

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on June 14, 2006 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:00 P.M. Councilman Hennes made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss pending litigation. Councilman Ball made a motion, seconded by Councilman Fahey and unanimously carried, to close the executive session at 8:09 P.M. The regular meeting reconvened at 8:11 P.M.

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.

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

Bob DiMaggio, Highland Hall, reported on what had been going on at Highland Hall in recent days and urged everyone not to believe everything they read in the papers as the reports are not always correct. He said it was possible the new owner was planning to raise rents a lot because he was planning capital improvements but this can't just be done automatically. He said he was very grateful they were covered by the Emergency Tenants Protection Act (ETPA) because there have been lots of problems. *Eva Schegulla*, speaking for her mother who could not be there, elaborated on the trials and tribulations they have endured, including incorrect leases, illegal requirement of estoppels, eviction notices for tenants at 151 Highland Hall, illegal inspections, and rent checks not cashed. She said they have had no response from Mr. Sullivan, attorney for Rye Acquisitions Partners, and without ETPA and the NYS Department of Housing

and Community Renewal (DHCR) they “would all be out on the street.” *Doug Carey*, resident of Highland Hall and head of the Tenants’ Association, thanked everyone for passing ETPA and reported that, as he was speaking, the proper size of their rent increase was being considered in White Plains. He said he personally didn’t really know if the deal was truly dead and he did confirm that RAP has built an office at Highland Hall which is illegal and they have been given a notice. He announced that the Highland Hall group celebrated Earth Day by collecting many cans, bottles, plastic containers and other junk all tossed off I-95 near Highland Hall. He also reported that *Meagan Kelly*, a Highland Hall resident, will be the Rye High School Class of 2006 Valedictorian. Councilman Ball thanked everyone for sharing and letting them know what is really going on.

Doug Carey also announced that Leaders of Tomorrow will collaborate with the RFRR on the 4th of July by presenting appropriate readings. Finally he mentioned that Leaders of Tomorrow will be coordinating with the Rye Recreation Department to put on Summerfest 2006 on September 2 at the Recreation Department. As usual, there will be many activities, games, pillow fights, food, big band music (from 5-7) and a good time for everyone.

Aurora Zahm, 7 Ridgewood Drive, a student at Osborn School, addressed the Council about her dangerous walk to school, citing crowded, often unshoveled, sidewalks, untrimmed bushes, etc. Her father, *Robert Zahm*, said the many safety issues, including no crosswalks, narrow bridges, Verizon boxes, etc., had been submitted to the Traffic and Transportation Committee, but he would like more attention paid to the matter. Councilman Cunningham offered to walk Aurora to school to check out the conditions.

John Carey, 860 Forest Avenue, reported on local TV franchising legislation saying, first and foremost, our franchise fees appear to be protected for now as the State legislature has not gone in for State franchising. There is, however, other legislation pending which would take franchising away from Rye in the long-term and he urged the Council to oppose the bill, resist any shrinking of the definition of “gross revenues” and stand up for “internet neutrality.” The Council should also try to restore local response by Cablevision to customer service calls.

Jim and Maggie Amico, 351 Midland Avenue, whose son, Jarred was killed in a tragic accident on Midland Avenue, thanked everyone for their love and support and said the Police Department had been incredible. However, he expressed anger over what he said are serious safety issues on Midland Avenue and called for more Police assistance and surveillance in the area. He said the street (including the sidewalks, speeding, and drainage) has been a problem forever and the City should do something about it. Mayor Otis extended sympathy to the entire family and said he appreciated having Mr. Amico speak on behalf of the whole community about safety for everyone. He assured Mr. Amico the City will find a way to honor Jarred.

4. Police Awards Ceremony

Commissioner Connors thanked the Council for providing the Police Department the opportunity to conduct a Department Recognition Ceremony as part of this evening’s City Council Meeting. He said the ceremony was long overdue as the last one was held in August, 2003 so tonight he would be recognizing accomplishments of members of the Police Department

since 2003 as well as a couple of incidents that happened in late 2002. He said he would let the stories speak for themselves to let people know about the work Rye's police officers do and just how exceptional they are. He said that while the Police Department is in a relatively quiet period and we haven't had too many of what we would consider "heavy jobs", the awards will be given for a lot of pretty amazing things that have happened and it will be clear that Rye's Police Department has done a really outstanding job. He said tonight's awards, presented in no particular order of importance, will recognize bravery in some; initiative in others; and in others perseverance. There are cases which involve murder, robbery, life and death, good and evil, joy and tragedy and he is honored to make these presentations.

Commissioner Connors, assisted by Mayor Otis and City Manager Paul Shew, presented awards (and often more than one) to the following members of the Police Department recognizing exceptional performance:

Police Officer Michael Anfuso
Police Officer Michael Anderson
Police Officer Scott Antinozzi
Police Officer Edward Balls
Police Officer Daniel Camacho
Police Officer Joseph Cancel
Detective Robert Chittenden
Police Officer Timothy Chittenden
Sergeant Scott Craig
Lieutenant Robert Falk
Police Officer Jeffrey Golanec
Police Officer Mauricio Gomez
Police Officer John Hannah
Detective Paul Kenny
Police Officer Michael Kenny
Police Officer Michael Larkin
Police Officer Albert Lombardo
Police Officer Michael Olsen
Police Officer Susan Rigano
Police Officer David Rivera
Police Officer Anthony Rosace
Police Officer Amy Spillane
Sergeant Robert Vogel
Police Officer Jason Washco
Parking Enforcement Officer Jake Williams
Detective John Wood

Mayor Otis thanked everyone saying the City appreciates what they do for us every day of the year. Councilman Fahey said it was nice to see such a happy and proud group in the audience. The Department and their families adjourned to the Employee Lounge for refreshments.

5. Presentation of Youth Advisory Committee Award

Alex Piscionere, Co-Chair of the Youth Advisory Committee presented the first annual Youth Advisory Committee Award for outstanding contributions to our community to *Blake Daniel* who has developed a musical outreach program which dispatches talented young musicians out to nursing homes. Blake is a senior at Rye High School on his way to Middlebury College. Councilman Cunningham thanked the YAC for their ideas and said he was proud of Blake, and the many others who are working for the City as volunteers.

6. Continuation of public hearing to amend Chapter 197 (Zoning) of the City of Rye, New York with respect to restaurants in the B-1 Neighborhood Business District

The Mayor announced the continuation of the public hearing to amend Chapter 197 (Zoning) of the City of Rye, New York with respect to restaurants in the B-1 Neighborhood Business District, specifically concerning "On The Way Café." *Joe Latwin*, attorney for On The Way Café, reported that he had met with about 20 residents and neighbors from Ridgeland Terrace and, while there was some common ground, there was no definitive answer as to whether or not the objections were eased. He said the worry continues to be the possible expansion of restaurant use to other areas and worry about the future if the law was changed. He said applying for a use variance is nearly impossible; that maybe they could limit the request to south of Playland Parkway and limit the hours of operation, but in other areas there is no consensus. He said he is still looking for a way to make the change acceptable, but so far he can't find the way. Mayor Otis said the Council is looking for new input that would help the Council members who are uncomfortable with the zoning changes as proposed. Councilman Pratt announced he would not vote for the proposal even though he would like to see the hours expanded. Councilman Hennes said he was concerned about the effect on other establishments. City Planner Christian Miller said it would be hard to narrow the legislative issues.

Residents of Ridgeland Terrace (John Anderson [#28], Cathy and Peter Telfer [#33], Joel Darelus [#31], Annette Paglia [#30]) all said they were sorry they couldn't support the idea as presented, but reiterated concerns from prior meetings about opening Pandora's box, devaluation of the neighborhood, potential for sale of alcohol, and parking. Other Rye residents, but not neighbors (*Susan Harris, Rector of Christ's Church; John Linder, 21 Green Avenue; Frank Marshall, 66 Boston Post Road*), urged the Council to find a way to let On The Way Café stay open later. *Lorraine Moore, 3 Loder Street*, urged adopting special legislation so that On The Way's business can grow. *Thomas Ryan, 34 Ridgeland Terrace, the landlord*, joined in the voices urging the Council to find a way to make the extra hours happen. Councilman Seitz said the Council has to listen to the neighbors, so perhaps On The Way Café will just have to charge more. *Mr. Latwin* said he felt the neighbors were not necessarily opposed and said he would try and find another way.

The public hearing was continued until a future meeting.

7. Public Hearing on a Local Law to amend chapter 197 (Zoning) of the Code of the City of Rye, New York regarding the application of Wetlands and Watercourses in meeting Zoning Code Requirements

Mayor Otis opened the public hearing on a local law to amend Chapter 197 (Zoning) of the Code of the City of Rye, New York regarding the application of Wetlands and Watercourses in meeting Zoning Code Requirements. (Councilman Hennes recused himself from the discussion.) The law requires the deduction of wetlands and watercourses from meeting the minimum lot area and floor area ratio (FAR) requirements. It also clarifies and codifies current practice and coordinates the zoning code definition of wetland and watercourse to correspond to the City's definition of such environmental features as provided in Chapter 195, Wetlands and Watercourses. City Planner Christian Miller said the required notices and filings had been completed with no objection. Barbara Cummings, Chair of the Planning Commission said the Commission's practice has been consistent, but the Code needs to be changed so all definitions are the same and the Code can be consistent with current practice. *Jonathan Kraut, local attorney*, said this looked simple and non-controversial, but is a little more complicated and would, for example affect his client, *Beverly Penberthy* who is considering a sub-division. He suggested looking into changing Chapter 195 instead. *Pat McCarthy, 60 Summit Avenue*, questioned whether the language slated for change might be better than in Chapter 195. The Mayor, who helped draft that legislation, said he felt our Wetlands and Watercourses Law (Chapter 195) was a really good one and that language was more current and accurate. Mr. Kraut also asked if the proposed change would affect existing projects. Mr. Miller said the draft law would have to be amended.

The public hearing was continued to the July City Council Meeting so that the issues of who should be grandfathered and which language is the best could be researched.

8. Public hearing to amend Chapter 81, Electrical Standards, Section 81-2, Permit required, of the Code of the City of Rye

Mayor Otis said the proposed local law made no substantive changes but cleaned up some procedural items. He opened the public hearing. There were no comments from either the public or the City Council. Councilman Fahey made a motion, seconded by Councilman Seitz and unanimously carried, to close the public hearing.

Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 6 2006**

A local law amending Chapter 81, Electrical Standards, Section 81-2, Permit required, of the Code of the City of Rye.

Be it enacted by the Council of the City of Rye as follows:

**Section 1 Section 81-2, Permit required, of the Code of Chapter 81,
Electrical Standards of the Code of the City of Rye is hereby amended to read as
follows:**

§81-2 Permit required.

A. It shall be unlawful for any person, firm or corporation to install electric wiring or equipment, or to alter or extend any existing electrical wiring or equipment, without first having obtained a permit from the City Clerk, who shall issue such a permit upon approval of the Building Inspector, except that no permit shall be required for a replacement of lamps or fuses, the connection of portable devices to suitable permanently wired receptacles or for any maintenance or emergency repair work, nor shall any permit be required for any electrical installation which is an integral part of a system under the control of a public utility in rendering its duly authorized service, nor shall a permit be required for any electrical work costing less than \$500, except that contracts for such work shall not be split to avoid the requirements of this section.

B. No permit shall be issued except to a licensed master electrician. Except as otherwise provided herein, a master electrician ~~shall have passed an examination conducted by the former Examining Board of Installers of Mechanical Equipment of the City of Rye or~~ shall have passed an examination conducted by at least one other Westchester or Putnam County municipality, to determine his or her competence to perform the functions of a master electrician properly. In case of a firm or corporation, said organization may be represented by one or more members of said firm or by an officer of the corporation.

C. An application for a permit shall be made to the Building Inspector on forms supplied by him/her

**Section 2 This local law shall take effect immediately upon filing with the
Secretary of State.**

ROLL CALL:

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

NAYS: None

ABSENT: None

9. Public hearing to amend Chapter 68, Building Construction, Article 1, Section 68-8, Plumbing and drainage and Section 68-9, Oil and Gas heating equipment; electrical wiring of the Code of the City of Rye

Mayor Otis said the proposed local law made no substantive changes but cleaned up some procedural items. He opened the public hearing. There were no comments from either the

public or the City Council. Councilman Fahey made a motion, seconded by Councilman Seitz and unanimously carried, to close the public hearing.

Councilman Hennes made a motion, seconded by Mayor Otis and unanimously carried, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 5 2006**

**A local law amending Chapter 68, Building Construction,
of the Code of the City of Rye, Article I, Section 68-8, Plumbing
and drainage and Section 68-9, Oil and Gas heating
equipment; electrical wiring.**

Be it enacted by the Council of the City of Rye as follows:

**Section 1 Section 68-8, Plumbing and drainage, of the Code of the City
of Rye is hereby amended to read:**

§68-8 Plumbing and drainage.

~~A. The existing examining Board of Plumbers is continued with the powers and duties specified in the General City Law.~~

~~B. The registration required by said law shall be at the office of the City Clerk, who shall issue the license plates or signs and permits required thereunder.~~

~~C.[A.] In conjunction with the [The] Building Inspector, who shall also act as the Plumbing Inspector, may formulate rules and regulations regulating the work of plumbing and drainage in the City which are supplementary to and in conformance with the State Building Construction Code applicable to Plumbing, subject to the approval of the ~~Common~~ [City] Council.~~

**Section 2 Section 68-9. Oil and gas heating equipment; electrical wiring
of the Code of the City of Rye is amended to read:**

**§68-9 Oil and gas heating equipment; electrical wiring is amended to
read:**

A. No person shall engage in the business of installing, servicing or repairing oil or gas heating equipment or installing, servicing or repairing electrical wiring or equipment within the City unless he/she is licensed as hereinafter provided.

B. A person desiring to secure a license to engage in the business of installing, servicing or repairing electrical wiring or equipment shall be required to submit proof to the City Clerk that such person has obtained a ~~current~~

A. No person shall engage in the trade, business or calling of plumbing as employing or master plumber in the City of Rye until he has first filed with the City Clerk a bond to the City of Rye, approved as to form and surety by the Corporation Counsel, in the penal sum of \$3,000 or sufficient collateral security, conditioned upon the proper and faithful observance of the New York State Uniform Fire Prevention and Building Code applicable to plumbing and of all ordinances, rules and regulations of the City of Rye; that said person will indemnify and save harmless the City of Rye and the officials thereof from all claims or actions for any injury or damages received or sustained by any person in consequence of or resulting from any work performed by him, his agent or employee or from any imperfection or insufficiency in material used in said work or from any act or omission of said person, his agent or employee; that he will replace and restore any portion of street where he, his agent or employee shall make any excavation to its condition before the work began and shall also keep and maintain such street in like good condition to the satisfaction of the City Engineer for the period of one year; and that the city may within said one year, with or without notice to said person, repair such street; and that the cost thereof shall be paid by said person.

B. No person shall make any connection with the public sewer or drain without a permit from the City Clerk, who shall issue the permit upon the approval of the Building Inspector. No permit shall be issued to connect to a public sewer or drain unless such person holds a ~~certificate of competency from the Examining Board of Plumbers~~ Westchester County Plumbing license.

C. Plans including a riser diagram and specifications of all plumbing and drainage work, except the mere removal of obstructions or the repairing of leaks or such replacement of old or broken fixtures as does not involve any change in piping or traps, together with an application, signed by the owner or his agent, for a permit, must be submitted to the Building Inspector for approval, and a permit must be obtained before any such work is commenced within any building or upon any property. The City Clerk shall issue the permit upon the approval of the Building Inspector.

D. A peppermint test will be performed on all waste and vent piping with a combined developed length greater than 10 feet.

Section 2 Section A201-5, Oil or gas heating equipment; electrical wiring, of the Code of the City of Rye is hereby amended to read as follows:

§ A201-5. Oil or gas heating equipment; electrical wiring.

A. Each person desiring to secure a license to engage in the business of installing, servicing or repairing electrical wiring or equipment shall register his or her name and address at the City Clerk's office; provided, however, that such person shall at the same time of applying for such registration hold a current, valid certificate of competency or license from at least one other Westchester or

Putnam County municipality to service, install or repair electrical wiring or equipment or has previously obtained a certificate of competency from the former Examining Board of Installers of Mechanical Equipment of the City of Rye or is a Westchester County licensed plumber. Licensed plumbers or persons who previously obtained a certificate of competency from the former Examining Board of Installers of Mechanical Equipment of the City of Rye to engage in the business of installing, servicing or repairing oil or gas heating equipment may continue to be licensed to install, service and repair oil or gas heating equipment. [Amended 4-19-1995]

B. Upon registration and payment of fee ~~of \$100~~ set annually by resolution of the City Council, the City Clerk shall issue a license to the applicant. Such license shall expire on the 30th day of June, unless sooner revoked, and shall be renewable each year upon the payment of a fee ~~of \$100~~.

C. No alteration in an existing oil or gas heating installation, or an electrical installation, for which a permit has been issued, shall be made without the inspection and approval of the Building Inspector. Where a replacement of another oil or gas heating unit is made, application must be made as if the installation is a new one.

Section 3. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

11. Discussion of Alternate Strategies to Address Subdivision Concerns

Planning Commission Chair, Barbara Cummings said that in addition to the wetlands issues discussed in Agenda Item 8 above, the Commission had been addressing the issues of steep slopes and lot width. She said most of the easy lots have been built up so the Commission needs to look at what should perhaps be changed and they need direction from the Council.

Concerning steep slopes, she said they were consulting with Corporation Counsel and also working on a topical map to obtain more information and to determine which parts of properties are really unbuildable. She said no one is really ready to proceed with the portion of the subdivision proposal.

Concerning further alternatives to the lot width issue, she referred to a memorandum from the City Planner which outlines several options. Option 1 is to exclude larger lot zoning districts from the proposed local law; Option 2 is to modify lot width requirement (staggered lots); Option 3 is to modify lot width Alternative (Flag Lots). She said the Planning Commission

remains convinced that their original proposal is the best as those needing relief for a good and de minimis reason can go to the Zoning Board for a variance. *Pat McCarthy, 60 Summit Avenue* said the original proposal would cut the number of subdividable lots in half and on behalf of all Rye citizens he is opposed to the plan. The Mayor reiterated his concern that people would then tear down big beautiful houses, but Councilman Pratt warned the City needs to move forward with some plan or it will face litigation. When asked for their direction, the Council (with the exception of Councilman Hennes who has recused himself) suggested that the staff draft some discretionary language and review other laws.

12. Consideration of Consolidation and Extension Easement between the City of Rye and North Manursing Owners Association

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried (except for Councilman Fahey who recused himself), to adopt the following resolution:

RESOLVED, that the City Manager is hereby authorized to sign an agreement between the North Manursing Owner's Association and the City of Rye calling for the consolidation and extension of a sewer easement.

13. Consideration of Agreement between the City of Rye and North Manursing Owners Association

City Manager Paul Shew said that now the Council has authorized the consolidation and extension of the sewer district (see Agenda Item 12 above) everything is in place to sign the agreement to precede with sewer work proposed on North Manursing Island. He said the project has been favorably reviewed by the City Engineer and Corporation Counsel.

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried (except for Councilman Fahey who recused himself) to adopt the following resolution:

RESOLVED, that the City Manager is hereby authorized to sign an agreement between the North Manursing Owner's Association and the City of Rye to install 4,100 feet of sewer pipe in Island Drive, North Island Drive and West Island Drive.

14. Consideration of a proposed easement to accommodate the replacement of an existing City sewer pump station near the intersection of Peck and Midland Avenue on property known as the “Avon” property

City Engineer George Mottarella said he had been working with Avon Capital Corporation, tenant of the property owned by the Westchester County Industrial Development Agency to develop an easement which will allow the replacement of an existing city-owned and maintained sewer pump station near the intersection of Peck and Midland Avenue which would allow a portion of this facility to encroach upon the owner’s property.

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

RESOLVED, that the City Manager is hereby authorized to sign an agreement between the County of Westchester Industrial Development Agency, Avon Capital Corporation and the City of Rye adopting an easement to accommodate the replacement of an existing City sewer pump station near the intersection of Peck and Midland Avenue on property known as the “Avon” property and be it further

RESOLVED, that the Council of the City of Rye finds the proposed action will not have significant adverse impact on the environment under the State Environmental Quality Review Act (SEQRA).

15. Designation of Nominating Committee for the Boat Basin elections and appointment of the Chairman of the Nominating Committee

The Mayor made a motion, seconded by Councilman Hennes and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council of the City of Rye hereby designates Joann Rispoli (Permit Holder elected to the Nominating Committee in August 2005); George DeFilippo (Commission Member not running for re-election); and Edward Collins (Resident Permit Holder appointed by the Commission) as the Rye Boat Basin Nominating Committee for the 2006 Rye Boat Basin Commission elections, and further designates Edward Collins as Chair of the Nominating Committee.

16. Designation of Nominating Committee for the Rye Golf Club elections and appointment of the Chairman of the Nominating Committee

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

RESOLVED, that the City Council of the City of Rye hereby designates Jean Romano and Tom Kennedy (Commission Members not running for re-election), and Jim Maione and Adrienne Belluscio (elected to the Nominating Committee in August 2005) as the Rye Golf Club Nominating Committee for the 2006 Rye Golf Club Commission elections, and further designates Jean Romano as Chair of the Nominating Committee.

17. Authorization to fill vacant position in RCTV

City Manager Paul Shew reported that Nicole Livitsky had been promoted to fill the position of RCTV Access Coordinator left vacant by the departure of Jim Kenny so it is necessary to hire a new assistant. He said there will be no financial impact on the current budget as the position, which was budgeted for this year, has been unfilled for a good while. The Council congratulated Nicole.

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

RESOLVED, that the City Manager is hereby authorized to fill the vacant position of Assistant Community Access Facilitator in the Rye Cable Television Department.

ROLL CALL:

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

NAYS: None

ABSENT: None

Councilman Hennes asked the City Comptroller to look into whether or not surplus funds in the Cable TV Fund could be used to fund capital projects. Councilman Pratt questioned the reliability of future revenue streams in light of current cable franchise issues and suggested the idea should be referred to the Cable Commission.

18. Authorization to fill vacant position in Police Department

City Manager Paul Shew reported that there are actually two positions open at the Police Department, but he is only requesting authorization to fill one of those positions at the moment.

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

RESOLVED, that the City Manager is hereby authorized to fill the vacancy in the rank of Police Officer in the Police Department.

ROLL CALL:

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

NAYS: None

ABSENT: None

18A. One appointment to the Rye Town Park Commission for a term expiring January 1, 2008

Mayor Otis designated Brian Daly as a member of the Rye Town Park Commission for a term expiring January 1, 2008.

19. Bid awards for Kirby Lane-Grace Church Street sewer and drainage improvements project

City Engineer George Mottarella informed the Council he had received three good bids, all from companies the City has worked with before and he is confident in his recommendation to award the bid to ELQ Industries. He said the bid was very close to what was estimated and the neighbors approve. He said the project includes repair to the Grace Church Street drain leading to the new sewer and sewer pump station and raising the level of Kirby Lane North by 18 inches to partially alleviate flooding. He said the broken capstone drain is not included in the project, but the engineers will look into it while they are working on this project. He told the Council that the residents of Kirby Lane North will also be paying to have a water main installed and that Con Edison will provide a gas line free of charge for those who wish to switch to gas.

The bid tab is as follows:

Contract No. 2006-03 Kirby - Grace Church Street Sewer and Drainage Improvements

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder	Position
ELQ	\$1,686,789.00	\$1,686,789.00	\$0.00	0.00%	1
Bilotta	\$1,732,150.10	\$1,732,150.00	\$45,361.10	2.69%	2
Joken	\$1,799,310.00	\$1,799,310.00	\$112,521.00	6.67%	3
Laws	\$2,416,730.00	\$2,416,730.00	\$729,941.00	43.27%	4
Coppola	\$1,958,763.00	\$3,448,763.00	\$1,761,974.00	104.46%	5

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

RESOLVED, that Contract No. 2006-03 Kirby-Grace Church Street Sewer and Drainage Improvements, is hereby awarded to ELQ Industries, Inc., being the lowest bidder meeting specifications, in the amount of \$1,686,789.

ROLL CALL:

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

NAYS: None

ABSENT: None

20. Bid Award for Automotive Parts and Machine Shop Services.

City Engineer, George Mottarella reported that bids occur for Automotive Parts and Machine Shop Services on a regular basis and are bid as a percentage off the list price.

The bid tab is as follows:

**Automotive Parts & Machine Shop Services
Bid No. 7-06**

NAME OF BIDDER	Mendel's Truck & Auto Parts	Tri-City Auto Parts
SECURITY		

Category 1 Passenger Cars and Light Truck Parts

	Items	Percentage	Percentage
C1	Brake Shoes & Linings	45	50
C1	Brake Parts	45	50
C1	Bearings	45	50
C1	Brass Fittings	42	30
C1	Carburetors	35	40
C1	All Clutch Assemblies	50	45
C1	Exhaust Parts	50	40
C1	Electric Switches & Wiring	48	50
C1	New Fuel Pumps	45	40
C1	Gaskets & Gasket Sets	45	40
C1	Headlights	47	50
C1	Hose Clamps	35	50
C1	Hoses & Belts	45	50
C1	Ignition Equipment	47	50
C1	Mirrors & Lamps	50	40
C1	Shock Absorbers	45	50
C1	Seals	40	45
C1	Water Pumps	45	50
C1	Filters	47	55
C1	Windshield Wiper Products	45	50
C1	Chassis Front End Parts	45	40
C1	Batteries	35	40
C1	Starters and Alternators	45	50
C1	Bolts, Nuts, Washers, Etc.	40	30

Category 2 Heavy Duty Truck Parts - 21,000 to 45,000 GVU

C2	Brake Parts	40	35
C2	Starters & Alternators	40	35
C2	Exhaust Parts	40	35
C2	PTO Clutch Assemblies	40	35

Category 3 Machine Shop Services

	Items	Amount	Amount
C3	Flywheels Cut to 12"	25.00	30.00
C3	Flywheels Cut to 12" or Over	34.00	45.00
C3	Driveshafts Rebuilt	20.00 per end	25.00
C3	King Pins Fitted	40.00	75.00
C3	King Pins w/I Beams	72.00	150.00
C3	Brake Bands Relined	20.00 per hour	Time & Material
C3	Brake Shoes Relined	10.00 each	110.00
C3	V-8 Heads Rebuilt	98.00	115.00
C3	6 Cylinder Heads Rebuilt	85.00	100.00
C3	4 Cylinder Heads Rebuilt	72.00	90.00
C3	4 OHC Heads Rebuilt	125.00	175.00
C3	Pistons Changed Over and Cleaned	8.00	12.00
C3	Axles Bearings and Related	15.00	20.00
C3	Press Work (per bearing)	15.00	35.00
C3	Heavy Duty Brake Drums 16" & Up (price cut per inch)	5.00 per inch	8.00 per inch

C3	Passenger Car & Light Duty Truck up to 14" Drums	12.50	20.00
C3	Rotors	12.00	18.00
C3	Unltd. Shop Work (per hour)	35.00 per hour	75.00 per hour

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

RESOLVED, that Bid #7-06 for Automotive Parts and Machine Shop Services is hereby awarded to Tri-City Automotive Parts and Mendel's Truck & Auto Parts as follows:

Tri-City Automotive Parts

Category 1

- Group 1 Brake Shoes & Linings
- Group 1A Brake Parts
- Group 2 Bearings
- Group 4 Carburetors
- Group 7 Electric Switches & Wiring
- Group 10 Headlights
- Group 11 Hose Clamps
- Group 12 Hoses & Belts
- Group 13 Ignition Equipment
- Group 15 Shock Absorbers
- Group 16 Seals
- Group 17 Water Pumps
- Group 18 Filters
- Group 19 Windshield Wiper Products
- Group 21 Batteries
- Group 22 Starter & Alternators

Mendel's Truck & Auto Parts

Category 1

- Group 3 Brass Fittings
- Group 5 All Clutch Assemblies
- Group 6 Exhaust Parts
- Group 8 New Fuel Pumps
- Group 9 Gaskets & Gasket Sets
- Group 14 Mirrors & Lamps
- Group 20 Chassis Front End Parts
- Group 23 Bolts, Nuts, Washers, Etc.

Category 2

- Group 1 Brake Parts
- Group 2 Starter & Alternators
- Group 3 Exhaust Parts
- Group 4 PTO Clutch Assemblies

Category 3

Flywheel Cut to 12"
Flywheel Cut to 12" and Over
Driveshafts Rebuilt
King Pins Fitted
Kind Pins w/I Beam
Brake Bands Relined
Brake Shoes Relined
V-8 Heads Rebuilt
6 Cylinder Heads Rebuilt
4-Cyl. Heads Rebuilt
4 OHC Head Rebuilt
Pistons Changed Over & Cleaned
Axles Bearing and Related
Press Work (per bearing)
Heavy Duty Break Drums 16" & Up
(price cut per inch)
Passenger Car & Light Duty Truck up
to 14" Drums
Rotors
Unltd. Shop Work (per hour)

ROLL CALL:

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

NAYS: None

ABSENT: None

21. Miscellaneous communications and reports

Mayor Otis announced that the long-awaited Hotel Occupancy Bill had passed in the New York State Senate earlier in the day and should be voted upon imminently in the Assembly. Once passed, Council Members should be prepared to lobby the Governor to get the law signed. The Council congratulated Councilman Seitz for proposing this initiative almost two years ago.

City Manager Shew informed the Council that an agreement had been signed between the City of Rye and the New Rochelle Humane Society (NRHS) and that as of July 1, 2006 Animal Control Services to the City of Rye will no longer be handled by the Westchester Shore Humane Society (WSHS). He reminded the Council that they had authorized the City Manager to make this change at the February 15, 2006 meeting. He reported that the annual fee will be \$20,000 rather than the \$26, 580 agreement with the WSHS.

22. Old Business

Councilman Cunningham noted that the Council has some serious decisions to make concerning the restoration of Rye's bridges and the reconstruction of Theall Road and suggested the Council look at the facts and figures involved at the July meeting. Councilman Hennes suggested this be done in August during the CIP meeting.

23. New Business

Councilman Cunningham made the following remarks:

- He thanked the School District and the Department of Public Works for putting up the new Welcome to Rye signs honoring the State Champion Football Team.
- He urged everyone to dine at Whitby Castle which is now operated by the Rye Golf Club.
- He urged the Police to enforce parking ordinances around Ridgeland Terrace. He noted that the City seems to pass ordinances and there is no follow up or enforcement.
- He congratulated Comptroller Michael Genito and the City of Rye on winning a distinguished Budget Presentation Award from the Government Finance Officers Association for the eighth straight year.

24. Draft unapproved minutes of the regular meeting of the City Council held May 17, 2006

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to approve the minutes of the regular meeting of the City Council held May 17, 2006 as amended.

25. 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 12.32 A.M.

Respectfully submitted,

Susan A. Morison
City Clerk