

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 17, 2003 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU
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/Farewells

The Mayor yielded the floor to **Alexandra Bogdanovic**, long-time reporter for the Sound Shore Review, who told Council this was her last City Council meeting as she was accepting a new job in Warrenton, VA covering law enforcement. She said it was a great professional opportunity, but emotionally difficult to leave all her Rye friends and thanked everyone for a wonderful, exhilarating experience.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approved the following proclamation, read by Mayor Otis:

***WHEREAS**, Alexandra Bogdanovic has worked as a reporter covering the City of Rye for the Sound Shore Review for five years; and*

***WHEREAS**, over that period of time Alex has reported on the life of Rye – our City government, our schools, our businesses, and our entire community with dedication and accuracy; and*

WHEREAS, Alex has been more than a reporter, she has become part of our community; and

WHEREAS, her coverage has demonstrated a unique understanding of our organizations, institutions, and activities shared with care with her readers; and

WHEREAS, Alex will be leaving this beat to join a large chain of weekly newspapers in Virginia; and

WHEREAS, the people of the City of Rye appreciate the dedicated reporting and friendship Alex has brought to our City; now, therefore, be it

RESOLVED, that the Rye City Council pauses in its deliberations to recognize and commend Alexandra Bogdanovic for her years of journalistic service to Rye, to thank her for her fine reporting of our community, and to offer her best wishes on her new assignment.

Signed and sealed this 17th day of December 2003.

Steven Otis, Mayor

Mayor Otis announced the resignation of **Casey Liebst**, Assistant to the City Manager, who has accepted a job in Lawrence, Kansas, saying she had done a wonderful job in many areas, particularly in working with the newly established Rye Youth Advisory Committee. Councilman Cypher agreed, and said she would be greatly missed.

Mayor Otis said that tonight's meeting would be the last for three dedicated and responsible Council Members who will be stepping down as of December 31, 2003 and thanked each of them as follows:

He said Councilman **Douglas McKean** had served on the Council for 4 years, sharing his expertise as an architect on many City projects and committees. As representative on the Rye Town Park Commission he was instrumental in installing the wrought-iron fences and in working to make Seaside Johnnie's a family restaurant rather than a bar; he worked with the schools and fire departments on their building projects; he has been dedicated to the Recreation Commission and to Senior Citizens; and served as liaison to the Conservation Commission. The Mayor said the Council would miss not having an architect on board and Councilwoman Cunningham said she hoped he would be back at some point to continue service to the community. Councilman McKean thanked the citizens of Rye for the opportunity to serve and give back to his community and said he would continue to contribute.

Mayor Otis said Councilman **Robert Hutchings** had served for 8 years as a stalwart advocate for a cleaner Rye (particularly the gas station at the end of Purchase Street); and as the liaison to the Rye Cable Commission, working over the years to create excellent programs like "Eye on Rye." He has a great sense of aesthetics, advocating for buried power lines, a more pleasing Post Road wall, etc. He has worked hard, listened well, and provided dedicated service

in many areas. Councilman Hutchings said he, too, had been happy to serve, but pointed out that his status as councilman-emeritus (“e” for exit; “meritus” for deserving) was appropriate.

Finally, Mayor Otis thanked Councilwoman **Carolyn Cunningham** who had served the Council for 8 years, the last 6 as Deputy Mayor, but had served the community for many years more, as a member of the Conservation Commission, and the Westchester County Airport study group, just to name two. She has worked hard to make Rye a better place, being instrumental in the restoration of Whitby Castle, the Interfaith Council, the Senior Citizen Taxi Voucher Program, affordable housing initiatives, and many more areas. He said he hopes she will stay hooked in to the community in some way and she will be missed. Councilman Hutchings echoed the Mayor’s comments saying he had never served with anyone who does her homework so carefully, witness the review of the minutes she clearly reads closely. Councilwoman Cunningham said it had been a privilege and honor to represent everyone and to try and keep Rye a special place.

Each Council member was presented gifts including historical maps of the community they had served so well. A round of applause followed.

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

John McDwyer, representing the Professional Rye Firefighters, read a letter from Chief George Hogben, requesting that the firemen be on the agenda of the second January Council meeting for the purpose of requesting a date be set for a referendum to provide adequate funds to renovate the Locust Avenue Firehouse. He thanked the Council for their help with the firehouse project; thanked Councilman Cypher for his support of continuing the project; and Councilman McKean for his professional help with the Milton Firehouse building.

Gerry Seitz, Councilman-elect, 141 Kirby Lane, said he had read in the *NY Times* that the Westchester Municipal Officials Association (WMOA) had endorsed County Commissioner Spano’s request for a sales tax increase and asked if Mayor Otis had been part of that endorsement as he thought the Council had not been in favor of the tax. Mayor Otis informed Mr. Seitz that he serves as a Vice President on the Executive Committee of that organization and as such is free to vote as an individual, but assured Mr. Seitz that he does not vote for issues before the full session unless the Council has approved. He said the article was misleading but he was looking forward to a full discussion about the merits, or not, of a sales tax as it presents a choice between higher sales taxes or higher property taxes.

Sis D’Angelo, Wappanocca Avenue, bid farewell to Councilman Hutchings and asked the Council to continue to work on the situation and keep watching the gas station issue.

4. Continuation of Public Hearing on Proposed 2004 Budget

The Mayor recapped the prior discussion, saying the Council had reached consensus on a 9.5% tax increase (down from 9.9%); maintaining the undesignated fund balance at over 10%, an increase of \$181,000 for the Rye Free Reading Room, and an increase for The Rye Youth

Council to \$7500. He said other projects had been reduced or deleted and the floor is still open for additional comments although the public hearing was specifically kept open to discuss whether or not a 17th firefighter should be included in the 2004 budget. He said the 17th firefighter has been offered another temporary position within the City until a permanent fire position opens up.

Josephine DelMonte, President of the Rye Manor Tenants Association, asked again about whether funds for Theall Road are included, saying reconstruction of the road is vitally important for senior citizens; that they have been waiting for years for a decision; and she was imploring the Council to make the right one. The Mayor said he agrees they need to move ahead with the project and perhaps some of the extra Mortgage Tax money received in 2003 (now in the undesignated fund balance) can be used as part of a building block of funds for redoing the road.

The Mayor commended the City Manager for the entire budget process. The City Manager in turn thanked the staff for all their input and assistance.

Mayor Otis closed the public hearing.

5. Resolution to adopt the 2004 Budget and establish the 2004 tax levy and 2004 tax rate

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

WHEREAS, on November 19, 2003 the Rye City Council adopted the 2004 City of Rye Tentative Budget as the 2004 City of Rye Preliminary Budget, and,

WHEREAS, the Rye City Council has made further amendments to the 2004 Preliminary Budget, and,

WHEREAS, the Rye City Council now desires to adopt the 2004 Preliminary Budget as amended; now, therefore be it

RESOLVED, that the proposed General Fund budget and fee schedule, as amended, is hereby adopted for the City of Rye for the fiscal year beginning January 1, 2004; and be it further

RESOLVED, that the City Council does hereby levy the sum of \$15,254,250 for city taxes and determines the city tax rate to be \$113.41 per \$1,000 assessed valuation; and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the above stated levies and tax rates for city taxes, and the City

Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2004, at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums so computed and determined; and be it further

RESOLVED, that the tax warrant of the City of Rye be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved; and be it further

RESOLVED, that the said assessment roll, together with the aforesaid taxes so levied, together with said warrant, be and the same are hereby fixed and confirmed as the tax roll and warrant of the City of Rye for the fiscal year 2004 and the City Clerk is directed to forthwith deliver the same to the City Comptroller for the collection of taxes for the fiscal year 2004, as hereinbefore provided; and be it further

RESOLVED, that the proposed budgets and fee schedules, as amended, for the Cable TV Special Revenue Fund; the K.T. Woods Permanent Fund; the Debt Service Fund; the Capital Projects Fund, the Boat Basin Enterprise Fund; the Golf Club Enterprise Fund; the Risk Retention Internal Service Fund; and the Building and Vehicle Maintenance Internal Service Fund, hereby adopted for the fiscal year beginning January 1, 2004.

ROLL CALL:

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

NAYS: None

ABSENT: None

6. Resolution to establish 2004 mooring permit fees

The City Manager said the recommendation is to establish one fee only of \$150 per season for all boats needing a mooring permit as the lower rate for smaller boats only affects about 6 vessels. In response to a question from Councilwoman Cunningham, there are no hardship cases and the boy scouts are excluded. Councilman Chu asked if the imposition of the fee had increased the administrative load. City Comptroller Michael Genito said setting up the procedure to administer and regulate the program was quite a lot of work and there were certain unanticipated expenses, but this year would be easier.

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

RESOLVED, that the mooring permit fee for 2004 be set at one hundred fifty (\$150) dollars per mooring permit, for boats, rafts, or floats of any size.

ROLL CALL:

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

NAYS: None

ABSENT: None

7. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2003 fiscal year-end budget transfers in City accounts, provided a list of such transfers is furnished to the City Council at the next meeting after completion of such transfers.

ROLL CALL:

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

NAYS: None

ABSENT: None

7A. Resolution authorizing the continuation of the Hiring Freeze

Mayor Otis made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

RESOLVED, that the hiring freeze, currently in affect, be continued for 2004.

ROLL CALL:

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

NAYS: None

ABSENT: None

With the casting of this final resolution, the 2004 budget was approved. The Mayor thanked Mr. Genito and all department heads for their input.

8. Acceptance of a donation to the Rye Police Department from Kimberly K. Short and Richard W. Morgner, Jr. for the Child Safety Seat Inspection Program in the amount of Fifty (\$50.00) Dollars

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution with appreciation:

WHEREAS, the City of Rye is in receipt of a donation in the amount of \$50 from Kimberly K. Short and Richard W. Morgner, Jr., 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 – donation \$50
Increase Police Patrol Appropriations – Patrol Equipment \$50

ROLL CALL:

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

NAYS: None

ABSENT: None

9. Acceptance of two donations to the Rye Police Department of Two Hundred (\$200.00) Dollars from Robin T. Jovanovich and Peter Jovanovich and Twenty-Five (\$25.00) Dollars from Girl Scout Troop #2640

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

WHEREAS, Robin T. Javanovich and Peter Javanovich desire to donate Two Hundred (\$200) Dollars and Girl Scout Troop #2640 desires to donate Twenty-Five (\$25) dollars to the Rye Police Department; and

WHEREAS, the fiscal 2003 General Fund budget did not anticipate these donations; now, therefore, be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2003 General Fund budget as follows:

Increase Deferred Revenues – Police Donation \$225.00

ROLL CALL:

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

NAYS: None

ABSENT: None

10. Resolution to authorize expenditure of police donation funds for police footwear

Councilwoman Cunningham made a motion, seconded by Mayor Otis, to adopt the following resolution:

WHEREAS, the City Manager and Police Commissioner have approved a request of the Rye Police Association (RPA) dated November 9, 2003 to purchase Army surplus Oakley boots with funds available in the police donations account; and

WHEREAS, the aforementioned request of the RPA is subject to a maximum reimbursement of seventy-seven (\$77) dollars per officer for all but two officers; the remaining two officers being eligible for a maximum reimbursement of one hundred fifty (\$150) dollars, and all reimbursements subject to the presentation of receipts; and

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now, therefore be it

RESOLVED, that the City Comptroller is authorized to reimburse City of Rye police officers for the purchase of Army surplus Oakley boots in accordance with the terms and conditions of the aforementioned RPA request.

ROLL CALL:

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

NAYS: None

ABSENT: None

11. One appointment to the Boat Basin Commission to fill the term of a resigning Commissioner that expires January 1, 2006

Mayor Otis reported that one of the elected members of the Boat Basin Commission had resigned and that he was therefore appointing the candidate with the next highest number of votes to fill the position.

Mayor Otis made a motion, seconded by Councilman McKean and unanimously approved, to appoint Mr. Ed Collins to serve a two-year term on the Boat Basin Commission expiring January 1, 2006.

12. Resolution fixing January 7, 2004 as the first regular meeting and the organizational meeting of the City Council for 2004

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

RESOLVED, that January 7, 2004 is hereby fixed as the first regular and the organizational meeting of the City Council.

13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2004

Councilman Hutchings commented the City had budgeted a lot of funds to the Rye Free Reading Room (RFRR) and suggested a guarantee that the RFRR reinstate the 2002 open hours be written into the agreement. RFRR director, Betty Teoman thanked the Council for the support and assured them the funds will go to personnel as the goal is to be open a minimum of 60 ½ hours. The Mayor suggested the City Manager work with the RFRR to include appropriate wording in the agreement.

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

RESOLVED, that the Mayor be, and hereby is, authorized to execute an agreement with the Rye Free Reading room to furnish library services for 2004.

ROLL CALL:

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

NAYS: None

ABSENT: None

14. Resolution to consolidate Damiano Center Project funds

Mayor Otis said that the request to approve bids for the Damiano Center Project was a culmination of a series of efforts to improve the center which began in 1996. City Manager Paul Shew said the City had gone to bid three times and this time the bids had come in within budget, as the original plan had been made better (in terms of a more efficient use of space, HVAC system, etc.) through the efforts of the Recreation Department personnel, architect Rex Gedney and building consultant Albert Vitiello). He said they were pleased to be able to present the bids, and discuss any aspect of the program the Council would like.

Steven Meyers, Chairman of the Recreation Commission, presented a summary of costs and an overview of the project, saying there were 7 specific bids, from a total of 36 bidders (as opposed to 12 at the previous bid process) so there was more competition. He pointed out that the lowest electrical bid had been made based on an error; the bidder has requested it be withdrawn and he hopes the Council will agree. The total bids came to \$2,564,000, which is lowered to \$2,525,000 when a \$39,000 alternate is deleted. The total funds remaining in the Recreation bond is \$2,535,000 but an additional \$267,000 can be added to the project (\$145,000 from unexpended Damiano/Recreation Park Capital Projects; \$80,000 from unrestricted recreation funds from the Gift Catalogue sales and private donations; and \$42,000 from subdivision "in lieu of land" funds), bringing the total project funds available to \$2,802,000. This would leave \$277,000 (11%) for contingency which should be adequate now that there are firm bids. City Engineer George Mottarella said the bidders have 10 days from the receipt of the official award letter to provide bonds and insurance or the City will go to the next lowest bidder.

The Council had several questions and concerns. Councilman Chu asked how many projects have gone over budget and how do we prevent overruns? Mr. Mottarella said there is no guarantee, but usually a 10% contingency is enough. Yes, the Fire House Project is over, as was the pool at the Golf Club, but this was covered by the bond. Councilman Hutchings asked how we know the bids are good; have we checked the references thoroughly enough, especially for HVAC which is significantly lower than the rest? Mr. Mottarella said they had done the proper due diligence; had had a pre-bid meeting to discuss all potential problems; had checked the references; and had done business with several of the bidders before, so there is a good track record. He said they had called all four references for All-Temp Heating and Air, the HVAC bidder, and all looked good. All-Temp is familiar with the project and their numbers are in line with industry standards. He said all the bids looked firm; the only question would be the amount of rock removal necessary for the foundation. Councilman Chu asked why the bids were timed as they were? Mr. Mottarella said they had tried to get the bids in place so the project could be started before winter, but there were some design issues, the bids went out late, they were not good, and the gamble did not pay off. Councilman Chu asked who would be responsible for seeing the project got done on time and on budget and can this be guaranteed? Mr. Shew said the City Manager is ultimately responsible for the finances; that Mr. Mottarella and the team is the best going; but there is absolutely no guarantee everything will be perfect.

Duncan Hennes, Councilman-elect, said he appreciated everyone's hard work and is not against the project but wants to be sure it is the right thing. He posed many questions to consider. As this project is 20% smaller than what the voters voted on is it still what the voters

want? The Council and the public have not had a chance to review the current bid proposals and they should. Have we done enough to ensure the City won't go over the budget? Do we know all the other costs, such as rugs and furniture? What due diligence has been done? One day between the bid opening and the bid choice is not enough time. Do the companies have good reputations? Can the City Manager confirm the project would be done on time with no corners cut? Is the Council listening to the residents? At this time do residents really want this project if they could have less debt, do deferred capital projects or fund the firehouse instead? He asked the Council to take a more considered look before approving the bids. Councilwoman Cunningham said she believed many of Mr. Hennes' questions had already been answered and Councilman Cypher said he understands Mr. Hennes' concerns but does not think the project is being rushed and that the bid process was given ample time and vetting. *Matthew Fahey*, Councilman-elect, concurred with waiting to approve the bids. The Mayor pointed out it is normal process to approve bids right away, and that standard procedure should be changed only if there is a compelling reason. *Jonathan Peters*, Ridge Street, said there was not enough information available to make a good decision; that a four-day process was too short and bad business. *Gerry Seitz*, Councilman-elect, said he was concerned that if the site work and HVAC have to go to the second highest bid we will have used up most of the contingency before beginning the project.

Sis D'Angelo, Wappanocca Ave., said the Seniors want their own building and why couldn't they have the MacDonald Building. Many of the other people in the audience, including *Esther Martensen*, new President of the Rye Seniors, urged the Council to vote for the project now; that the Seniors had waited for a long time for more space as their numbers and need had grown; and they are afraid the new Council will not vote to go ahead with the project. Councilman McKean said the new center would have more space dedicated to Seniors than the MacDonald Building; Councilman Cypher described it as an asset for the whole community, including Seniors; and Councilman Hutchings assured the Seniors the center would be built, but after the bids had been more carefully looked at.

Members of the Recreation Commission, including *Steven Meyers*, *Doug French*, *Tom Fendler*, *Mike Ganfuss* and *Doug Carey*, all spoke in favor of approving the project now. They said nothing of significance had changed; that the square footage is the same, but the plan is more efficient; that the public has been made aware of the changes; that this is the second part of a Recreation Master Plan (the first being the fields which are being completed ahead of schedule and on budget); that the bidding process has been normal; that the Council should trust the judgment of the staff; the Commission will work hard with the staff to make sure the project goes well; that recreation needs have been carefully thought out and will enhance the quality of life in the community; and that the constitutional process of going forward with a mandate from voters needs to be followed. They urged this Council not to reject a plan they had previously approved.

Councilman Chu said he didn't understand the pressure to vote at this meeting as he is not sure the bids are good or that everyone wants the plan to go forward and urged the vote be deferred so the new Council can consider it; more consensus can be reached; and the current feelings of all the Council and Rye residents can be ascertained. He asked everyone to trust the new Council to do what is best. Councilwoman Cunningham said she was in favor of voting now; that the plans had not significantly changed, only made better, saving the City money, and that she was convinced the evaluation of the bids was good. Councilman Cypher said the current

Council has been deliberate and responsible, as has the Recreation Commission and the staff, recognizing the diverse needs of all people in Rye, and while he respects the concerns of the new Council members, he is comfortable in his support of the project. Mayor Otis said that the idea of giving back the bond money had been suggested and it was silly not to think this could happen. He asked what the costs would be, both monetarily and to our reputation if the bonds were given back? He pointed out that with only few exceptions City projects had been completed within budget; that the City Engineer is the best; that the City and this Council are fiscally responsible; that the City's debt, including principal and interest, is about 5% which is considered by bond rating agencies low and responsible; and additional debt for this project should not be viewed as scary. He said it would be responsible to vote tonight and follow normal procedure, so he urged the Council to get behind this good project now and approve the bids by a unanimous vote.

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

WHEREAS, various small projects were established to address individual components of the reconstruction and improvement of the Damiano Center; and,

WHEREAS, a single major Damiano Center Project was established in fiscal 2002; and,

WHEREAS, it would be efficient and effective financial management to consolidate the various small projects into the major Damiano Center Project; now, therefore, be it

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2003 budget and make the following project transfers totaling \$145,881 into the 2002 Damiano Center Project:

- \$6,459 from the 1998 Damiano Center Project
- \$5,950 from the 1998 Recreation Picnic Electric Project
- \$35,679 from the 2001 Damiano Center Project
- \$14,762 from the 2001 Recreation Master Plan Project
- \$83,031 from the 2001 Recreation Park Lighting Project

ROLL CALL:

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

NAYS: Councilwoman Larr

ABSENT: None

The resolution passed by a vote of 6-1. Councilwoman Larr made a brief statement saying she was not voting to go forward with the project until the bids had been further evaluated.

The following agenda items 15-21 refer to bids for the expansion and renovation of the Damiano Community Center that have been approved by the City Engineer. It is the recommendation of the City Manager that the Council approve the following seven bids.

15. Bids for Damiano Center Additions and Alterations, Sitework

The bid tabulation appears on page 17.

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

RESOLVED, that the bid for Contract 2003-12, Sitework for the expansion and renovation of the Damiano Community Center from DelVito Contracting Corporation in the amount of \$125,000, being the low bidder, be accepted.

ROLL CALL:

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

The resolution passed by a vote of 4-3.

16. Bids for Damiano Center Additions and Alterations, General Contracting

The bid tabulation appears on page 18.

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

RESOLVED, that the bid for Contract 2003-13, General Construction for the expansion and renovation of the Damiano Community Center from Xavier Contracting LLC in the amount of \$1,629,000, being the low bidder, be accepted.

ROLL CALL:

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

The resolution passed by a vote of 4-3.

17. Bids for Damiano Center Additions and Alterations, Electrical

Before voting on the Electrical bid, the Council agreed that the low bid, submitted by Pinto Electric, Inc, whose bid of \$155,000 was submitted in error based on a mathematical miscalculation, should be allowed to be withdrawn.

The bid tabulation appears on page 19.

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

RESOLVED, that the bid for Contract 2003-14, Electric for the expansion and renovation of the Damiano Community Center from Anderson Electric, Inc. in the amount of \$279,000, being second low bidder (the low bid having been withdrawn), be accepted.

ROLL CALL:

AYES: Mayor Otis, Councilmen, Cypher, Cunningham, and McKean

NAYS: Councilmen Chu, Hutchings, and Larr

ABSENT: None

The resolution passed by a vote of 4-3.

18. Bids for Damiano Center Additions and Alterations, Plumbing

The bid tabulation appears on page 20.

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

RESOLVED, that the bid for Contract 2003-15, Plumbing for the expansion and renovation of the Damiano Community Center from A&P Rainaldi, Inc. in the amount of \$149,699, being the low bidder, be accepted.

ROLL CALL:

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

The resolution passed by a vote of 4-3.

19. Bids for Damiano Center Additions and Alterations, Fire Protection

The bid tabulation appear on page 21.

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

RESOLVED, that the bid for Contract 2003-16, Fire Protection for the expansion and renovation of the Damiano Community Center from A&P Rainaldi, Inc. in the amount of \$69,669, being the sole bidder, be accepted.

ROLL CALL:

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

The resolution passed by a vote of 4-3.

20. Bids for Damiano Center Additions and Alterations, HVAC

The bid tabulation appears on page 22.

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

RESOLVED, that the bid for Contract 2003-17, Heating, Ventilation, A/C for the expansion and renovation of the Damiano Community Center from All Temp Heating & Cooling Inc. in the amount of \$220,000, being the low bidder, be accepted.

ROLL CALL:

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

The resolution passed by a vote of 4-3.

21. Bids for Damiano Center Additions and Alterations, Elevator

The bid tabulation appears on page 23.

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

RESOLVED, that the bid for Contract 2003-18, Elevator for the expansion and renovation of the Damiano Community Center from Thyssen-Krupp in the amount of \$52,191, being the sole bidder, be accepted.

ROLL CALL:

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

The resolution passed by a vote of 4-3.

The bid tabulations for Contracts 2003-12 through 2003-18 are shown on the following pages 17-23.

Additions and Alterations to the Damiano Community Center

SITWORK

| Contractor | Delvito Contracting | Peter J. Landi | ELQ Industries | NAC Industries | Xavier Contracting |
|---------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Contractor's Base Bid | \$160,000.00 | \$198,000.00 | \$215,000.00 | \$287,000.00 | \$749,000.00 |
| Engineer's Check | \$160,000.00 | \$198,000.00 | \$215,000.00 | \$287,000.00 | \$749,000.00 |
| Alternate #1 DEDUCT Parking Lot | -\$35,000.00 | -\$31,000.00 | -\$111,000.00 | -\$65,000.00 | -\$150,000.00 |
| Alternate #2 ADD Plantings | \$10,000.00 | no price submitted | \$40,000.00 | \$10,000.00 | \$100,000.00 |
| % Above Low Bidder | 0.00% | 23.75% | 34.38% | 79.38% | 368.13% |
| Position | 1 | 2 | 3 | 4 | 5 |

Additions and Alterations to the Damiano Community Center

GENERAL CONSTRUCTION

| Contractor | Xavier Contracting | Fourmen Construction | Damiano GC | Stratis Contracting | Piazza Brothers | Glenman Construction |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Contractor's Base Bid | \$1,629,000.00 | \$1,685,000.00 | \$1,695,000.00 | \$1,720,000.00 | \$1,844,400.00 | \$1,947,000.00 |
| Engineer's Check | \$1,629,000.00 | \$1,685,000.00 | \$1,695,000.00 | \$1,720,000.00 | \$1,844,400.00 | \$1,947,000.00 |
| Alternate #1 Front Entry Canopy | \$32,000.00 | \$13,500.00 | \$75,000.00 | \$40,590.00 | \$45,000.00 | \$23,500.00 |
| Alternate #2 Construct Parapet over existing building | \$22,000.00 | \$11,000.00 | \$75,000.00 | \$8,000.00 | \$38,000.00 | \$29,000.00 |
| Alternate #3 Install kitchen equipment | \$71,000.00 | \$24,000.00 | \$75,000.00 | \$26,000.00 | \$43,000.00 | \$42,400.00 |
| % Above Low Bidder | 0.00% | 3.44% | 4.05% | 5.59% | 13.22% | 19.52% |
| Position | 1 | 2 | 3 | 4 | 5 | 6 |

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ELECTRIC

| Contractor | Contractor's Bid | Engineer's Check | Alternate #1 DEDUCT parking lot lighting | % Above Low Bidder | Position |
|---------------------|------------------|---------------------|--|-----------------------|----------|
| Pinto Electrical | \$155,000.00 | \$155,000.00 | \$6,000.00 | 0.00% | 1 |
| Anderson Electric | \$283,000.00 | \$283,000.00 | \$4,000.00 | 82.58% | 2 |
| All Bright Electric | \$299,000.00 | \$299,000.00 | \$9,000.00 | 92.90% | 3 |
| Eastern Electric | \$309,458.00 | \$309,458.00 | \$10,000.00 | 99.65% | 4 |
| RLJ Electric | \$312,000.00 | \$312,000.00 | \$12,000.00 | 101.29% | 5 |
| Filingeri Electric | \$330,000.00 | \$330,000.00 | \$13,500.00 | 112.90% | 6 |
| Amp Electric | \$352,797.60 | \$353,797.60 | \$7,560.00 | 127.61% | 7 |

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PLUMBING

| Contractor | Contractor's Base Bid | Engineer's Check | % Above Low Bidder | Position |
|-------------------|----------------------------------|-----------------------------|-------------------------------|-----------------|
| A&P Rainaldi | \$ 149,669.00 | \$149,669.00 | 0.00% | 1 |
| Frank & Lindy | \$ 161,200.00 | \$161,200.00 | 7.70% | 2 |
| Gruppuso | \$ 163,995.00 | \$163,995.00 | 9.57% | 3 |
| Precision | \$ 174,000.00 | \$174,000.00 | 16.26% | 4 |
| Richard S. Bell | \$ 215,795.00 | \$215,795.00 | 44.18% | 5 |
| Johnnys Plumbing | \$ 250,000.00 | \$250,000.00 | 67.04% | 6 |

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FIRE PROTECTION

| Contractor | Contractor's Base Bid | Engineer's Check | % Above Low Bidder | Position |
|-------------------|----------------------------------|-----------------------------|-------------------------------|-----------------|
| A&P Rainaldi | \$69,669.00 | \$69,669.00 | 0% | 1 |
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Additions and Alterations to the Damiano Community Center

HVAC

| Contractor | Contractor's Base Bid | Engineer's Check | Alternate #1 ADD Exhaust Fan | Alternate #2 Substitute Thermafuser | Alternate #3 ADD Finned Tube Radiation | % Above Low Bidder | Position |
|-----------------------|--------------------------|---------------------|------------------------------------|---|---|-----------------------|----------|
| All-Temp | \$220,000.00 | \$220,000.00 | \$3,800.00 | \$7,500.00 | \$4,900.00 | 0.00% | 1 |
| Frank & Lindy | \$334,700.00 | \$334,700.00 | \$2,180.00 | \$5,390.00 | \$6,010.00 | 52.14% | 2 |
| Richards Conditioning | \$345,000.00 | \$345,000.00 | \$1,795.00 | \$4,180.00 | \$9,000.00 | 56.82% | 3 |
| Capstone Enterprises | \$360,000.00 | \$360,000.00 | \$6,500.00 | \$5,500.00 | \$9,500.00 | 63.64% | 4 |
| Clean Air | \$373,960.00 | \$373,906.00 | \$3,700.00 | \$7,400.00 | \$8,900.00 | 69.98% | 5 |
| Duncan Industries | \$378,235.00 | \$378,235.00 | \$3,000.00 | \$4,000.00 | \$25,000.00 | 71.93% | 6 |
| J&M | \$391,400.00 | \$391,400.00 | \$3,400.00 | \$5,300.00 | \$7,500.00 | 77.91% | 7 |
| D.J.H. Mechanical | \$399,000.00 | \$399,000.00 | \$2,000.00 | \$3,500.00 | \$11,000.00 | 81.36% | 8 |
| WDF Inc. | \$456,000.00 | \$456,000.00 | \$4,850.00 | \$3,900.00 | \$5,400.00 | 107.27% | 9 |
| ACS System | \$537,000.00 | \$537,000.00 | \$6,000.00 | \$7,000.00 | \$15,000.00 | 144.09% | 10 |

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ELEVATOR

| Contractor | Contractor's Base Bid | Engineer's Check | % Above Low Bidder | Position |
|-------------------|----------------------------------|-----------------------------|-----------------------------------|-----------------|
| ThyssenKrupp | \$52,191.00 | \$52,191.00 | 0% | 1 |
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22. Miscellaneous communications and reports

Councilman Chu mentioned he had heard there was a plan to demolish of the Crab Shanty on the Boston Post Road on the edge of Rye and noted that it was a big project that would alter the tenor of the neighborhood. He asked the City Manager to keep everyone informed. The Mayor suggested contacting Mr. Ambrose, owner of the Crab Shanty, and alerting the Traffic and Transportation Committee.

Councilman McKean said new members are needed on many boards, commissions and committees and urged people to volunteer. Councilwoman Cunningham said the Board of Architectural Review in particular is in need of members and suggested RCTV add an invitation to serve on the scroll. The Mayor said he had received many resumes already, but would welcome more.

23. Old Business

Councilwoman Cunningham, who said the Department of Public Works had been doing a great job of snow removal, asked if we still had money in the contingency fund should we need more salt. City Engineer Mottarella said he would find the funds somewhere, should it be necessary. Councilman McKean reminded everyone they need to shovel their sidewalks within 24 hours after the end of a snowstorm.

Councilman Hutchings, as his “swansong request,” asked where the City stood on the matter of removing the graffiti from the Purchase Street gas station. Corporation Counsel Kevin Plunkett said he checked the courthouse daily for letters testamentary concerning the Thomaschewsky estate so that the case could proceed in court. He said he had hoped to be able to deliver a solution to Councilman Hutchings as a farewell present, but the act of God (having the owner and her daughter die within the same week) had complicated the procedure. Councilman Hutchings said there was now broken glass around the gas station. Manager Shew said the City was within its rights to take care of this situation as it was a matter of public safety.

24. New Business

Councilman McKean said he had received a phone survey from Cablevision concerning Public Access TV and said he hoped the City Council could be made aware of the results. Councilman Hutchings said he knew about the survey and that Doris Blank, Chair of the Cable Committee, would report not only on the survey, but on the process of the new Cable TV contract.

25. Draft unapproved minutes of the budget workshop held on November 17, 2003, the joint meeting of the Board of Fire Wardens and the regular meeting on November 19, 2003, and the regular meeting held on December 3, 2003 and joint meeting with Board of Fire Wardens held on December 9, 2003

Councilman McKean made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the budget workshop held on November 17, 2003 as amended.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the joint meeting with the Board of Fire Wardens held on November 19, 2003.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 19, 2003 as amended.

Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried, to approve the minutes of the regular meeting of the City Council held on December 3, 2003 as amended.

Councilwoman Cunningham made a motion, seconded by Councilman McKean and unanimously carried, to approve the minutes of the joint meeting with the Board of Fire Wardens held on December 9, 2003.

26. Adjournment

There is no further business to discuss, Councilman McKean made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 12:05 A.M.

Respectfully submitted,

Susan A. Morison
City Clerk