generally applicable Sate law, hereby waived, and be it further

**RESOLVED**, that nothing in this resolution changes the traditional advisory involvement that City Boards and Commissions play or the jurisdiction of the Fields/Wetlands Special Committee in designing the wetlands restoration on the site.

16. Acceptance of a Local Government Records Management Improvement Fund Grant from the State Archives and Records Administration in the amount of \$8,857 for microfilming former bids and contracts

Manager Novak explained that the Clerk's Office had been awarded a grant to microfilm former bids and contracts effective July 1, 2002, to be completed by June 30, 2003.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to accept the following resolution:

**WHEREAS**, the City of Rye has been awarded a Local Government Records Management Improvement Fund grant in the amount of \$8,857 for the microfilming of bids and contracts; and

**WHEREAS**, the 2002 annual budget made no provision for either the estimated revenue or appropriation of these grant funds; now, therefore, be it

**RESOLVED**, that the City Council accepts the award of this grant; and be it further

**RESOLVED**, that the City Comptroller be authorized to amend the 2002 annual budget as follows:

Increase the General Fund Records Management estimated revenues for State Aide Records Management in the amount of \$8,857.

Increase the General Fund Records Management appropriations for Microfilming/Imaging Services in the amount of \$8,857.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings, and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

17. Acceptance of a Local Law Enforcement Block Grant Award from the State of New York Division of Criminal Justice Services in the amount of \$27,102 to purchase and install the equipment necessary to operate a "Reverse 911" System

Manager Novak said the grant to purchase and install the equipment necessary to operate a “Reverse 911” System was a wonderful opportunity to provide a valuable service to the community. She said the estimate to cover the cost of operating the system in future years was about \$1000.

Councilman Hutchings made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that the City Manager be authorized to accept the Grant Award from the State of New York Division of Criminal Justice Services in the amount of \$27,102 to purchase and install equipment necessary to operate a “Reverse 911” System.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings, and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

18. Acceptance of donations to the Rye Nature Center in the amount of \$1,500 from the Junior Section of the Women's Club of Rye for the Exhibit Improvement; \$400 from The Women's Association of the Rye Presbyterian Church for the Homeless Program; \$120 as an unrestricted donation from local families; and approval of an amendment to the 2002 Rye Nature Center Special Revenue Fund budget in like amounts

Manager Novak explained that the Rye Nature Center had received several grants and gifts and recommended they be accepted by the Council. Councilwoman Larr pointed out the gift of \$120 made to the Nature Center in lieu of birthday presents and recommended that this idea be promoted.

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

**RESOLVED**, that the Mayor and Council accept the donations to the Rye Nature Center in the amount of \$1,500 from the Junior Section of the Women's Club of Rye for Exhibit Improvement; \$400 from The Women's Association of the Rye Presbyterian Church for the Homeless Program; \$120 as an unrestricted donation from local families; and that 2002 Rye Nature Center Special Revenue Fund budget be amended in like amounts.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

19. Consideration of request of Rye Boy Scouts Troop 2 to use the Village Green and City Council Chambers on Saturday, November 2, 2002, for an Eagle Award Ceremony

Manager Novak asked the Council to consider a request from the Rye Boy Scouts Troop 2 to use the Village Green and City Council Chambers on Saturday, November 2, 2002 for an Eagle Scout Award Ceremony. She said the request was unusual in that it would require support costs in terms of overtime for building maintenance personnel in the amount of approximately \$200.

After discussion, Councilman Cypher made a motion, seconded by Mayor Otis and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the request from Rye Boy Scouts Troop 2 to use the Village Green and City Council Chambers be approved; that the City absorb the cost of opening City Hall; but that a contribution from the Boy Scouts be requested.

20. Resolution amending the 2002 Budget to reflect changes in CHIPS State Aid

City Manager Novak explained that the 2002 budget needed to be amended to reflect changes in CHIPS aid to the City as per a letter from the NYS Department of Transportation dated June 21, 2002.

Councilwoman Larr made a motion, seconded by Councilman Chu, to adopt the following resolution:

**WHEREAS** the fiscal 2002 General Fund Street Maintenance adopted budget provided for the receipt of \$45,000 in Consolidated Highway Improvements Program Operation and Maintenance (“CHIPS O&M”) state aid, and,



**WHEREAS**, CHIPS O&M state aid has been discontinued and all CHIPS state aid will represent reimbursement for capital expenditures related to street improvements, and,

**WHEREAS**, the amount of CHIPS Capital state aid appropriated for the City by the State of New York exceeds the amount the City budgeted in the Capital Projects Fund by at least \$45,000, now, therefore be it

**RESOLVED** that the following accounts in the fiscal 2002 budget be amended each in the amount of \$45,000, as follows:

- Decrease General Fund Street Maintenance CHIPS O&M State Aid;
- Increase General Fund Street Maintenance Transfer in from Capital Projects Fund;
- Decrease Capital Projects Fund 2002 Street Resurfacing Transfer in from General Fund;
- Increase Capital Projects Fund 2002 Street Resurfacing CHIPS Capital State Aid.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr  
NAYS: None  
ABSENT: Councilman McKean

The resolution passed.

21. Resolution amending the fiscal 2002 Building & Vehicle Fund budget to provide \$110,000 from retained earnings to fund costs associated with the City Hall HVAC Replacement project

Manager Novak explained that the original plan for the City Hall HVAC Replacement project was to spread the costs over two years (part in 2002 and part in 2003) but that it is advantageous to award the entire bid at once so that an additional \$110,000 needs to be appropriated now rather than waiting until next year.

Councilman Chu made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**WHEREAS**, the fiscal 2002 budget for the Building and Vehicle Fund provided for a project known as the “City Hall HVAC”, and

**WHEREAS**, the project was planned to be completed in two phases with the air conditioning and heating to be done in subsequent years; and

**WHEREAS**, the 2003 CIP anticipated an additional \$110,000 for this project in 2003; and

**WHEREAS**, it was more efficient to design the complete system and bid the project as one complete project; and

**WHEREAS**, work must begin immediately to have the heating system replaced for the 2003 heating season; and

**WHEREAS**, \$110,000 is necessary to complete the entire project, and

**WHEREAS**, the City Comptroller has advised that there are sufficient funds in the Building and Vehicle retained earnings to provide for the additional project costs, now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to increase the Building and Vehicle Fund City Hall HVAC Replacement Project by \$110,000 using Building and Vehicle Fund retained earnings as the source of funds.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

22. Bids for City Hall HVAC Replacement (Mechanical)

Manager Novak said the bid for the mechanical phase of the City Hall HVAC replacement includes an alternate which replaces all major valves in the boiler room. She said that it had been anticipated that the City do this project in two phases, but it would be better to award the contract to one contractor rather than phasing the work and possibly dealing with two contractors. The bid tabulation is listed on the following page:

**CITY HALL HVAC REPLACEMENT  
Contract 2002-06**

Contractor's Name	HVAC		ELECTRICAL	
	Valco Energy Systems	Richards Conditioning Corp.	Anderson Electric Inc.	BAC Electrical
Total Base Bid (Heating and Cooling)	\$300,937.00	\$310,000.00	\$25,000	\$28,750.00
Heating Cost	\$190,000.00	\$201,500.00		
Cooling Cost	\$110,937.00	\$108,500.00		
Alternate # 1 (Replace Valves)	\$12,000.00	\$14,500.00		
Alternate #2 (Convert to Four Pipe System)	\$164,343.00	\$167,950.00	\$9,000.00	\$13,350.00
<b>Position</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>
<b>% Above Low Bidder</b>	<b>N/A</b>	<b>3.2%</b>	<b>N/A</b>	<b>15%</b>

Councilwoman Larr made a motion, seconded by Councilman Cypher, to adopt the following resolution:

**RESOLVED**, that Contract 2002-6, Rehabilitation of Heating, Ventilation, and Air-Conditioning Systems at Rye City Hall (Mechanical), is hereby awarded to Valco Energy Co, the lowest bidder meeting specifications, in the amount of \$312,937.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

23. Bids for City Hall HVAC Replacement (Electrical)

Manager Novak explained that the recommendation to the Council was to award the bid to the second lowest bidder, BAC Electrical, Inc., because the lowest bidder, Anderson Electric, Inc. had not included the required bid security with the bid, although the company had delivered a certified check later in the day. She said the Council, as per contract page L-2, Informal Bids, has the right to waive such informalities and accept the lowest bid. . The Council agreed that in this case they would waive the informality and award the bid to the lowest bidder, thus saving the City \$3,750. The bid tabulation is listed on the previous page.

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

**RESOLVED**, that Contract 2002-6, Rehabilitation of Heating, Ventilation, and Air-Conditioning Systems at Rye City Hall (Electrical), is hereby awarded to Anderson Electric Inc., the lowest bidder meeting specifications in the amount of \$25,000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

24. Bids for Sidewalk Repairs

The City Manager presented the bid for the annual sidewalk program. The bid tabulation is listed on the following page:

**ANNUAL SIDEWALK PROGRAM  
Contract 2002-05**

Name of Bidder			Pat Corsetti Inc.		John Barreto Construction		Central Site Development corp.		N. Picco & Sons	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total	Unit	Total
C105	Concrete Sidewalk	850 SY	48.60	41,310.00	58.50	49,725.00	53.00	45,050.00	69.00	58,650.00
C105D	Concrete Driveway Aprons	130 SY	57.60	7,488.00	40.50	5,265.00	57.00	7,410.00	90.00	11,700.00
C105-SR	Concrete Sidewalk Ramp	5 Each	700.00	2,800.00	300.00	1,500.00	2,000.00	10,000.00	800.00	4000.00
	<b>Contractor's Total</b>			<b>51,598.00</b>		<b>56,490.00</b>		<b>62,460.00</b>		<b>74,350.00</b>
	<b>Engineer's Total</b>			<b>52,298.00</b>		<b>56,490.00</b>		<b>62,460.00</b>		<b>74,350.00</b>
	<b>Position</b>			<b>1</b>		<b>2</b>		<b>3</b>		<b>4</b>
	<b>% Above Low Bidder</b>			<b>N/A</b>		<b>8%</b>		<b>19%</b>		<b>42%</b>

Name of Bidder			Mapleleaf Assocoates Inc.		Xavier Contracting		ELQ Industries		Tucci Equipment Rental Corp.	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total	Unit	Total
C105	Concrete Sidewalk	850 SY	69.03	58,675.50	70.00	59,500.00	76.50	65,025.00	81.00	68,850.00
C105D	Concrete Driveway Aprons	130 SY	78.93	10,260.90	99.00	12,870.00	81.50	10,595.00	108.00	14,040.00
C105-SR	Concrete Sidewalk Ramp	5 Each	1,532.00	7,660.00	1,100.00	5,500.00	700.00	3,500.00	1,200.00	6,000.00
	<b>Contractor's Total</b>			<b>76,596.40</b>		<b>77,870.00</b>		<b>79,120.00</b>		<b>88,890.00</b>
	<b>Engineer's Total</b>			<b>76,596.40</b>		<b>77,870.00</b>		<b>79,120.00</b>		<b>88,890.00</b>
	<b>Position</b>			<b>5</b>		<b>6</b>		<b>7</b>		<b>8</b>
	<b>% Above Low Bidder</b>			<b>47%</b>		<b>49%</b>		<b>51%</b>		<b>70%</b>

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

**RESOLVED**, that Contract 2002-5, Annual Sidewalk Repairs, is hereby awarded to P. Corsetti, Inc, the lowest bidder meeting specifications in the amount of \$52,298.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr  
NAYS: None  
ABSENT: Councilman McKean

The resolution passed.

25. Bids for Annual Street Resurfacing

The City Manager presented the bid for the annual street resurfacing program and said the list of streets to be resurfaced would be listed on the web site. The bid tabulation is listed on the following page:

**ANNUAL STREET RESURFACING  
Contract 2002-04**

Name of Bidder			ELQ Industries Inc.		Xavier contracting		Bilotta Construction Corp.	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total
45L	Remove & Replace Base Course	500 SY	61.00	30,500.00	20.00	10,000.00	90.00	45,000.00
48	Milling of Asphalt	6,000 SY	3.50	21,000.00	3.50	21,000.00	4.25	25,500.00
83SB	Precoated Non-Woven Fabric (Petrotrac)	1,000 SF	2.00	2,000.00	1.50	1,500.00	2.25	2,250.00
403.17	Asphalt Concrete Top Type 6F	3,500 Ton	56.90	199,150.00	57.00	199,500.00	59.70	208,950.00
5 SX	Binder Course	250 Ton	56.90	14,225.00	60.00	15,000.00	59.70	14,925.00
W604.07	Adjust Manhole Frame	45 Each	300.00	13,500.00	250.00	11,250.00	325.00	14,625.00
I 102 S	Remove & Replace Catch Basin	5 Each	450.00	2,250.00	3,000.00	15,000.00	2,100.00	10,500.00
C 105 SR	Sidewalk Ramp	5 Each	650.00	3,250.00	1,200.00	6,000.00	1,500.00	7,500.00
A97	Remove & Replace Concrete Curb	200 LF	25.00	5,000.00	35.00	7,000.00	27.00	5,400.00
77	Maint. & Prot. Traffic	LS		5,000.00		13,000.00		11,500.00
	<b>Contractor's Total</b>			<b>295,875.00</b>		<b>299,250.00</b>		<b>346,150.00</b>
	<b>Engineer's Total</b>			<b>295,875.00</b>		<b>299,250.00</b>		<b>346,150.00</b>
	<b>Position</b>			<b>1</b>		<b>2</b>		<b>3</b>
	<b>% Above Low Bidder</b>			<b>N/A</b>		<b>1.14%</b>		<b>17%</b>



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

**RESOLVED**, that Contract 2002-4 Annual Street Resurfacing, is hereby awarded to ELQ Industries, Inc., the lowest bidder meeting specifications, in the amount of \$295,875.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr  
NAYS: None  
ABSENT: Councilman McKean

The resolution passed.

26. Bids for Rehabilitation of Traffic Signals at Purchase and Cedar Streets, Theodore Fremd and Locust Avenues, and Theodore Fremd Avenue at North Street

Manager Novak asked the Council to approve this annual project. The bid tabulation is listed on the following page:

**REHABILITATION OF TRAFFIC SIGNALS**  
**Contract 2002-07**

CONTRACTOR	Items of Work	Quantities	Verde Electric Corp.		Phoenix Signal Corp.		ELQ Industries Inc.	
			Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid
203.02	Unclassified Excavation and Disposal	18 CY	45.00	810.00	65.00	1,170.00	35.00	630.00
206.03	Conduit Excavation and Backfill	555 LF	24.00	13,320.00	16.00	8,800.00	50.00	27,750.00
08520.5014	Saw Cutting Asphalt Pavement, Concrete Pavement, and asphalt overlay	170 LF	1.35	229.50	4.00	680.00	7.00	1,190.00
608.0101	Concrete Sidewalk and Driveway	13 CY	570.00	7,410.00	350.00	4,550.00	500.00	6,500.00
W609.04	Concrete Curb (Type BB)	170 LF	18.00	3,060.00	50.00	8,500.00	25.00	4,250.00
635.0103	Cleaning and Prep Pavmnt Surface Lines	6230 LF	.78	4,859.40	.80	4984.00	.50	3,115.00
635.0203	Cleaning and Prep of Surface Letters	16 EA.	29.00	464.00	50.00	800.00	27.00	432.00
635.0303	Cleaning and Preparation of Surface Sym	6 EACH	82.00	492.00	50.00	300.00	38.00	228.00
645.2020	Traffic Sign 24 INCH X 36 INCH	1 EACH	400.00	400.00	390.00	390.00	275.00	275.00
645.2240	Traffic Sign 24" X 36"	1 EACH	300.00	300.00	475.00	475.00	260.00	260.00
647.11	Relocating Signs – Size A(0 TO 10 S.F.)	2 EACH	100.00	200.00	125.00	250.00	150.00	300.00
680.5001	Pole Excavation & Concrete Foundation	30 CY	800.00	24,000.00	900.00	27,000.00	1,750.00	52,500.00
680.510501	Pullbox – Rect 26" X 18", Reinf concrete	19 EACH	650.00	12,350.00	525.00	9,975.00	680.00	12,920.00
680.5111	Cast Aluminum Junction Box	2 EACH	450.00	900.00	550.00	1,100.00	525.00	1,050.00
680.520104	Conduit, Metal Steel, Zinc Coated, 1 ¼ Inch Dia.	125 LF	10.00	1,250.00	9.00	1,125.00	9.00	1,125.00
680.520106	Conduit, Metal Steel, Zinc Coated, 2 Inch Dia.	375 LF	10.00	3,750.00	7.25	2,718.75	10.00	3,750.00
680.520108	Conduit Metal Steel, Zinc Coated, 3 inch Diameter	20 L.F.	20.00	400.00	15.00	300.00	40.00	800.00
680.520203	Conduit Flex. LQD. - Tight Steel, 1" Diameter	60 L.F.	3.00	180.00	9.00	540.00	8.00	480.00

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CONTRACTOR	Items of Work	Quantities	Verde Electric Corp.		Phoenix Signal Corp.		ELQ Industries Inc.	
			Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid
680.54	Inductance Loop Installation	1055 LF	14.00	14,770.00	10.50	11,077.50	11.00	11,605.00
680.600630	Furnish & Install Traffic Signal Pole-Spanwire (6000 lbs., 30 ft.)	2 EA.	3,340.00	6,680.00	3,750.00	7,500.00	4,400.00	8,800.00
680.600632	Furnish & Install Traffic Signal Pole-Spanwire (6000 lbs., 32 ft.)	3 EA.	3,600.00	10,800.00	4,200.00	12,600.00	5,000.00	15,000.00
680.610630	Furnish & Install Traffic Sig Pole-Spanwire w/lighting arm (6000 lbs., 30 ft.)	1 EA.	3,900.00	3,900.00	4,300.00	4,300.00	5,100.00	5,100.00
680.6812	Furnish & Install Traffic Signal Pole-Bracket Mount (12 Feet)	5 EA.	605.00	3,025.00	750.00	3,750.00	800.00	4,000.00
680.7002	Dual Signal Span Wire Assembly w/Upper Tether Wire	1 LF	1,250.00	3,750.00	1,150.00	3,450.00	1,540.00	4,620.00
680.71	Shielded Lead – in Cable	300 LF	2.00	3,120.00	1.20	1,872.00	1.20	1,872.00
680.72	Signal Loop Wire	950 LF	1.00	2,800.00	1.10	3,080.00	1.00	2,800.00
680.730514	Signal Cable, 05 Conductors, No. 14 AWG	2365 LF	2.50	5,912.50	3.00	7,095.00	3.00	7,095.00
680.731014	Signal Cable, 10 Conductors, No. 14 AWG	155 LF	3.50	542.50	4.00	620.00	3.30	511.50
680.731514	Sig Cable, 15 Cndctrs, No. 14AWG	80 L.F.	4.00	320.00	5.00	400.00	4.00	320.00
680.731914	Sig Cable, 19 Cndctrs, No. 14AWG	250 LF	5.00	1,250.00	5.50	1,375.00	5.00	1,250.00
680.750619	Shielded Communication Cable, 6 Pair, 19 AWG	450 L.F.	3.00	1,350.00	3.00	1,350.00	8.00	3,600.00
W680.79	Remove Traffic Signal Equipment	1 L.S.	4,500.00	4,500.00	2,000.00	2,000.00	6,400.00	6,400.00
W680.803243	Furnish & Install Microcomputer(Model 179) & 303 Cabinet	3 EA.	8,400.00	25,200.00	9,000.00	27,000.00	11,000.00	33,000.00
08680.8101	Traffic Signal Section 12 Inch	25 EACH	159.00	3,975.00	120.00	3,000.00	180.00	4,500.00
680.810101M	Traffic Sig Sec 12" Red Ball, L.E.D.	24 EACH	237.00	5,688.00	245.00	5,880.00	188.00	4,512.00
680.810105M	Traffic Signal Module 12 inch Green Ball L.E.D. Type 1, 12 Inch	24 EACH	365.00	8,760.00	360.00	8,640.00	310.00	7,440.00
680.810106M	Traffic Signal Module 12 inch Green Arrow L.E.D. Type 1, 12 Inch	1 EA.	325.00	325.00	360.00	360.00	220.00	220.00

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CONTRACTOR	Items of Work	Quantities	Verde Electric Corp.		Phoenix Signal Corp.		ELQ Industries Inc.	
			Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid
680.810107M	Traffic Sig Sec Type 1, 12"	49 EA.	120.00	5,880.00	110.00	5,390.00	160.00	7,840.00
08680.8111	Traffic Sig Bracket Assembly 1 Way	4 EACH	150.00	600.00	190.00	760.00	193.00	772.00
08680.8112	Traffic Sig. Bracket Assembly 2 Way	2 EACH	185.00	370.00	275.00	550.00	310.00	620.00
08680.8113	Traffic Sig. Bracket Assembly 3 Way	4 EACH	270.00	1,080.00	325.00	1,300.00	370.00	1,480.00
08680.8114	Traffic Sig Bracket Assembly 4 Way	1 EA.	400.00	400.00	550.00	550.00	655.00	655.00
680.813103M	Pedestrian Signal Type 1- 12 inch	18 EA.	143.00	2,574.00	170.00	3,060.00	240.00	4,320.00
680.813105M	Pedest. Sig. Bi-Mod Man/Hand LED	18 EACH	570.00	10,260.00	550.00	9,900.00	400.00	7,200.00
680.8141	Pedest. Sig. Bracket Mount Assembly	18 EA.	156.00	2,808.00	175.00	3,150.00	170.00	3,060.00
680.8201	Overhead Sign Assemb. Type A	2 EACH	600.00	1,200.00	460.00	920.00	1,000.00	2,000.00
680.8225	Pedest Pushbutton & Sign-w/out post	18 EA.	120.00	2,160.00	125.00	2,250.00	143.00	2,574.00
08680.94	Traffic Signal Service Entrance	3 EACH	500.00	1,500.00	775.00	2,325.00	865.00	2,595.00
15680.950206	Service Cable, 02 Cndctr, No. 06 AWG	111 LF	3.00	333.00	1.40	155.40	3.50	388.50
18685.072001	White Epoxy Reflectorized Pavement Stripes – 20 MIL	5010 L.F.	.95	4,759.50	1.25	6262.50	.80	4,008.00
18685.072002	Yellow Epoxy Reflectorized Pavement Stripes – 20 MIL	1220 L.F.	.95	1,159.00	.70	854.00	.40	488.00
18685.072003	White Epoxy Reflectorized Pavement Letters – 20 MIL	16 EA.	55.00	880.00	75.00	1,200.00	55.00	880.00
18685.072004	White Epoxy Reflectorized Pavement Symbols – 20 MIL	6 EA.	165.00	990.00	95.00	570.00	83.00	498.00
W800	Miscellaneous Additional Work	L.S.	3000.00	3000.00	3,000.00	3,000.00	3,000.00	3,000.00
801	Rock Excavation	24 C.Y.	165.00	3,960.00	75.00	1,800.00	650.00	15,600.00
901	Optical Detector (Single Channel 2 Directions)	1 EA.	800.00	800.00	1,500.00	1,500.00	1,000.00	1,000.00
902	Detector Cable	1000 L.F.	.58	580.00	1.25	1,250.00	1.50	1,500.00
903	Phase Selector 4 Channel	1 EA.	2,250.00	2,250.00	3,200.00	3,200.00	3,100.00	3,100.00
77	Maintenance & Protection of Traffic	1 L.S.	3,000.00	3,000.00	8,000.00	8,000.00	5,500.00	5,500.00
680.5002 (ALT)	Concrete Base for controller Cabinet	1 EA.	500.00	500.00	750.00	750.00	1,500.00	1,500.00
08680.600630 (ALT)	Decorative Traffic Signal Pole-Span Wire	1 EA.	7,675.00	7,675.00	7,675.00	7,675.00	5,100.00	5,100.00

<b>CONTRACTOR</b>			<b>Verde Electric Corp.</b>		<b>Phoenix Signal Corp.</b>		<b>ELQ Industries Inc.</b>	
<b>Item #</b>	<b>Items of Work</b>	<b>Quantities</b>	<b>Unit Price</b>	<b>Amount Bid</b>	<b>Unit Price</b>	<b>Amount Bid</b>	<b>Unit Price</b>	<b>Amount Bid</b>
08680.610630 (ALT)	Decorative Traffic Signal Pole-Span Wire With Lighting Arm	1 EA.	8,120.00	8,120.00	8,275.00	8,275.00	5,400.00	5,400.00
08680.6812 (ALT)	Decorative Pedestrian Pole-Bracket Mount(12 Feet)	2 EA.	1,765.00	3,530.00	1,900.00	1,900.00	1,200.00	2,400.00
08680.803245	Furnish & Install Microcpu(model 179) & Cabinet (Model 330)-Base Mounted	1 EA.	8,800.00	8,800.00	9,000.00	9,000.00	900.00	900.00
	<b>Contractor's Total</b>			<b>260,211.40</b>		<b>266,534.15</b>		<b>324,579.00</b>
	<b>Engineer's Total</b>			<b>260,211.40</b>		<b>269,324.15</b>		<b>324,539.00</b>
	<b>Position</b>			<b>1</b>		<b>2</b>		<b>3</b>
	<b>% Above Low Bidder</b>			<b>N/A</b>		<b>3.5%</b>		<b>25%</b>

Councilman Hutchings made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that Contract 2002-7 Rehabilitation of Traffic Signals at Purchase and Cedar Streets, Theodore Fremd and Locust Avenues, and Theodore Fremd Avenue at North Street is hereby awarded to Verde Electric, Inc., the lowest bidder meeting specifications, in the amount of \$260,211.40.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

27. Bids for Rehabilitation of Traffic Signals at Midland and Manursing Avenue

Manager Novak asked the Council to approve this project. The bid tabulation is listed on the following page:

**REHABILITATION OF TRAFFIC SIGNAL AT MIDLAND & MANURSING AVENUES  
Contract 2002-08**

Name of Bidder			Verde Electric Corp.		Phoenix Signal & Electric Corp.		ELQ Industries Inc.	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total
206.03	Conduit Excavation & Backfill	80 LF	20.00	1,600.00	16.00	1,280.00	15.00	1,200.00
680.020101	Asphalt Driveway Removal & Replacement	3 SY	100.00	300.00	150.00	450.00	120.00	360.00
680.5001	Pole Excavation & Concrete Foundation ("J" Footing)	7 CY	900.00	6,300.00	925.00	6,475.00	2,000.00	14,000.00
680.510501	Pullbox- Rectangular, 26"x18", Reinforced Concrete	2 Each	650.00	1,300.00	725.00	1,450.00	800.00	1,600.00
680.520106	Conduit, Metal Steel, Zinc Coated, 2" Dia.	80 LF	10.00	800.00	9.00	720.00	10.00	800.00
680.600328	Furnish & Install Traffic Signal Pole-Span Wire (3,000 lb., 28')	1 Each	2,650.00	2,650.00	3,200.00	3,200.00	3,400.00	3,400.00
680.600330	Furnish & Install Traffic Signal Pole-Span Wire (3,000 lb., 30')	1 Each	2,690.00	8,070.00	3,250.00	9,750.00	3,400.00	10,200.00
680.7002	Dual Signal Span Wire Assembly w/Upper Tether Wire 3,000 lb. load (T <sub>1</sub> -T <sub>2</sub> =90'; T <sub>3</sub> -T <sub>4</sub> =75')	165 LF	9.00	1,485.00	7.50	1,237.50	20.00	3,300.00
680.730514	Signal Cable, 05 Conductors, no. 14 AWG	950 LF	2.50	2,375.00	3.00	2,850.00	3.00	2,850.00
680.731014	Signal Cable, 10 Conductors, no. 14 AWG	170 LF	3.50	595.00	4.00	680.00	3.30	561.00
01680.77	Remove Traffic Signal Equipment	LS	2,800.00	2,800.00	1,400.00	1,400.00	2,100.00	2,100.00

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08680.8101	Traffic Signal Section 12 Inch	10 Each	159.00	1,590.00	120.00	1,200.00	195.00	1,950.00
<b>Name of Bidder</b>			<b>Verde Electric Corp.</b>		<b>Phoenix Signal &amp; Electric Corp.</b>		<b>ELQ Industries Inc.</b>	
<b>#</b>	<b>Item</b>	<b>Qty</b>	<b>Unit</b>	<b>Total</b>	<b>Unit</b>	<b>Total</b>	<b>Unit</b>	<b>Total</b>
680.810101M	Traffic Signal Module 12 Inch, Red Ball, LED	10 Each	237.00	2,370.00	240.00	2,400.00	188.00	1,880.00
680.810105M	Traffic Signal Module 12 Inch, Green Ball, LED	10 Each	345.00	3,450.00	400.00	4,000.00	310.00	3,100.00
680.810107M	Traffic Signal Module - Type 1, 12 Inch	20 Each	120.00	2,400.00	115.00	2,300.00	160.00	3,200.00
08680.8111	Traffic Signal Bracket Assembly - 1 Way	6 Each	175.00	1,050.00	190.00	1,140.00	193.00	1,158.00
08680.8112	Traffic Signal Bracket Assembly - 2 Way	2 Each	200.00	400.00	300.00	600.00	310.00	620.00
08680.94	Traffic Signal Service Entrance - Overhead	1 Each	500.00	500.00	850.00	850.00	865.00	865.00
15680.803245	Install Microcomputer Cabinet - Eight Phase - Pole Mounted (Safetran Model 179 & Cabinet Model 330)	1 Each	8,000.00	8,000.00	9,000.00	9,000.00	11,000.00	11,000.00
15680.950206	Service Cable, 2 Conductor, 6 AWG	55 LF	3.10	170.50	1.50	82.50	4.00	220.00
W800	Miscellaneous Additional Work	LS	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
619.01	Maintain & Protect Traffic	LS	1,500.00	1,500.00	2,500.00	2,500.00	1,900.00	1,900.00
W685.072001	White Epoxy Reflect. Pavement Stripes 0.51 MM (w. Wet Night Visibility Spheres)	250 LF	12.00	3,000.00	5.00	1,250.00	6.60	1,650.00
	<b>Contractor's Total</b>			<b>55,705.50</b>		<b>57,815.00</b>		<b>70,914.00</b>
	<b>Engineer's Total</b>			<b>55,705.50</b>		<b>57,815.00</b>		<b>70,914.00</b>
	<b>Position</b>			<b>1</b>		<b>2</b>		<b>3</b>
	<b>% Above Low Bidder</b>			<b>N/A</b>		<b>3.8%</b>		<b>27%</b>



Councilman Hutchings made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

**RESOLVED**, that Contract 2002-8 Rehabilitation of Traffic Signals at Midland and Manursing Avenue is hereby awarded to Verde Electric, Inc., the lowest bidder meeting specifications, in the amount of \$55,705.50.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed

28. Bids for Gagliardo Park Improvements

Manager Novak explained that the bid tabulation had been prepared by the County as this project was funded in part by County grants and recommended the Council accept the recommendation as submitted. The bid tabulation is listed on the following page:

Gagliardo Park Improvements Contract 2002-09				Pat Corsetti		Landi		Vernon Hills		Xavier		N.Picco	
1.B.	Nec.	Nec.	Maintenance & Protection of Traffic	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
1.C.	Nec	Nec	Unclassified Excavation	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
1.D.	Nec	Nec	Protection of Ex. Trees, Buildings and Site Features	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
1.E.	2	Each	Removal of Existing Shrubs and Trees	350.00	700.00	200.00	400.00	960.00	1,920.00	500.00	1,000.00	100.00	200.00
1.F.	3	Each	Reset Existing Benches	200.00	600.00	200.00	600.00	420.00	1,260.00	500.00	1,500.00	100.00	300.00
1.G.	3	Each	Relocate Existing Sand Diggers	125.00	375.00	200.00	600.00	420.00	1,260.00	1,000.00	3,000.00	200.00	600.00
1.H.	Lump	Sum	Relocate and Refurbish Existing Memorial Plaque	200.00	200.00	250.00	250.00	500.00	500.00	2,000.00	2,000.00	1,500.00	1,500.00
2.A.	930	SF	Remove Existing and Install 5" Concrete Pavement	5.50	5,115.00	6.00	5,580.00	7.50	6,975.00	7.00	6,510.00	5.00	4,650.00
2.B.	1600	SF	New Asphalt Pavement	3.50	5,600.00	3.00	4,800.00	3.00	4,800.00	3.00	4,800.00	5.00	8,000.00
2.C.	2250	SF	Wood Fiber Safety Surfacing with Rubber Mats	2.75	6,187.50	3.00	6,750.00	4.00	9,000.00	5.00	11,250.00	2.50	5,625.00
2.D.	390	LF	Timber Edge	5.50	2,145.00	7.50	2,925.00	7.20	2,808.00	8.00	3,120.00	6.00	2,340.00
2.E.	1,200	SF	Sand Safety Surfacing	3.50	4,200.00	5.00	6,000.00	4.00	4,800.00	4.00	4,800.00	2.75	3,300.00
2.F.	Nec.	Nec.	Sawcutting Pavement	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
3.A.	Nec	Nec	Fine Grading	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
3.B.	Nec	Nec	Adjusting Utility Structures to Grade	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
4.A.	3	Each	Trash Receptacle	695.00	2,085.00	750.00	2,250.00	1,100.00	3,300.00	900.00	2,700.00	800.00	2,400.00
4.B.	1	Set	Volleyball Post and Net	780.00	780.00	800.00	800.00	1,080.00	1,080.00	1,000.00	1,000.00	1,200.00	1,200.00
4.C.	Lump	Sum	Play Structure	11,400.00	11,400.00	13,000.00	13,000.00	14,720.00	14,720.00	13,500.00	13,500.00	12,000.00	12,000.00
4.D.	Lump	Sum	Two Bay Swings	2,315.00	2,315.00	3,800.00	3,800.00	3,240.00	3,240.00	4,000.00	4,000.00		3,000.00
4.E.	1	Each	Age Appropriate Sign	850.00	850.00	950.00	950.00	1,080.00	1,080.00	900.00	900.00	1,000.00	1,000.00
4.F.	1	Each	Family Style Picnic Grill	540.00	540.00	850.00	850.00	720.00	720.00	700.00	700.00	600.00	600.00
4.G.	1	Each	Single Picnic Grill	350.00	350.00	550.00	550.00	630.00	630.00	300.00	300.00	400.00	400.00
4.H.	1	Each	Flagpole	3,025.00	3,025.00	5,000.00	5,000.00	3,400.00	3,400.00	9,000.00	9,000.00	7,000.00	7,000.00
4.I.	Lump	Sum	Pavilion	33,200.00	33,200.00	29,000.00	29,000.00	32,200.00	32,200.00	23,500.00	23,500.00	35,000.00	35,000.00
6.D.	Lump	Sum	Pavilion Electrical Wiring	4,500.00	4,500.00	6,500.00	6,500.00	5,000.00	5,000.00	4,000.00	4,000.00	500.00	500.00
6.E.	Lump	Sum	Connection to Existing Service	4,700.00	4,700.00	1,800.00	1,800.00	3,500.00	3,500.00	2,500.00	2,500.00	700.00	700.00
7.A.	6	Each	Taxus baccata 'Repandens'; Spreading English Yew	75.00	450.00	70.00	420.00	55.00	330.00	50.00	300.00	100.00	600.00
7.A.	16	Each	Thuja occidentalis 'Nigra'; Dark American Arborvitae	120.00	1,920.00	140.00	2,240.00	175.00	2,800.00	125.00	2,000.00	200.00	3,200.00
7.B.	25	CY	Furnish and Place Topsoil	30.00	750.00	35.00	875.00	45.00	1,125.00	30.00	750.00	50.00	1,250.00
7.C.	1500	SY	Grass Seed	2.25	3,375.00	2.70	4,050.00	3.20	4,800.00	0.20	300.00	9.00	13,500.00
7.D.	Nec	Nec	Mulching	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt	Non-Pmt
BASE BID					95,362.50		99,990.00		111,248.00		103,430.00		108,865.00
								<i>Bid Price</i>	111,798.00			<i>Bid Price</i>	119,665.00
<b>Add Alternate A</b>													
1.A.	Lump	Sum	Site Preparation and Removals	6,500.00	6,500.00	5,000.00	5,000.00	6,900.00	6,900.00	15,000.00	15,000.00		7,000.00
<b>Add Alternate B</b>													
6.A.	2	Each	Area Light-20' ht., Single Head	3,000.00	6,000.00	2,000.00	4,000.00	3,800.00	7,600.00	5,000.00	10,000.00	7,000.00	14,000.00
6.B.	1	Each	Area Light-20' ht., Double Head	3,300.00	3,300.00	2,000.00	2,000.00	3,900.00	3,900.00	5,800.00	5,800.00	9,000.00	9,000.00
					9,300.00		6,000.00		11,500.00		15,800.00		23,000.00
<b>Add Alternate C</b>													
6.C.	4	Each	Area Light-15' ht., Single Head	8,800.00	8,800.00	2,000.00	8,000.00	3,500.00	14,000.00	4,500.00	18,000.00	6,000.00	24,000.00
<b>Bid Price</b>					119,962.50		118,990.00		143,648.00		152,230.00		162,865.00
								<i>Bid Price</i>	144,198.00			<i>Bid Price</i>	173,665.00

Councilwoman Larr made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

**RESOLVED**, that Contract 2002-9 Gagliardo Park Playground Improvements, Phase II is hereby awarded to Peter J. Landi, Inc., the lowest bidder meeting specifications which include the base bid and all three alternates, in the amount of \$118,990.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cunningham, Cypher, Hutchings,  
and Larr

NAYS: None

ABSENT: Councilman McKean

The resolution passed.

29. Draft unapproved minutes of the regular meeting of the City Council held June 12, 2002

Discussion of this agenda item was deferred to the next meeting of the City Council.

30. Miscellaneous communications and reports

Councilman Chu offered congratulations to Tim Hodge, a graduate of Rye Neck School, who will be attending West Point next year.

Councilwoman Cunningham reported that the Zoning Board of Appeals had met twice on “big house” issues and would be submitting a memo to the Council reflecting their discussions. She urged the Council to proceed with plans to hold a workshop to discuss this issue.

Councilwoman Larr asked City Manager Novak to report on the recent Emergency Medical Services meeting. Ms. Novak said it is a great service, meeting all its targets, and operating in the black.

31. Old Business

Councilman Chu thanked everyone, especially City Engineer George Mottarella and Traffic and Transportation Committee Chair, Brian Dempsey, for getting the Barlow Lane lights installed. He said the bumps and nicks already created prove how bad Boston Post Road drivers are. He said he hoped these preventive measures will improve safety.

32. New Business

City Manager Julia Novak introduced her new administrative assistant, Casey Liebst who has arrived from Wichita, KS, where she has both a Public Administration and Law Degree from the University of Kansas.

Councilwoman Cunningham said she concurred with a letter describing the dangers of the intersection of North Street and Playland Parkway and said it should be reviewed by the Traffic and Transportation Committee.

Councilman Cypher made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn to Executive Session at 12:25 A.M. to discuss a litigation matter.

The Council reconvened at 12:30 A.M.

33. Adjournment

There being no further business to consider, Councilwoman Larr made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 12:31 A.M.

Respectfully submitted,

Susan A. Morison  
City Clerk