

APPROVED MINUTES of the
Regular Meeting of the City Council of the
City of Rye held in City Hall on May 4, 2005
at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
FRANKLIN J. CHU
ROBERT S. CYPHER (arrived at 9:00 P.M.)
MATTHEW FAHEY
DUNCAN HENNES
ROSAMOND LARR
HOWARD G. SEITZ
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.

Mayor Otis welcomed everyone to the annual historic gathering of the City Council at the Square House. He introduced Rye Historical Society Director, Kristina Bicher, who in turn welcomed everyone to the Square House (built in 1730 and headquarters of one of only four accredited museums in Westchester County), saying it had served as Village/City Hall from 1904-64.

Mayor Otis made his opening comments as follows:

“As is our tradition, we again return to the Square House for our annual ceremonial meeting linking our past, present, and future. We have the privilege and good fortune to live in a special and unique place called Rye.

“Today we come together, representatives of the hundreds of volunteers and professional staff that continue to make Rye one of the most respected and well-run communities in the United States. Our sense of history and aesthetics has served us well. The network of volunteer activities that drives our town represents a strong and enduring fabric.

“Our local government has a long history of professionalism on the part of the City staff and success in providing a high level of services in a cost-efficient manner. Quality services are expected by our residents and are delivered by our City government while maintaining municipal tax levels that are among the lowest in the County. Our residents expect quality services and value for their tax dollar.

“Tonight we celebrate the long history of public participation in local decisions and volunteerism throughout the community. Only through cooperation can we continue the legacy of making Rye an even better place.

“This week we were saddened to learn of the passing of former City Councilman Sal Caraccio who served 12 years on this City Council. Sal served a lifetime as a volunteer in our Fire Department and was a fixture as a longtime businessman in our downtown. He was a gentleman who loved Rye and was committed to the betterment of our town. We mourn his passing and celebrate his life. Sal served Rye for the same reasons we are all here today, for the same reasons we all give so much time and energy to keep Rye the treasure we know it is.

“Our challenge remains to make good decisions, to be attentive to the concerns and ideas of our fellow residents who we serve, and make sure that Rye continues to make our great past the guide for a better future. Tonight this is the challenge we share and celebrate with each other and with all those who have come before us.”

Members of the City Council all made brief comments: the smooth, quiet relationship between Staff and Council (Councilman Chu); the importance of volunteerism in Rye (Councilman Seitz); the honor of being on the Council and sharing in doing what they all think is best for Rye (Councilman Hennes); thanks for the good leadership under City Manager Shew (Councilwoman Larr); thanks to Staff and the impressive group of volunteers in the room and for a chance to be a link in an ongoing chain (Councilman Fahey).

Mayor Otis then introduced City Manager O. Paul Shew, who said it was a pleasure to enjoy the synergy of working with this Council and his fine staff. He introduced members of the City Staff who were able to be present.

William Connors
Chantal Detlefs
James Dianni
Peter Fox
Michael Genito
James Kenny
Christian Miller

Police Commissioner
City Naturalist
Fire Inspector
Boat Basin Supervisor
Comptroller/Asst. City Manager
RCTV Coordinator
City Planner

APPROVED MINUTES – Regular Meeting – City Council
May 4, 2005 – Page 3

Susan A. Morison	City Clerk
George Mottarella	City Engineer
Scott Pickup	Assistant City Manager
Kevin J. Plunkett	Corporation Counsel
William Rodriquez	Superintendent of Recreation
Vincenzo Tamburro	Building Inspector
Noreen Whitty	City Assessor
Scott Yandrasevich	Rye Golf Club Manager

The Mayor welcomed former Mayors: Ted Dunn said to keep up the good work; Ed Grainger said he had actually presided in this historic room and was glad to see the Mayor/City Manager form of government was still working so well; Warren Ross thanked the Garden Clubs and Friends of Rye Town Park for creating beautiful oases in our City. Mayor Otis read letters from former Mayor Fred Hunziger (who thanked Historian Dan Kelly for coordinating the Centennial Forum on City Politics) and Former Mayor John Carey, who said running the City was serious business and put in a plug for support of Rye Cable TV. Acting Judge and former Councilmen John Alfano and Joe Latwin spoke in memory of former Councilman Sal Caraccio, long-time public servant and a 50-year member of the Fire/Police Patrol. The Mayor also recognized former Council Members Ed Collins, Carolyn Cunningham, Arthur Stampleman and Kathy Walsh. The Mayor also recognized State Assemblyman George Latimer who recalled first sitting on the Council 17 years before and said how lucky he is to live in Rye.

The Mayor greeted the following members of Rye City Boards, Commissions and Committees:

- Doris Blank, Chair of the Rye Cable Committee, who recognized other committee members and thanked her whole committee, as well as staff members Jim Kenny and Nicole Livitsky, and said they are facing a challenge from Verizon which is working on a national level to enact legislation that would impact Rye's Cable program. She urged everyone to participate in upcoming forums.
- Eugene McGuire, Chair of the Board of Architectural Review, thanked the Board and Rye Citizens for their cooperation.
- Nancy Stampleman represented the Landmarks Advisory Committee, which would be happy to help people get their homes land-marked.
- Doug Killip, Rye Golf Club Commission, thanked Scott Yandrasevich for the vast improvements they have seen over the past three years.
- Joe Murphy, Chair of the Conservation Commission/Advisory Council who said lots is going on and they are moving into new areas of concern, such as stormwater run-off.
- Marion Shea, Chair of the Rye Senior Advocacy Committee, reported the Rye Free Reading Room has recently been chosen as a Caregiver Resource Center (along with the Osborn, Rye Recreation and Rye Manor). She urged everyone to read an upcoming article about choosing a nursing home.
- Suzannah Keith, Playland Advisory Committee, said they were looking forward to reviewing the master plan now being developed by the County.
- Ed Collins, Chair of the Boat Basin Commission, asked the Deer Committee to start work on removing silt after they solve the deer problem.

- Shea Donovan, representing the Youth Advisory Committee, said it was an honor to participate on the Committee; that Rye is a great community; and it is an honor to be a part of it.
- Doug French, Chair of the Recreation Commission, said it is special to mark our place in time. He said the first Recreation Commission met 60 years ago and one of their first initiatives was to grade and seed the land behind 51 Milton Road (for \$11,500). Another was to create ice-skating. Today on the same site it is skateboarding. He quoted Ralph Damiano who wrote: “The success of a community recreation program may be measured by its effectiveness and service in building a healthier and happier community.”
 - Sally Wright, Beautification Committee, said the Committee was working closely with the City, and urged everyone to attend “Pride in Rye” Day on May 14 when they will plant trees and pick up trash. She urged everyone to lean down and pick up scraps when they see them.

The Mayor closed the historical portion of the meeting by saying everyone was lucky to have each other and, amid much applause, proposed a verbal toast to Rye.

(The City Council walked across the Village Green
to continue the meeting in Council Chambers)

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

There were no residents with matters to discuss.

3A. Consideration of setting a public hearing to amend Section 191-6 B, One-way streets, of Chapter 191, Vehicles and Traffic, of the City Code to change the direction of traffic on Hewlett Avenue during the hours it is one-way

City Manager Shew reported the school has requested our local law be changed during the construction work at Milton School to change the one-way direction for expanded hours on Hewlett Avenue for better pick-up and drop off of students.

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

WHEREAS, the Council wishes to amend Section 191-6 B, One-Way Streets, of Chapter 191, Vehicles and Traffic, of the City Code to change the direction of traffic and hours on Hewlett Avenue during the hours it is one-way.

WHEREAS, it is now desired to call a public hearing on such proposed amendment to the law, 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 May 18, 2005 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 proposed local law.

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 191-6 B, One-Way Streets, of Chapter 191, Vehicles
and Traffic, to change the direction of traffic and hours on
Hewlett Avenue during the hours it is one-way.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of May, 2005 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 Section 191-6 B, One-Way Streets, of Chapter 191, Vehicles and Traffic, to change the direction of traffic and hours on Hewlett Avenue during the hours it is one-way.

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

Dated: May 10, 2005

Susan A. Morison
City Clerk

General Comments on Damiano Community Center Renovation

City Manager Shew said the Council had new bids for the Damiano Community Center Project before them for their approval. He said this was a good situation, bringing an on-going process to an end. He said part of the proposal was for construction of a new facility; the other portion was for the restoration of the existing facility, changing and improving things that need to be done to bring the building up to code. He asked the Council to approve five bids and reject the sprinkler bid which will be re-bid. He said this should not hold up the process, as the object is to get started right away and be watertight by November 2005. The entire \$1.5 million project is within guidelines established by the Council.

Councilwoman Larr said this was wonderful; that a good committee has worked hard, fast and in harmony and she thanked everyone (especially Doug French, Chair of the Recreation Commission and the Recreation Department staff). Councilman Seitz concurred and expressed satisfaction that because of the revised plan, the City has the capacity to save money or have funds available for other projects. Councilman Hennes confirmed with City Engineer, George Mottarella that he was comfortable with a 12.2% contingency (he is, especially because 80% of the project is for a new building). Councilman Chu said he wished the title of the bond had been less specific so it could have been used for the Locust Avenue Firehouse (City Comptroller, Mike Genito, pointed out that “Recreation Projects” could be considered the Friends Meeting House, the Marina or the Golf Club so there might be opportunities for other uses). Councilman Fahey, recognized there was disappointment for some, but thanked everyone for working out this end product.

Mayor Otis also thanked the staff, but said he felt the plans being approved were not a success story but what was remaining after a series of mistakes. He said the Council had shown disrespect to the voters by not accepting the original plans; that the project could have proceeded had it not been rejected on political grounds; and that pressing needs for the future (such as a teen center and more activity space) were not being met by this plan. He said we were getting less value now for our money and he thought it was likely the City will have to go back at a later date for more additions. Councilman Seitz and Hennes disagreed with the Mayor, believing that there were not enough funds to proceed the first time around, or the second; that they did not ignore the will of the voters, that keeping taxes down is the will of the voters; that this plan will meet the needs of Seniors; and, finally, that the City should not have borrowed the money before they needed it. There was further discussion on the pros and cons of when to borrow money. *Joe Murphy, 57 Franklin Avenue*, representing the Rye Seniors, said the government should not have reversed the will of the voters, who feel scammed; that the current plan for Damiano is not adequate; and he is sorry to see this project go through. *Steve Meyers, Roger Sherman Place*, suggested the Council was using selective memory; that there was enough money to do the original plan, but for political reasons it was not accepted. He applauded the current plan, but said it won't meet future needs, as a space for teens is clearly needed.

Doug French, Chair of the Recreation Commission, thanked the City Staff for getting this plan on a fast track to completion. He also thanked those who created the Master Plan and said the plan does meet the requested needs of a dedicated senior lounge and multi-space meeting space, allowing other uses in existing spaces. He said the plan needed to move forward and quoted Mr. Damiano again (as he had at the Square House earlier) about measuring success by building a health and happy community. Councilman Cypher urged everyone to stay on track; that everyone had worked hard, and, while he would have preferred to see a different plan, it is time to invest in the recreational facilities of our community. Councilman Chu agreed it was time to move on and invest in the future. *Doug Carey*, member of the Recreation Commission, added his thanks and urged everyone to attend as many recreation events as they can. The Council

proceeded with the business of approving the Contracts #2005-06 through 09 and #2005-11 and rejecting Contract 2005-10, pending satisfactory completion of bonding requirements. Bid tabulations are listed on pages 10 through 13.

4. Bid Award for Contract #2005-06, Additions and Alterations to the Damiano Community Center – General Contractor

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

RESOLVED, that Contract #2005-06, Additions and Alterations to the Damiano Community Center – General Construction, is hereby awarded to Xavier Construction, the lowest bidder meeting specifications, in the total amount of \$695,750 (base bid of \$669,500 plus Alternates 1 [\$6,250] and 2 [\$20,000]).

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz
NAYS: None
ABSENT: None

5. Bid Award for Contract #2005-07, Additions and Alterations to the Damiano Community Center – Electrical

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the following resolution:

RESOLVED, that Contract #2005-07, Additions and Alterations to the Damiano Community Center – Electrical, is hereby awarded to Naber Electric, the lowest bidder meeting specifications, in the total amount of \$133,870 (base bid of \$129,000 plus an Alternate [\$4,870]).

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz
NAYS: None
ABSENT: None

6. Bid Award for Contract #2005-08, Additions and Alterations to the Damiano Community Center – HVAC

Councilman Hennes made a motion, seconded by Councilman Seitz, to adopt the following resolution:

RESOLVED, that Contract #2005-08, Additions and Alterations to the Damiano Community Center – HVAC, is hereby awarded to South East Mechanical Corporation, the lowest bidder meeting specifications, in the total amount of \$102,000 (base bid of \$67,000 plus an Alternate [\$35,000]).

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz

NAYS: None

ABSENT: None

7. Bid Award for Contract #2005-09, Additions and Alterations to the Damiano Community Center – Plumbing

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

RESOLVED, that Contract #2005-09, Additions and Alterations to the Damiano Community Center – Plumbing, is hereby awarded to A.P. Rainaldi, the lowest bidder meeting specifications, in the total amount of \$71,400 (base bid of \$63,600 plus Alternates 1 [\$4,000] and 2 [\$3,800]).

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz

NAYS: None

ABSENT: None

8. Bid Award for Contract #2005-11, Additions and Alterations to the Damiano Community Center – Elevator

Councilman Hennes made a motion, seconded by Councilman Fahey, to adopt the following resolution:

RESOLVED, that Contract #2005-11, Additions and Alterations to the Damiano Community Center – Elevator, is hereby awarded to ThyssenKrupp, the sole bidder meeting specifications, in the total amount of \$46,265.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz
NAYS: None
ABSENT: None

9. Rejection of Bid for Contract #2005-10, Additions and Alterations to the Damiano Community Center – Fire Protection

City Manager Shew explained that there was a misunderstanding because of the wording of the bidding specifications for this part of the project and the City Engineer is recommending that all bids be rejected and the bid for Fire Protection be re-bid immediately.

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

RESOLVED, that all bids for Contract #2005-10, Additions and Alterations to the Damiano Community Center – Fire Protection be rejected and that the contract be re-bid as soon as possible.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz
NAYS: None
ABSENT: None

Contract No. 2005-06 (General)

Contractor	Contractor's Bid	Engineer's Check	Alternate 1	Alternate 2	Alternate 3	Dollar Amount Above Low Bid	% Above Low Bidder	Position
Xavier Contracting	\$669,500.00	\$669,500.00	\$6,250.00	\$20,000.00	-	\$0.00	0.00%	1
KMK Construction	\$685,225.00	\$685,225.00	\$22,000.00	\$20,000.00	-	\$15,725.00	2.35%	2
GTL Construction	\$707,700.00	\$707,700.00	\$6,400.00	\$20,000.00	-	\$38,200.00	5.71%	3
Melwood Construction	\$825,000.00	\$825,000.00	\$15,000.00	\$20,000.00	-	\$155,500.00	23.23%	4
Cali Brothers Construction	\$827,000.00	\$827,000.00	\$11,000.00	\$20,000.00	\$35,000.00	\$157,500.00	23.53%	5
St. Francis Construction	\$886,708.00	\$886,708.00	\$7,500.00	\$20,000.00	-	\$217,208.00	32.44%	6
Mace Construction	\$897,000.00	\$897,000.00	\$8,000.00	\$20,000.00	-	\$227,500.00	33.98%	7
Eastland Construction	\$934,000.00	\$934,000.00	\$12,000.00	\$20,000.00	\$17,000.00	\$264,500.00	39.51%	8
Summit Construction	\$957,000.00	\$957,000.00	\$9,097.00	\$20,000.00	-	\$287,500.00	42.94%	9
Subolo Contracting	\$994,000.00	\$994,000.00	\$5,000.00	\$20,000.00	-	\$324,500.00	48.47%	10
Omni Construction	\$1,077,000.00	\$1,077,000.00	\$10,000.00	\$20,000.00	\$20,000.00	\$407,500.00	60.87%	11

Contract No. 20005-07 (Electrical)

Contractor	Contractor's Bid	Engineer's Check	Alternate	Dollar Amount Above Low Bid	% Above Low Bidder	Position
Naber Electric	\$129,000.00	\$129,000.00	\$4,870.00	\$0.00	0.00%	1
Anderson Electric	\$141,000.00	\$141,000.00	\$2,300.00	\$12,000.00	9.30%	2
Solar Electric	\$147,000.00	\$147,000.00	\$2,000.00	\$18,000.00	13.95%	3
D&M Electric	\$157,871.00	\$157,871.00	\$2,800.00	\$28,871.00	22.38%	4
Ridgid Electric	\$159,360.00	\$159,360.00	\$2,400.00	\$30,360.00	23.53%	5
RLJ Electric	\$196,450.00	\$196,450.00	\$3,600.00	\$67,450.00	52.29%	6
Innovative Electric	\$271,350.00	\$271,350.00	\$7,680.00	\$142,350.00	110.35%	7

Contract No. 2005-08 (HVAC)

Contractor	Contractor's Base Bid	Engineer's Check	Alternate	Dollar Amount Above Low Bid	% Above Low Bidder	Position
South East Mechanical Corp	\$ 67,000.00	\$ 67,000.00	\$ 35,000.00	\$0.00	0.00%	1
Duncan Industries	\$ 84,089.00	\$ 84,089.00	\$ 69,350.00	\$ 17,089.00	25.51%	2
Richards Conditioning	\$ 98,900.00	\$ 98,900.00	\$ 52,900.00	\$ 31,900.00	47.61%	3
Clean Air Quality Services	\$ 106,906.00	\$ 106,906.00	\$ 38,800.00	\$ 39,906.00	59.56%	4
ACS System Associates	\$ 117,000.00	\$ 117,000.00	\$ 77,000.00	\$ 50,000.00	74.63%	5
WDF Incorporated	\$ 124,198.00	\$ 124,198.00	\$ 58,314.00	\$ 57,198.00	85.37%	6

10. Resolution declaring the Fire Department’s extrication device as surplus

City Manager Shew said the Fire Department’s “jaws of life” equipment had been replaced so the old equipment needs to be declared as surplus. He reported that a small community in upstate New York would like to restore this obsolete piece and be able to have use of it for more years (better old equipment, than none at all). He said the agreement would be reached in such a way that the City of Rye has no liability.

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

WHEREAS, the 1990 extrication system “jaws of life” used by the Fire Department is now obsolete for frontline service; and

WHEREAS, the department solicited interest from departments who would be able to utilize this equipment; and

WHEREAS, the Edwards Fire Department in St. Law County, New York have expressed an interest in acquiring this item; and

WHEREAS, the Edwards Fire Department have agreed to a donation agreement which will authorize the transfer of this equipment within the parameters established under Chapter 641 Section 205-f of the General Municipal Law to provide for protection from civil liability for this donation; now, therefore, be it

RESOLVED, that said extrication equipment is declared as surplus; and be it further

RESOLVED, that authorization is given to the Fire Chief to dispose of such equipment in a manner that will serve the best interests of the City as defined in the donation agreement.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz

NAYS: None

ABSENT: None

11. Amendment to Rye Golf Club fee schedule

Golf Club Manager Scott Yandrasevich said he would like to extend a second early renewal deadline for residents to join the golf club. The first deadline, which offered a 15% discount, has passed. He is suggesting a two-week “second deadline”

which would offer a 7.5% discount. He said membership renewal has been strong and he feels this will be perceived as a good member appreciation gesture.

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

RESOLVED, that Golf Club membership renewals for the Rye Golf Club for Rye Residents be offered a second, early renewal rate at a 7.5% discount for renewals received in the next two weeks.

ROLL CALL:

AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Hennes,
Larr and Seitz

NAYS: None

ABSENT: None

12. Miscellaneous communications and reports

Councilman Cypher reported the Skateboard Park Committee hosted a resoundingly successful fundraiser for about 200 kids who paid \$10 each to skate. The event raised over \$2000, indicating there is an enduring interest in having such a facility.

Councilman Chu reported for the Cable Commission on two issues. There is support for the Rye Neck School System to have a channel and the request will be made to Cable Vision. Secondly, Verizon's efforts to improve their negotiation position with the Federal and State Government by suggesting legislation that would impact on local franchise agreements will not be good for Rye. He said, while Rye welcomes competition, it would want to continue to operate under a local franchise agreement and to have fees come directly to the City. Mayor Otis said this began with the installation of the "refrigerator boxes" (still not totally resolved) and this is a serious issue which he urged staff to watch carefully. He suggested a letter be drafted which would state our position about maintaining our franchise agreements.

Councilwoman Larr brought a good article from the Journal News on the subject of deer to the attention of the Council

Councilwoman Larr asked whose liability it is when a non-city tree falls in the city's right-of-way and also inquired what curb work was going on at Midland Avenue at the five corners.

Councilman Seitz reported that a new publication, entitled the RESPECT Manual, had been presented as part of the agenda of the joint meeting of the Board of Education and the Council. He said it had evolved from some communication problems between

teens/parents/police/merchants and is an excellent document that he hoped everyone would read. He said it would be sent to all families with children in High School and the Middle School and would be on the web site, but he suggested the City find out how much it would cost to send it out to every household that would not otherwise be on the distribution list.

13. Old Business

In response to Councilman Seitz's request for an update on the Occupancy Tax legislation, the Mayor reported a new draft was eminent and, if the language is acceptable, it could be assigned a bill number by the following week. He promised he would call a special meeting if home rule authorization were necessary immediately rather than waiting for the next meeting.

14. New Business

Councilman Seitz mentioned the generosity of Roy Bostok for planting vast numbers of spring flowers on Manursing Way and urged the City to recognize this effort in some official manner.

15. Draft unapproved minutes of the regular meeting of the City Council held on April 27, 2005

Councilman Seitz made a motion, seconded by Councilman Fahey, and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on April 27, 2005 as amended.

16. Adjournment

There being no further business to discuss, Councilman Cypher made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 10:29 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk