

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 19, 2006 at 8:00 P.M.

PRESENT:

GEORGE S. PRATT, Acting Mayor
ANDREW C. BALL
MACK CUNNINGHAM
MATTHEW FAHEY
DUNCAN HENNES
HOWARD G. SEITZ
Councilmen

ABSENT:

STEVEN OTIS, Mayor

The Council convened at 7:30 P.M. Councilman Fahey made a motion, seconded by Councilman Ball and unanimously carried, to adjourn to executive session at 7:31 P.M. to discuss pending litigation. Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried, to close the executive session at 8:09 P.M. No decisions were made. The regular meeting reconvened at 8:10 P.M.

1. Pledge of Allegiance

Councilman Pratt, acting Mayor in Mayor Otis' absence, called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Acting Mayor Pratt asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Announcement

Acting Mayor Pratt made the following statement: "Before we begin the meeting I have a very sad announcement. As many of you may have heard, late last Monday afternoon a tragedy occurred near the intersection of Midland Avenue and Palisade Road when 10 year-old Jarrid Amico was thrown from his bicycle when he collided with a moving vehicle. Unfortunately Jarrid's injuries were too severe and he passed away the following morning. On behalf of the City Council and all Rye residents we offer our condolences to the Amico family during this extraordinarily difficult time. You are in our prayers and our hearts." He announced that visiting hours will be at Graham's Funeral Home on Thursday, April 20 and the funeral will be at Resurrection Church on Saturday at 10 A.M.

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

Doug Carey, 131 Purchase Street, announced that the Highland Hall Tenant's Association will participate in the Great American Clean-up Day on Saturday, April 22, held each year as part of the Earth Day Celebration. They will be cleaning up both the Highland and Cedar parking lots as well as the trash thrown off Interstate 95 near Highland Street. He again thanked the Council for all their help in the past and invited them to join the group on Saturday morning, starting at 7:30 A.M.

4. Proclamation Proclaiming April 28th as Arbor Day in the City of Rye

Acting Mayor Pratt noted that April 28, 2006 had been declared Arbor Day in the City of Rye and read a proclamation honoring the event into the record.

Councilman Hennes made a motion, seconded by Councilman Seitz and unanimously carried, to adopt the following resolution proclaiming Arbor Day:

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce soil erosion, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the City of Rye has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

NOW, THEREFORE, BE IT RESOLVED that the City Council pauses in its deliberation to proclaim April 28, 2006 as ARBOR DAY in the City of Rye, and urges all citizens to support efforts to care for our trees and woodlands, and to support our City's community forestry program; and be it further

RESOLVED, that the Council urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Signed and sealed this 19th day of April 2006.

Steven Otis
Mayor

5. Approval of the election of the Fire Chief, 1st Assistant Fire Chief, 2nd Assistant Fire Chief

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to approve the election of John Wickham as Fire Chief; Peter Donahue as 1st Assistant Chief; and George Hogben as 2nd Assistant Chief on April 6, 2006.

6. Authorization for Corporation Counsel and Thacher Proffitt & Wood to defend the Planning Commission in Article 78 proceeding commenced by Peter and Jane Colahan

Acting Mayor Pratt reported that the Planning Commission had been served with an Article 78 Petition seeking to annul a “de facto denial” by the Planning Commission of the petitioners’ (Jane and Peter Colahan) application for a two-lot subdivision. The Corporation Counsel seeks authorization to defend the Planning Commission under the existing Retainer Agreement. Councilman Seitz suggested that in matters such as this, going forward, he would appreciate having more information before asking for authorization.

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

RESOLVED, that the Corporation Counsel and Thacher Proffitt & Wood is hereby authorized to defend the Planning Commission in Article 78 proceeding commenced by Peter and Jane Colahan.

ROLL CALL:

AYES: Acting Mayor Pratt, Councilmen Ball, Cunningham,
Fahey, Hennes and Seitz
NAYS: None
ABSENT: Mayor Otis

7. Bid award for deep tine aerator equipment

Recreation Supervisor Bill Rodriguez informed the Council that he had received a bid for a deep tine aerator which is needed to preserve the playing fields. He said this model, which will cost \$25,900, combines speed, the ability to aerate deeply; and operates underneath the playing surface, allowing same-day usage. He said in the past they had borrowed inferior equipment from the County which required 5 days (rather than 2 hours) to aerate a field. He estimates the savings in personnel time would be about \$3000 per field and that the machine would pay for itself in less than two years. He also suggested it could be borrowed by the Golf Club and the Schools. The Council had many questions including future plans for using AstroTurf; whether the Rye Golf Club and schools should pay each time they borrow the equipment; sod replacement costs with or without aerating; and whether a smaller model would be sufficient.

Despite verbal responses from Mr. Rodriguez, the Council requested an analysis in writing before approving the purchase of the aerator. The analysis should include the cost of maintaining the machinery; storage facilities; the cost of rebuilding fields if one doesn't aerate; and the plans for sharing. Councilman Cunningham said he would mention the sharing option at the next School Facilities Committee meeting.

The approval of the purchase of the aerator was postponed to the next regular meeting of the City Council.

8. Bid award for street materials

City Manager Shew presented the corrected bid tabulations for the street materials. In response to questions from Councilman Cunningham, the costs for these materials do go up every year and it is normal to see only one bid from an individual company as they each have their own specialty.

The tabulation for this bid is listed on the following page.

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

RESOLVED, that Bid #2-06, Street Materials, is hereby awarded to Patterson Materials for crushed stone (3/4 and 1 1/2) delivered and graded processed stone; to Peckham Materials Corp for binder course Types 3 and 4, shim course Type 5, top course Types 6F and 7F, and asphaltic concrete curb mix; and to Dakota Supply Corp. for class "A" Concrete as the bidders offering the lowest price without adding transportation costs.

ROLL CALL:

AYES: Acting Mayor Pratt, Councilmen Ball, Cunningham,
Fahey, Hennes and Seitz

NAYS: None

ABSENT: Mayor Otis

Bid #2-06
STREET MATERIALS

NAME OF BIDDER		Canal Asphalt		Peckham Materials Corporation		Dakota Supply Corp.	
#	Items	PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾"	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
	Crushed Stone 1 ½"	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
	Graded Processed Stone NYS 304.02	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
		PER C.Y.		PER C.Y.		PER C.Y.	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Road Sand	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
#	Items	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
403.13	Binder Course Type 3 3.5%	52.00/60.20	No Bid	46.50/48.55*	No Bid	No Bid	No Bid
403.14	Binder Course Type 4 4.0%	52.00/60.20	No Bid	46.50/48.55*	No Bid	No Bid	No Bid
403.15	Shim Course Type 5 8.25%	55.00/63.20	No Bid	47.50/49.55*	No Bid	No Bid	No Bid
403.17	Top Course Type 6F 6.4%	52.00/60.20	No Bid	46.50/48.55*	No Bid	No Bid	No Bid
403.18	Top Course Type 7F 7.0%	54.00/62.20	No Bid	47.50/49.55*	No Bid	No Bid	No Bid
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid	No Bid	50.00/53.05*	No Bid	No Bid	No Bid
		PER C.Y.		PER C.Y.		PER C.Y.	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
502.2	Class "A" Concrete	No Bid	No Bid	No Bid	No Bid	No Bid	99.50

NAME OF BIDDER		Patterson Supply		RCA Asphalt			
#	Items	PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾"	No Bid	22.00	No Bid	No Bid		
	Crushed Stone 1 ½"	No Bid	22.00	No Bid	No Bid		
	Graded Processed Stone NYS 304.02	No Bid	20.00	No Bid	No Bid		
		PER C.Y.		PER C.Y.		PER C.Y.	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Road Sand	No Bid	No Bid	No Bid	No Bid		
#	Items	F.O.B.	Delivered	Delivered	Delivered		
403.13	Binder Course Type 3 3.5%	No Bid	No Bid	50.00/58.20*	No Bid		
403.14	Binder Course Type 4 4.0%	No Bid	No Bid	50.00/58.20*	No Bid		
403.15	Shim Course Type 5 8.25%	No Bid	No Bid	55.00/63.20*	No Bid		
403.17	Top Course Type 6F 6.4%	No Bid	No Bid	51.00/59.20*	No Bid		
403.18	Top Course Type 7F 7.0%	No Bid	No Bid	51.00/59.20*	No Bid		
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid	No Bid	65.00/73.20*	No Bid		
		PER C.Y.		PER C.Y.		PER C.Y.	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
502.2	Class "A" Concrete	No Bid	No Bid	No Bid	No Bid		

* Mileage adjustment as per bid specifications.

9. Miscellaneous communications and reports

Councilman Ball reported that the Rye Post of the American Legion has invited everyone to hear a discussion of the proposed liquid gas installation in Long Island Sound on April 20, 2006 at 7:30 P.M.

Councilman Hennes reported on the recent meeting of the Finance Committee saying it had been a lively and interesting discussion on many subjects and a decision was made to create eleven sub-committees on subjects including the finances of the Rye Golf Club, the dredging issues at the Marina; the possibility of entering the aquaculture business; the Capital Improvement Plan (CIP); the Pavement Management Study and how it integrates into the CIP; Durland Scout Center, the increase of tax certioris and the impact on the City; the Central Business District; and the transfer tax. Members have been asked to indicate which committee(s) they would be interested in. He said the priority of the Committee was to learn more about the pavement management system and also to look at the state of the City's bridges. The remainder of the discussion centered on whether the City's Finance Committee should be involved in the operations of the Enterprise Funds and, more specifically, in reviewing the Golf Club's finances. Councilman Fahey, liaison to the RGC Commission, stated it was fine to work together, but that the City Finance Committee should not be giving direction to the Golf Club Finance Committee and there should be confidence in how the Golf Club is being run. Acting Mayor Pratt stated that if there is going to be a need for additional bonding, the City Council should know how Whitby runs before borrowing any more money.

Councilman Ball said the annual Little League Parade would take place this weekend on Sunday rather than Saturday in deference to the 10 A. M. Funeral Mass for Jarrid Amico on Saturday.

10. Old Business

Councilman Seitz asked if the Ethics Committee had had a chance to review the issue of whether or not local architects can sit on the Board of Architectural Review and what procedural changes would be necessary if this were allowed. City Manager Shew said the Ethics Committee had met just the day before and a report would be forthcoming.

Councilman Seitz wondered if Councilman Pratt had had a chance to develop a proposal about Merchant Parking. Councilman Pratt said he was waiting for the Mayor to be present and that he wanted to meet with Staff prior to developing his proposal.

Councilman Pratt said he would be submitting additional names for his Central Business District Committee at the next meeting. Councilman Seitz said he had some suggestions as well.

11. New Business

Councilman Cunningham reminded the Council there is a walking tour of Rye's recreational facilities scheduled for Saturday, April 29, 2006.

12. Draft unapproved minutes of the regular meeting of the City Council held April 5, 2006

Councilman Hennes made a motion, seconded by Councilman Cunningham and unanimously carried to approve the minutes of the regular meeting of the City Council held April 5, 2006 as amended.

13. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adjourn the meeting at 9:17 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk