

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on, November 5, 2003 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU (arrived during the budget presentation)
CAROLYN CUNNINGHAM
ROBERT S. CYPHER
ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS McR. McKEAN
Councilmen

ABSENT: None

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 city business.

Announcements

Mayor Otis expressed condolences to the family of former City Council Member Mike Weinberg who served from 1982-1986. He was also head of the American Legion Post. The Mayor said he was a committed and nice citizen of Rye who will be missed.

Mayor Otis said that Michael Genito, the City's Comptroller, has received another award for the City, this year from the Governmental Accounting Standards Board (GASB) who commended Mr. Genito for complying not only on time, but early, with the new accounting standards for municipalities known as GASB 34. As City Manager Shew said, when presenting Mr. Genito with the letter of commendation, it is not standard practice for cities to be so noted and this year Rye received two awards: this one and the Distinguished Budget Award for 2003.

The Mayor congratulated both the Rye Football team and the Field Hockey team for their successful season and their current march toward State Championships. He said they were both exceptional teams who have done a great job this year and are continuing to provide the City with much excitement.

Finally, the Mayor congratulated the winners of the November 4th election – Duncan Hennes, Mathew Fahey, and Gerry Seitz – who will join the City Council as of January 1, 2004. He thanked all six candidates for a good campaign, saying running for City Council is, in itself, a public service and a true sign of caring for our community. He said he was looking forward to working with the new Councilmen.

3. Presentation of the FY 2004 Budget by the City Manager

The Mayor introduced City Manager, Paul Shew who began the formal presentation of the 2004 Budget. Mr. Shew said that this year's format would have three parts: an overview of needs and philosophy that includes a proposed tax rate needed to support municipal services; a two-minute summary by each Senior Manager of their department; and finally, an overview and explanation of the financial picture presented by the City's Comptroller. He said after his closing statement there would be an opportunity for questions, but he assumes a more appropriate time would be after the consideration of the budget material and at the first workshop scheduled for November 12th.

Mr. Shew began his overview by saying Rye is a premier community boasting a long list of amenities and a history which reflects a focus on the quality of life and a high expectation of a continuation of this high quality.

Putting the present financial situation in *context*, Mr. Shew reported approximately 47 of 50 State governments are running at a deficit with NY State reporting a \$4 billion deficit. This situation overshadows many of the responsible things being done by governments on a daily basis. We think of Rye ("our house") as a very stable community, but sometimes issues not in "our house" affect "our house." However, despite external conditions that did not affect our community years ago, but do today, the City of Rye continues to be in a sound financial condition and enjoys the 'triple A' rating it has held for many years. Such a rating would not be maintainable without fiscal prudence. This frugal budget has been prepared with the philosophy that double-digit increases are not acceptable and that it should reflect both the letter of the Charter and spirit of the City Council.

Outside agencies, contract services and enterprise funds merit special attention. The City has relationships with several agencies including the Rye Youth Council, Rye Town Park, the Rye-Rye Brook-Port Chester Volunteer Ambulance Corps, the Rye Historical Society, the Friends of Rye Nature Center and the Rye Free Reading Room. Each relationship is subject to review and to annual change. This budget suggests that routine review continue, particularly with regard to agencies wishing to increase their dependency on tax dollars for support, and carefully look at how these requests relate to the budget. The budget was prepared by examining alternate revenue possibilities and expense items, and by dropping any unnecessary services. The same analysis should be made of requests from outside agencies. The Boat Basin and Rye Golf Club provide ongoing services to residents without using any tax dollars. In both cases, these agencies have improved their quality of service over time by applying the same analytic approach we have followed when developing the budget.

This budget attempts to look at *issues, problems, and opportunities*. Over time, the City, which has not grown in population, has added new parks, amenities and features to improve the quality of life. These additions, such as the new ball fields, require care, maintenance and resources (such as insurance). In short, the cost of improvements (many of them mandated) comes at a cost.

Some of the *policy issues* that will need to be addressed in 2004 include the *Fire Study* (how should this service be managed and coordinated? How can we attract more young volunteers?); the *Rye Free Reading Room* (as an independent association over which the City has no control how can its future needs best be met?); the *Rye Nature Center* (how can we recover greater amounts of the overall cost over longer periods of time, now that this service has become part of the recreation budget?); the *Rye Golf Club/Boat Basin* (should they be paying taxes? It would seem their current contribution to the General fund would equal any contribution they might make through taxes.); the *Square House* (the cost of maintenance of this historic, city-owned building is about \$71k per year – can it improve?).

The budget also includes funds for certain *challenges* for the community. These funds would be used if a thoughtful proposal for a project, which provides for matching funds, could be made during the year. For example, \$37.5k has been reserved for a municipal skateboard park; \$25k for improvements to the Friends Meeting House; and \$40k for any other opportunities, such as a possible business improvement district or the arts. Any unused funds would be returned to the General Fund at the end of the year.

Public service plays an important part in the budget. Civic duty has long played a role in the history of Rye and it is critical for Rye to keep a high quality of civic participation. This applies not only to volunteers but to public employees. The budget contains provisions to treat employees fairly. Our goal is to keep the City of Rye competitive and attractive to both new and current employees, thus enhancing the “Rye difference.”

The bottom line is a FY04 budget that provides for a 9.9% property tax rate increase. For every tax dollar spent in property taxes, only \$.18 goes to the City. The remaining \$.82 goes to schools and the County. Under this budget, the undesignated fund balance would stand at 8%, providing sufficient resources to meet the needs of our municipality next year. No new positions are added and one position, which exceeded approved staffing levels, has been reduced.

Following Mr. Shew’s opening remarks the Senior Managers presented brief reports on the duties and responsibilities of their departments, summarized as follows:

Michael Genito, City Comptroller (Finance and Information Technology Services), said *Finance* has a staff of seven, down from nine seven years ago, and is responsible for receipt and disbursement of all funds of the City and the investment of cash. They are instrumental in developing the budget and developing other comprehensive documents such as the annual financial report. They handle thousands of transactions over each year; have completed the early implementation of Governmental Accounting Standards Board Statement No. 34 (GASB34); developed and published the 2004-6 Financial Forecast; converted much reporting to an electronic process; and microfilmed over 40 cubic feet of paper, saving the City the need for storage space and the costs associated with maintaining, retrieving and reproducing records. The

MIS Department, with a staff of two, attends to the needs of 140 users, operating 116 personal computers and accessing 27 servers. They coordinate all data traffic and hardware and software needed to ensure a safe, secure and viable network. The web site is a good example of the quality of work. For 2004, MIS plans to update the network operating system, upgrade the city hall telephone system, and assist the police department in the upgrade of its wireless network. He concluded by thanking his staff for the help with the budget.

Noreen Whitty, Assessor, said the primary responsibility of her office is to maintain assessments and property inventory for 4,848 parcels of real property having an estimated taxable market value of over \$4.7 billion dollars for tax purposes. Her department has been vigilant in monitoring and challenging the equalization rate that is facing an unprecedented decline. A challenge to the rate earlier this year will result in a savings of an estimated \$250k in the City's share of the 2004 County tax levy. She has also argued for a segment special equalization rate for use in the Rye Neck school apportionment for a combined 2-year savings to homeowners of \$1,080,000. Inspections and assessment of new construction continue to be a priority. The department administers a variety of tax exemption programs including veterans, senior, STAR, and not-for-profits. 2004 will be a challenge, but the goal remains to preserve the integrity of the assessment roll and insure equitable distribution of the tax levy.

Susan Morison, City Clerk, said the Clerk's Office is the official keeper of records and major provider of information to the public; the issuer and recorder of all State-mandated vital statistics, the issuer of over 2000 parking permits, 1400 fire and burglar alarms, and many other permits. They oversee bids and contracts, regulate the taxi industry and provide numerous other services as requested and required. The Clerk is also the secretary to the Board of Appeals, writer of the official minutes of the City Council, and keeper of the official list of Boards, Commissions and Committees. Anticipated revenue each year is over \$500k. Over the past three years, computerization has resulted in the ability to reduce the staff by half a person; processes are completed with greater efficiency at less cost. Records retention continues to be important, and the 2004 election budget anticipates the additional expense of a Presidential Election year as well as the possibility of a special election.

William Connors, Police Commissioner, reported on the numbers of situations handled by his department over a given year (15,896 calls for service [3,157 of which resulted in the filing of incident reports with the balance non-criminal calls for service, traffic enforcement, etc.]). They responded to 1361 alarms, 491 motor vehicle accidents and 839 medical emergency calls. There were 915 arrests and 3,477 summonses for Vehicle and Traffic Law violations. Detectives opened 320 cases; the Youth Officer handled 245 youth related cases; and the Marine Unit provided patrol, search and rescue operations throughout the 14-mile coastline. He said all officers are now trained to the Certified First Responder-D level, the department was reaccredited by the NYS Law Enforcement Accreditation Council; they have participated in the County's Counter Terrorism Intelligence Task Force and have begun the process of conducting threat assessments on various locations within the City. He said police work has become increasingly sophisticated and, while there is considerable expense in running a good police department, they have done their absolute best to run lean and effective. They will continue to provide the highest possible level of service at the most efficient possible cost.

John Wickham, 2nd Assistant Fire Chief, reported the *Fire Department* was proposing an operating budget with no increase but that they were requesting replacement of equipment from the '50s, '60s and '70s that will save on maintenance costs and enable the department to operate safely according to current standards.

Christian Miller, Rye City Planner said the department consists of himself and one administrative assistant shared with the Building and Engineering Departments. He said the department's primary responsibility is to provide professional planning assistance to the Rye City Planning Commission which reviews about 50 land use applications as mandated by State and City Laws. He also assists the City in a variety of special projects such as the House Scale Committee and the Hazard Mitigation Committee. Unlike many other communities, outside consultants did not have to be used to assist in the creation of new legislation. He said that the Planning budget for 2004 represents an increase of only 8% more than the department's budget from over a decade ago. He concluded by saying the department looks forward to cost-effectively serving the community in meeting its planning needs for 2004.

Vincenzo Tamburro, Building Inspector, reported that the *Building Department* reviews and issues approximately 500 building permits per year, performs approximately 1,500 inspections and pursues violations – all with a staff of three. The department works with many other departments providing technical advice, assistance to capital improvement projects that improve buildings, and is on call 24/7 to respond to emergencies. The Building Department spends a lot of time enforcing a variety of codes mandated by local, State, County and Federal laws – all of which are safety driven. Revenues exceed expenses by over \$250k. He anticipates continued high activity in the amount of building and construction in the City of Rye.

George Mottarella, City Engineer and Director of the Department of Public Works, reported that *Public Works* is responsible for the repair and maintenance of 20 traffic signals, all signs, line striping, 50 miles of pavement, 2100 street lights, 53 miles of sanitary sewer lines, 1500 manholes, 7 sanitary sewage pump stations, 30 miles of storm drains, 15 parking lots and 130 parking meters. They collect 6800 tons of garbage, 1900 tons of organic waste, 2700 tons of recycling materials, and 450 tons of fall leaves. Annually, the department controls snow and ice, trims and plants 9.6 acres of public park areas, maintains 6200 public trees, and maintains and repairs 222 vehicles as well as 12 public buildings. Staff levels have remained static over ten years despite new State and County regulations and upgrades. Despite the purchase of additional City land and more heavy equipment the budget for materials and contractual services has decreased 9% from the 2001 budget. The *Engineering Department* prepares and administers contracts for all public works, capital improvement and building improvement projects including Building and Vehicle improvement projects. Professional engineering services are provided to all City departments, boards and committees, including review of subdivisions, site plans, repair to sanitary lines, etc. All work is inspected by Mr. Mottarella or Assistant Engineer, Ryan Coyne. The department issues over 200 permits and responds to citizen inquiries and concerns, particularly with regard to drainage and grading, and advises the proper course of action.

William Rodriquez, Superintendent of Recreational Services and Parks (including the Rye Nature Center), reported that the department provides quality recreation and comprehensive programs for all ages from pre-school to senior citizens designed to insure health, fitness, safety, and even employee opportunities for the youth of our City. He spoke of the accomplishments of

the department including many new programs, such as 8 additional ones for Senior citizens, all of which are self-sustaining. He reported ours is the first recreation department in the County to develop on-line registration. They were able to issue over \$10k in scholarships for summer campers. The department also received an award from the NYS Department of Parks and Recreation for the web site developed to inform citizens about the Recreation Bond Project. Finally, he said the new fields would be ready by June so there would be an impact on the 2004 budget, but the Damiano Center renovations would not impact the budget, except for staff time and relocation expenses until 2005.

Jim Kenny, Cable TV Coordinator of the *Rye Cable TV* special revenue fund, reported operations are funded through franchise fees paid by cable subscribers who are able to reap the benefits of being able to watch Rye's own channels. RCTV provides production services to the City Council, all City departments and non-profit community organizations, producing 83 hours of programming in 2002. RCTV also provides production facilities, which it shares with the Rye City School District, and training to all citizens and local organizations. 171 different productions were created in 2002. The staff of two also works with Cablevision to resolve subscriber complaints. Being a special revenue fund has enabled RCTV to build a reserve fund to be used for consulting assistance in the upcoming franchise renewal process and to purchase items that might exceed our annual equipment budget.

Pete Fox, Boat Basin Supervisor, reported the most significant accomplishments for 2003 included being able to dredge, dispose, and cap over 6000 cubic yards of material from the shoals and Federal channel; obtaining permits to allow for construction of a 14' deep sedimentation basin at the mouth of Blind Brook; and contracting to complete dredging this winter. Smaller projects include repair and re-decking of "D" dock; completion of the landscaping project; installing 800' of water lines on the dock; initiating extensive in-house water quality-monitoring; administration of the City of Rye mooring permit process (new this year); and developing a more efficient winter storage system resulting in higher revenue. The Boat Basin consistently contributes more than 60% of its net revenue to the General fund.

Scott Yandrsevich, Manager of the *Rye Golf Club*, said the club had experienced many positive changes in the past two years including the switch to a new fleet of leased golf carts and maintenance equipment which has resulted in operational savings; installation of 12,000 feet of drainage pipe on the golf course; and the marble dusting and pool deck of both pools. Improvements and enhancements to the facility and its infrastructure are planned for 2004 as the club strives for excellence to achieve member satisfaction. The Club is supported by membership and user fees, receives no tax support, and, in fact, contributes to the General Fund. It is unique in many ways, but is, and will continue to be, operated in a fiscally prudent manner.

Julie Schmitter, Assistant to the City Manager, reported on contract service agencies. The Rye Youth Council provides cultural and recreational activities for youth; the Square House Museum provides historical and archival services related to the City of Rye and surrounding area; the Rye Free Reading Room is an independent library association that provides library services to the community using their own facilities, equipment, supplies and staff and is significantly funded by the City; the Rye Town Park is a joint venture between the Town of Rye and the City of Rye providing public access to a park and beach located along Long Island Sound with the City providing a portion of the upkeep. Other contract agencies include the

Westchester Shore Humane Society that provides animal control services through its own facilities, and the Emergency Medical Services (EMS) provided by the Port Chester-Rye-Rye Brook Ambulance Corps.

Following the reports by the Senior Managers, *Comptroller Michael Genito presented the 2004 Tentative Budget Overview* including all funds as follows: \$28M in operating expenditures, \$4.5M in capital expenditures; \$27.7M in operating revenues; and \$2.5M in bonds for capital financing. He said the K.T. Woods Permanent Fund (which was set up by a citizen to be used to pay the salary of benefits of a nature center intern) appears in the budget for the first time because the Nature Center is now a part of the General Fund.

Of the *expenditures*, \$3.0M (12%) is for general government; \$10.1M (43%) is for public safety; \$6.7M (28%) is for community environment (drains, streets, sewers); \$3.2M (13%) is for culture and recreation (including the RFRR); \$843,500 (3%) is in transfers for capital items and \$240,000 (1%) is for contingency as mandated by the City's Charter.

Funding sources include \$15.5M (68%) in property taxes (which is very good as many communities are more dependent on this revenue source); \$2.1M (9%) in State and Federal aid; \$1.5M (8%) in non-property tax items; \$1M (5%) in charges for services; \$930k (4%) in license and permit fees; \$970k (6%) in other revenue; and \$1.7M appropriated from the fund balance. This \$1.7M includes \$1.2M for capital and equipment; \$131k for debt service and \$370k to partially offset the retirement increase of over a million dollars. \$1.8M (8% of revenues) remains as undesignated funds (above both the 5% mandate and the 7.5% goal).

These figures translate into *\$113.82 per \$1000 taxable assessed value* which has remained stable, *a 9.9% increase over fiscal 2003*.

Amounts in special funds are as follows:

- *The K.T. Woods Permanent Fund* provides a \$4k transfer to the General Fund to support Nature Center payroll or benefits;
- *The Cable TV Special Revenue Fund* (\$215k operating budget paid for with franchise fees and other cable TV Fund revenues; includes \$27k for new equipment);
- *The Debt Service Fund* provides for payment of general long-term debt (other than the Golf Club Fund and the Building and Vehicle Maintenance Fund) - \$59,600 for principal and \$70,861 for interest for a total of \$130,461 during 2004.
- *The Capital Project Fund* calls for \$2.4M (\$1.3M for streets, roads and sidewalks, \$580k for mandated sewer projects; \$250k for drainage projects; and \$50k for repair of the Moorhead Footbridge which will be closed if not repaired. Funding for Capital Projects will come from \$1.2M in new debt; \$645k in grants and aid; and \$525k from the General Fund.
- *Boat Basin Enterprise Fund* has a \$486k operating budget, covered by revenues. Pays administrative fee to the General Fund.
- *Golf Club Enterprise Fund* - \$2.4M operating budget, covered by revenues. \$250k for capital improvements. Pays administrative fee to the General Fund.

- *Risk Retention Fund* - \$640k provides risk services to other funds (to partially self insure the City, provide claims management and processing). Costs reimbursed from other funds through an inter-fund service charge.
- *Building and Vehicle Fund* (\$2.8M to maintain facilities and fleet with operating costs charged back to other funds). \$963k for building projects (\$237,500 from General Fund, \$663k in new debt and \$62,500 in grants and aid) and \$919k for vehicle acquisitions (\$81k from the General fund, \$635k in new dept, and \$203 from retained earnings).

City Manager Shew concluded the presentation by saying the tax increase of 9.9% covers all City services at \$.18 on the dollar and is less of an increase than the pension costs recently assigned to the City. The budget has been achieved by application of fund balance to certain capital expenditures, but the general fund includes no new hires, essential items only, and a modest increase for the RFRR. There are challenge funds that provide opportunities. Necessities and priorities have been considered and the Council is urged to take certain policy positions on which endeavors should be continued or stopped; which are of the greatest responsibility and priority to the City of Rye.

He thanked the Council and professional staff for their assistance in producing the budget, saying Rye has an excellent staff who could be compared to the ducks who paddle furiously under water so that a community like Rye appears to run effortlessly. He said he believes the budget represents a prudent approach to the expenditure of public funds while at the same time continuing quality services for residents with the tax increases kept to a minimum. It also encourages an ongoing dialogue regarding quality of life in the City.

Mayor Otis thanked everyone for the presentation, saying people should be aware that Rye has lean departments and it was good to have Department heads here to describe all that they do. He urged the Council to review the budget and submit questions in writing to the City Manager prior to the first budget workshop on Wednesday, November 12.

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

There were no residents who wished to be heard.

5. Presentation by the Rye Senior Advocacy Committee - withdrawn

6. Presentation by Friends of the Rye Nature Center

Bob Clyatt, President of the Friends of Rye Nature Center (FRNC), addressed the Council concerning an addition the FRNC wish to build at the Nature Center and gift to the City. He said there has been need for extra space for over a decade, especially during peak use periods; that the FRNC raised \$50,000 then and now have a grant for another \$50,000 so they have enough to build a solarium addition which they would like to then donate back to the City. He said they have worked with the City to agree on the location, and have selected Four Seasons Company from Elmsford to build the addition. Rex James, from Four Seasons, said he is

confident the building will be durable, with maintenance costs quite low (about \$100/year in extra heating costs), especially as there would be doors between the existing space and the proposed new space so it could be closed off if not in use. He said if the Council was comfortable with the gift the FRNC would move on with the planning process.

Councilwoman Cunningham asked about air conditioning and was informed there would not be too much need as the insulation and the sliding doors would actually make the room seem to be under a tree. In answer to a question from Councilwoman Larr, curtains will not be necessary, except for privacy and they are not planned, as it is preferred that people feel as if they are outside.

The Mayor said he thought it was a great idea; that it will help programs; and is a good solution for the extra space needs. The Council's consensus was that the plan for the addition was a good one and the FRNC should proceed with the project.

7. Resolution to declare Golf Club equipment as surplus

Mr. Yandrasevich, Golf Club Manager, requested permission to dispose of several obsolete pieces of equipment saying two would be used as trade-in and one would be auctioned off.

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

WHEREAS, the City of Rye Golf Club has several pieces of equipment that are in need of extensive repairs and no longer used; and

WHEREAS, the Rye Golf Club Manager has recommended that this equipment be declared surplus and disposed of in a manner that serves the best interests of the City; now, therefore, be it

RESOLVED, that the following equipment be declared surplus and sold, transferred, or otherwise disposed of:

1981 Kubota L345 Tractor
1989 Kubota L3750 Backhoe
1990 Ford 4630 Tractor

ROLL CALL:

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

NAYS: None

ABSENT: None

8. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Port Chester in order to provide necessary services for Moderate Income Housing

Corporation Counsel Kevin Plunkett described the need for an Intermunicipal Agreement with the Village of Port Chester in order to provide necessary services for Rye-Cottage Holdings, LLC which seeks to build Moderate Income Housing Units on property it owns located mostly in the City of Rye and partly in the Village of Port Chester. Sanitary sewage and storm drainage generated from the units would be connected into the sanitary sewer and storm drainage facilities in Port Chester. All but a small sliver of the property is taxable to the City of Rye. Mr. Plunkett said he had worked with Port Chester's Counsel and he recommends approval of the agreement. In response to a question from Councilwoman Larr, Joe Latwin, lawyer for Rye-Cottage Holdings, LLC, said the units have not yet been constructed, but there will be an effort to market them to qualified buyers from Rye once they are built.

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

RESOLVED, that the City Manager be authorized to enter into an Intermunicipal Agreement with the Village of Port Chester in order to provide necessary services for Moderate Income Units to be constructed by Rye-Cottage Holdings, LLC.

ROLL CALL:

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

NAYS: None

ABSENT: None

9. Approval of the election of a new member to the Rye Fire Department

2nd Assistant Chief John Wickham said the Board of Fire Wardens had elected Steven L. Loddo to membership in the Poningo Hook & Ladder Company at their October 13, 2003 meeting. Councilman Cypher said Steven was the son of long-time fire fighter Nick Loddo; was a 2002 graduate of Rye High School; and perfect example of the kind of youth everyone would like to see get involved as volunteer fire fighters.

Mayor Otis made a motion, seconded by Councilman Cypher and unanimously carried, to approve the election of Steven L. Loddo to membership in the Poningo Hook & Ladder Company.

10. Designation of a Chairman of the Planning Commission, by the Mayor

Mayor Otis designated Barbara Cummings as Chairman of the Planning Commission, filling the position left vacant by the resignation of Michael C. Klemens on October 23, 2003.

11. Consideration of a proposed resolution to increase funding for sewer rehabilitation project

Corporation Counsel Kevin Plunkett said he had been working with City Engineer George Mottarella to get a consent order from the NYS Department of Environmental Conservation (DEC) to make necessary repairs to certain sewers. The consent order will go before the City Council for approval at the November 19th meeting, but it is necessary that the additional funds needed to complete the project be approved now in order for the project to stay on schedule. These funds will be drawn from Contingency and there are no additional needs anticipated.

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

WHEREAS, the City of Rye is under a consent order issued by the New York State Department of Environmental Conservation to rehabilitate various sewers under the City's control; and

WHEREAS, the fiscal 2003 Capital Projects Fund budget for Sewer Rehabilitation Project requires \$42,000 in additional funding to meet the requirements of the aforementioned consent order; and

WHEREAS, the Contingent Account in the General Fund can provide the necessary funding; now, therefore, be it

RESOLVED, that the City Comptroller be authorized to transfer \$42,000 from the General Fund Contingent Account to the Capital Projects fund Sewer Rehabilitation Project; and be it further

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2003 budgets for the General fund and Capital Projects fund to reflect the increased project budget and increase in appropriations for transfers in the General Fund.

ROLL CALL:

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

NAYS: None

ABSENT: None

12. Bids for Bradford Avenue Sewer replacement

City Manager Shew said the Bradford Avenue project consists of replacing approximately 270' of sanitary sewer in the area, beginning on Bradford Avenue, crossing through Beaver Swamp Brook and terminating at a Westchester County sewer line. He recommends the Council approve the recommendation of the City Engineer.

The bid tabulation appears on the following page.

**Bradford Avenue Sewer Replacement
Contract #2003-11**

Name of Bidder				ELQ Industries, Inc.		Joken Development		Bilotta Construction	
#	Items	Quantity		Unit	Total	Unit	Total	Unit	Total
A	By-Pass Pumping	1	LS	\$8,000.00	\$8,000.00	\$16,200.00	\$16,200.00	\$9,100.00	\$9,100.00
B	R & R Structures	1	LS	\$8,450.00	\$8,450.00	\$3,000.00	\$3,000.00	\$7,000.00	\$7,000.00
C	Pipe Encasement	1	LS	\$28,000.00	\$28,000.00	\$7,450.00	\$7,450.00	\$105,610.00	\$105,610.00
D	8" DIP Class 52	250	LF	\$160.00	\$40,000.00	\$261.00	\$65,250.00	\$222.05	\$55,512.50
17K	Controlled Density Fill	30	CY	\$75.00	\$2,250.00	\$110.00	\$3,300.00	\$120.00	\$3,600.00
M 102	Standard Manhole	3	EA	\$3,600.00	\$10,800.00	\$3,600.00	\$10,800.00	\$2,600.00	\$7,800.00
403.128902M	Type 3 Asphalt Binder	22	Ton	\$115.00	\$2,530.00	\$115.00	\$2,530.00	\$125.00	\$2,750.00
403.178302M	Type 6F Asphalt Top	12	Ton	\$115.00	\$1,380.00	\$120.00	\$1,440.00	\$125.00	\$1,500.00
623.03 Size 1	3/4" Crushed Stone	30	Ton	\$24.00	\$720.00	\$50.00	\$1,500.00	\$28.00	\$840.00
623.03 Size 5	Medium Stone	20	Ton	\$84.00	\$1,680.00	\$50.00	\$1,000.00	\$30.00	\$600.00
84 TC	Timber Piles	300	LF	\$25.00	\$7,500.00	\$38.00	\$11,400.00	\$134.00	\$40,200.00
Contractor's Total				\$111,310.00		\$123,870.00		\$234,512.50	
Engineer's Total				\$111,310.00		\$123,870.00		\$234,512.50	
Position				1		2		3	
% Above Low Bidder				0.00%		11.28%		110.68%	

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

RESOLVED, that Contract #2003-11, Bradford Avenue Sewer Replacement, is hereby awarded to ELQ Industries, Inc., the lowest bidder meeting specifications, in the amount of \$111,310.

ROLL CALL:

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

NAYS: None

ABSENT: None

13. Acceptance of two donations to the Rye Police Department for the Child Safety Seat Inspection Program

City Manager Shew reported two donations to the Rye Police Department for the Child Safety Seat Inspection Program: one from Christ's Church Nursery School and the other from an anonymous donor.

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

WHEREAS, the City of Rye is in receipt of two donations in the amount of \$20 and \$150 respectively, specifically for expenditures related to the City's child safety seat inspection program; and

WHEREAS, the General Fund 2003 adopted budget did not provide for the receipt of such revenues or the related expenditures; now, therefore, be it

RESOLVED, that the fiscal 2003 General Fund budget be amended as follows:

Increase Police Patrol Estimated Revenues – Donations \$170
Increase Police Patrol Appropriations – Patrol Equipment \$170

ROLL CALL:

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

NAYS: None

ABSENT: None

14. Miscellaneous communications and reports

Councilman Chu asked if there should be a supervisory role over outside utility and other private contractors when working on city streets. City Engineer Mottarella said all projects were subject to an established street opening permit process unless there is an emergency at which time Con Edison or the Water Company would call in for emergency approval.

Councilman Cypher reported that the Board of Architectural Review will have vacancies as of January 1, 2004 and suggested a review of the qualifications for board members. The Mayor suggested looking at changing the number of people on the board as well to insure a quorum. Councilman McKean opined on the need for keeping at least one architect on the board.

Mayor Otis reported on the great success of the Youth Advisory Committee organizational meeting, well organized and run by City Manager Assistant Casey Liebst. He said the youths (and parents) were both articulate and enthusiastic and it was exciting to be there. Councilman Cypher said the appointment letters have gone out; that he was thrilled to death by the enthusiasm; and is looking forward to the next meeting on November 10, 2003.

Councilwoman Cunningham said she noted not everyone was in favor of the Kirby Lane Sewer Project and wondered about the next steps. Mr. Shew said the city Engineer is separating out the costs by street so that each street can be considered individually.

15. Old Business

Councilman Hutchings asked about the status of the gas station at the end of Purchase Street. Corporation Counsel Plunkett said the City had filed a summons and complaint with the Westchester Supreme Court; the next step is a summary judgment motion that would allow the City to remove the graffiti. He said the progress is slow, but steady and he hopes to have an answer for Councilman Hutchings by Christmas.

Councilman Chu thanked everyone involved in getting a stop sign installed at the corner of Brevoort Lane and Rye Road.

Councilwoman Larr said she continued to be concerned about the young mothers crossing the Boston Post Road at Sonn Drive with no crosswalk. The Mayor said this matter had been considered by the Traffic and Transportation Committee and they were worried about the added danger of raising the expectation that cars will stop. He said the Committee recommended the mothers cross at the existing crosswalk.

16. New Business

There was no new business to come before the Council.

17. Draft unapproved minutes of the regular meeting of the City Council held October 15, 2003

Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held October 15, 2003.

Mayor Otis made a motion, seconded by Councilman McKean and unanimously carried, to adjourn to Executive Session at the request of the City Manager to discuss two personnel matters at 10:10 P.M.

The Council reconvened at 11:15 P.M.

18. Adjournment

There is no further business to discuss, Councilman Chu made a motion, seconded by Councilman McKean and unanimously carried, to adjourn the meeting at 11:16 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk