

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 19, 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 7:15 P.M. Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn to executive session at 7:16 P.M. to discuss pending litigation and real estate. Councilman Ball made a motion, seconded by Councilman Seitz and unanimously carried, to close the executive session at 7:59 P.M. The regular meeting reconvened at 8:00 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.

Announcement

Councilman Seitz said many thanks were due to Senator Suzi Oppenheimer and Assemblyman George Latimer for their help in getting Rye's proposal to impose an occupancy tax through the State Legislature. He said the bill was now before Governor Pataki and once enacted into law it would create funds for the City not directly related to property taxes. He said the installation of parking meters, this proposal and a future proposal to impose a "flip tax" are all part of the goal to raise funds without increasing property taxes.

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

Ward Urban, 22 Ellsworth Street, addressed the Council about the future of the Durland Scout Center saying the door of opportunity to save the center had been reopened. He said he was proposing a public/private solution and was putting together a working committee (which would include Doug Carey and Tony Castro) and he would be developing a specific proposal which would include a \$2 million City bond, a long-term commitment from the Boy Scouts and the balance necessary in private funds, anchored by a large, naming opportunity donation. He envisions a 501(c)(3) organization to manage the City-owned facility which would generate enough revenue to at least break even. He is going to continue to talk to all interested groups, such as the Rye Y and the Recreation Department. Mayor Otis said he had been interested in Mr. Urban's article in the Rye Record (6/23/06) and said if Mr. Urban could come to the Council with a firm commitment of \$3-4million, it would put the City and the school system in a position to seriously talk. He mentioned that the City Manager has been in contact with the Y and the schools. He added that the timeline is not unlimited as it is his understanding that the Scouts will be re-listing the property on August 1st so a plan would need to be in place within a month. The Mayor also said it was his understanding the Scouts have said they will not contribute, but Mr. Urban noted that they have also said they will miss the opportunities afforded by Durland, so perhaps they would reconsider. The challenge will be to see if the Scouts can be patient about receiving actual cash, knowing that a subdivision proposal from a builder is likely. Councilman Seitz stated the first step would be to obtain an option agreement with the Scouts.

Mary Jurs, 20 Hunt Place, asked about any progress on the Beaver Swamp Brook project, stating she used to have a back yard and be able to watch the brook flow, but now she is just getting washed out. She said it is getting to be too much and asked what the City was going to do about it. City Manager Paul Shew said the City had not yet received "as built's" from the engineer and they need to see them before anything can be done. Mrs. Jurs' daughter said in the past their family had had to provide answers to wetlands questions and she wondered why no one had to answer their questions, especially as they feel their land has been devalued. The Mayor assured her everyone was concerned, but sometimes the answers are difficult to get.

4. Continuation of 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 announced the continuation of 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 and stepped away from the dais.) City Planner, Christian Miller said the proposed local law had been reviewed by Corporation Counsel and it had been decided that there should be no reference to grandfathering. *Pat McCarthy, 60 Summit Avenue*, agreed there would be minimal impact on future subdivisions, but urged that adoption of this law not set a precedence for the adoption of other laws. Councilman Pratt stated this proposed law essentially coordinates the definitions of watercourses and wetlands in the City's code thereby making the job of applying the law easier and better protecting the City from a fiduciary point of view. Mr. McCarthy reiterated his concern that the wording of the City's Wetlands Law was not the best

wording and the Council should adopt the NYS DEC definitions. Mayor Otis assured him there was no difference in the watercourse definitions and said he felt the City's definitions for wetlands were preferable to the State's. Councilman Fahey referred to a letter from Jonathan Kraut requesting the hearing stay open and again urging "grandfathering." As the Corporation Counsel has already opined on that topic, the request was not granted. Councilman Ball expressed concern about the change, but said he recognized the value of protecting the City from a fiduciary point of view.

Councilman Seitz made a motion, seconded by Councilman Pratt and unanimously carried, to close the public hearing.

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

RESOLVED, that the Rye City Council finds the proposed determination will have no significant adverse effect on the environment and issues a negative declaration under SEQRA regarding the amendment of Chapter 197 (Zoning) of the City of Rye, New York regarding the application of Wetlands and Watercourses in meeting Zoning code Requirements.

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

**LOCAL LAW NO. 8-2006
CITY OF RYE
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**

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

Section 1. **Section 197-35, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended as follows:**

§ 197-35 Parts of lot not counted toward requirements.

A. For any lot created by subdivision subsequent to the effective date of this section, no part of such lot less in width than 1/2 of the

requirement for the district in which it is located shall be counted as part of the required lot area.

- B. No portion of any watercourse or wetland (as defined by Section 195-3 of the Rye City Code) shall be counted as part of the required lot area nor shall any such watercourse or wetland area be used in the ratio of floor area to lot area calculation.

Section 2. Section 197-23, Zoning, Article IV, Use Regulations, of the Code of the City of Rye is hereby amended as follows:

§ 197-23 Prohibited use of lots.

No lot shall be used for residence purposes unless it fronts upon a street approved and improved as provided in Article 3 of the General City Law and its street frontage is at least 25 feet wide, except that lots created by the donation of portions of historic sites to a nonprofit organization for the purposes of historic preservation and adaptive reuse may provide for said street frontage with an easement of suitable width to a street or an easement of suitable width to another lot which has actual street frontage, subject to obtaining a variance from the Board of Appeals as provided for in the General City Law. No lot shall be used for any use permitted only in RA Districts unless it fronts upon a street at least 50 feet in width having a pavement at least 30 feet in width.

Section 3. Chapter 197, Zoning, Article I, Definitions and Usage, of the Code of the City of Rye is hereby amended to the following definitions in alphabetical order:

LOT AREA — The horizontal area of a lot or parcel bound by property lines, not including any area in a public or private street or any watercourse or wetland (including any illegally filled-in watercourse or wetland), except as provided for in § 197-38.

WATERCOURSE — Shall be defined as per Section 195-3 of the Rye City Code.

WETLAND — Shall be defined as per Section 195-3 of the Rye City Code.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part

of this Local Law that can be given effect without such invalid part or parts.

Section 5. **Effective Date.**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

NOTE: Proposed additions are shown in underline and proposed deletions are shown in ~~strikethrough~~.

AYES: Mayor Otis, Councilmen Ball, Cunningham, Pratt and Seitz
NAYS: Councilman Fahey
ABSTAIN: Councilman Hennes (recused)
ABSENT: None

5. Consideration of setting a public hearing on proposal to reduce maximum permitted time to park to 30 minutes for four spaces on the north side of Elm Place from Purchase Street to Haviland Lane and on Purchase Street from the northeast corner of Purchase Street and Smith Street to a point 80 feet north of the intersection and discussion of other Central Business District Parking issues

Councilman Seitz said the idea of reducing the maximum permitted time to park in certain areas on Purchase Street had begun as a proposal for a 15 minute limit, but the idea had been postponed while Councilman Pratt investigated alternatives to Merchant Parking restrictions. Councilman Pratt said his idea for merchant parking would have placed the merchants in the lot with the greatest demand for turnover (as he discovered by looking at the parking meter reports) so he and Councilman Seitz agreed it was time to reconsider the proposal to limit parking to 30 minutes for four spaces on the north side of Elm Place from Purchase Street to Haviland Lane and on Purchase Street from the northeast corner of Purchase Street and Smith Street to a point 80 feet north of the intersection and to discuss other Central Business District Parking issues. Mayor Otis suggested restricting the merchants from parking in the row nearest the stores and said he didn't really know if the 30 minute restriction was a good or bad idea. In answer to a question from Councilman Hennes, Councilman Pratt acknowledged that the Central Business District Task Force was looking into both short and long-term parking issues so the question was debated whether to discuss the issue further in the short term or wait for the task force to make their recommendations. Councilman Ball said any limited parking proposal should be fair to all businesses and make sure it is enforceable. There was also discussion about whether the discussion should be in the form of a public hearing or a public forum and whether it should include a discussion about the meters.

Councilman Pratt made a motion, seconded by Councilman Seitz and unanimously carried (except for Councilman Cunningham who preferred to wait for the task force recommendations), to adopt the following resolution:

RESOLVED, that a public forum take place during the September Council Meeting to discuss Councilman Seitz' proposal to limit parking and the Mayor's proposal to prohibit merchants from parking in the rows closest to the stores

6. Consideration of setting a public hearing on a local law to amend Chapter 197 (Zoning) of the Code of the City of Rye, New York regarding the deduction of steep slopes from the minimum lot area requirement in new subdivisions

City Planner Christian Miller introduced what he termed phase 2 of the trilogy of zoning changes proposed by the Planning Commission. This local law proposes deducting steep slopes from the minimum lot area requirement in new subdivisions. The proposed law would exclude all property with a 25% slope (i.e. a change in elevation of 25' in every 100'). He cites examples to put the 25% in perspective (the High School bleachers have a 50% slope; the Boston Post Road leading down to the Village Green has a 6% slope; the slope opposite Rye High School on Boston Post Road is 20%; the hill leading down to the wetlands behind the Rye Nursery Field is 44%). The restriction only affects those with sub-dividable property (perhaps 30-40 lots), so most people will not be affected. If you can't subdivide your property you are not affected; if you have an existing home you are not affected. He presented a map showing sub-dividable lots and where 25% steep slopes exist (some being manmade by the creation of highways). The result of having this proposal in place might mean that instead of being able to subdivide a lot into four building lots, you might only get three. Questions from the Council included: Can you grade the property to lessen the slope? What if part is only 20%? Mr. Miller said 25% was chosen because it is standard for the region. *Barbara Cummings, Chair of the Planning Commission* thanked the Council for their good comments and questions. She said the Commission had worked long and hard. These are issues they have struggled with and they wish to get a feel from the Council about what it thinks might make Rye better in the future. She said the Commission feels strongly about trying to preserve land for the future. Corporation Counsel Kevin Plunkett said under this approach an applicant would always have the option of going to the Zoning Board for a variance.

Councilman Pratt summarized the conversation by saying the Council would like more information about the variance process, about grading, about the effect on the FAR and potential unintended consequences. It was agreed that the Council should consider setting a public hearing at its September meeting with a goal of holding the public hearing at the first October meeting.

7. Consideration of authorizing the City Manager to endorse the implementation of a conservation easement on property located at 55 Drake-Smith Lane

City Planner Christian Miller explained that there is a vacant area behind 55 Drake-Smith Lane which is a wooded area draining into a culvert which drains into the Edith Read Sanctuary. At the suggestion of former Planning Commission Chair, Michael Klemens, the owner is asking

for a three part conservation easement which will maintain the property in perpetuity. The Corporation Counsel has reviewed the easement which involves the owner, the City of Rye and the Westchester Land Trust.

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

RESOLVED, that the Council has reviewed the proposed three-party conservation easement on property located at 55 Drake Smith Lane and hereby authorizes the City Manager to execute the easement on behalf of the City of Rye.

ROLL CALL:

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

8. Resolution to transfer \$30,000 from contingency to law department for legal expenses

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

WHEREAS, the City is involved in several areas of litigation that require an additional \$30,000 in appropriations for legal fees in the adopted 2006 Law Department budget; and

WHEREAS, the General Fund Contingent Account currently has a balance of \$81,000 available for transfer to other accounts; now, therefore, be it

RESOLVED, that the 2006 General Fund budget be amended, transferring \$30,000 from the Contingent Account to Law Department – Legal Services.

ROLL CALL:

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

9. Resolution to transfer \$10,000 from contingency to human resources for arbitration expenses

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

WHEREAS, the City is involved in several areas of personnel litigation that require an additional \$10,000 in appropriations for legal fees in the adopted 2006 Personnel budget; and

WHEREAS, the General Fund Contingent Account currently has a balance of \$141,000 available for transfer to other accounts; now, therefore, be it

RESOLVED, that the 2006 General Fund budget be amended, transferring \$10,000 from the Contingent Account to Personnel Appropriations – Legal Services.

ROLL CALL:

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

NAYS: None

ABSENT: None

10. Resolution to transfer \$50,000 from contingency to Nature Center for oil tank removal costs

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

WHEREAS, the City is incurring costs estimated to total \$50,000 related to the removal of an oil tank at the Rye Nature Center; and

WHEREAS, these costs were not anticipated in the adoption of the 2006 General Fund budget; and

WHEREAS, the General Fund Contingent Account currently has a balance of \$131,000 available for transfer to other accounts; now, therefore, be it

RESOLVED, that the 2006 General Fund budget be amended, transferring \$50,000 from the Contingent Account to the Nature Center cost center.

ROLL CALL:

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

NAYS: None

ABSENT: None

11. Resolution to amend the Building and Vehicle Fund budget for a skateboard park project

Recreation Department Superintendent Bill Rodriguez reported that the fund raising group co-chaired by *Joann O'Malley, 3 Phillips Lane*, had raised \$37,500 to meet the City's Challenge Grant amount. Ms. O'Malley presented a check in that amount to the City. She said tonight's presentation was the culmination of much hard work; that contributions had been made by many citizens, local organizations and other communities; and everyone was anxious to get started on creating the Skateboard Park as soon as possible. She said they had actually raised about \$4,000 more than the required amount and this would be used to thank people and provide additional amenities at the park which they anticipate will also be a social venue, properly supervised. Mr. Rodriguez said the creation of the park would be subject to the normal bidding process, but will not take long to construct once the specifications are in place. He said that without the private fundraising there would have been no County grant and he joined with the Council in thanking Ms. O'Malley and her committee for a job well done.

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

WHEREAS, in January 2004 \$37,500 was transferred from the General Fund to the Building and Vehicle Maintenance Fund in accordance with the adopted 2004 budget to provide a challenge grant for a skateboard park; and

WHEREAS, in May 2004 the aforesaid funds were transferred back to the General fund until such time that the matching \$37,500 had been received by the City from donors; and

WHEREAS, the City is now in receipt of at least \$37,500 from donors; and

WHEREAS, there are sufficient funds in the Building and Vehicle Fund retained earnings to match said donations; and

WHEREAS, the City Council accepted a \$100,000 grant from the County of Westchester for the purchase and installation of a skateboard park; now, therefore, be it

RESOLVED, that the City Council accepts \$37,500 from the donors for the Skateboard Park Project; and be it further

RESOLVED, that the 2006 budget for the Building and Vehicle Fund be amended as follows:

- Increase revenues – Skateboard Park Project County Grant \$100,000;
- Increase revenues – Skateboard Park Project donations \$37,500;
- Appropriate retained earnings - \$37,500;
- Increase appropriations – Skateboard Park Project \$175,000.

ROLL CALL:

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

NAYS: None

ABSENT: None

12. Resolution to accept a Local Government Records Management Improvement Fund Grant from the State Archives and Records Administration (SARA)

City Clerk Susan Morison reported that the Clerk's Office had received a grant which is a continuation of a 2004 grant to improve access to the City's archival records.

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

WHEREAS, the City of Rye has been awarded a Local Government Records Management Improvement Fund grant in the amount of \$6699 to continue our historical records project by improving arrangement and description of the records, adding to the collection, creating a finding aid, improving storage and enhancing access to the City of Rye's historical records, and

WHEREAS, the 2006 annual budget made no provision for either the estimated revenue or appropriation of these grant funds; now, therefore, be it

RESOLVED, that the City Council accepts the award of this grant; and be it further

RESOLVED, that the City Comptroller be authorized to amend the 2006 annual budget as follows:

Increase the General Fund Records Management estimated revenues for State Aide Records Management in the amount of \$6699

Increase the General Fund Records Management appropriations for Miscellaneous Service Contracts by \$6699.

ROLL CALL:

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

NAYS: None

ABSENT: None

13. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2009

Mayor Otis made a motion, unanimously approved, to re-appoint Michael Borrelli as the Representative to the Emergency Medical Services committee for a three-year term ending June 30, 2009. Mr. Borrelli, who will continue as Rye Brook's representative on the committee, has already been approved by the Village of Rye Brook.

14. Acceptance of County Parcels

City Manager Paul Shew recommended that the Council accept an offer from the County to purchase three parcels of land (all near the New England Thruway) for use "in perpetuity for park and recreation purposes" for the sum of \$1.00. He said the City had waived the right of first refusal with respect to a fourth parcel (Parcel "O" at the corner of Theodore Fremd Avenue and Playland Access Drive), but urged acceptance of Parcels I (at Central Avenue), J (at Locust Avenue) and K (at Ridgewood Drive). He said the residents of Ridgewood Drive, led by *Robert Callagy, 14 Ridgewood Drive*, had developed a prototype of how to use such parcels. They have established a 501(C)(3) Non-Profit organization and will assume responsibility for maintaining the Ridgewood parcel as a mini-park. Mr. Shew said, while there was no immediate plan for the other two parcels, he urged the Council to accept the offer at this point.

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

RESOLVED, that the City Council of the City of Rye, hereby accepts the sale of three parcels of land (known as Parcels I, J, and K) by Westchester County to the City of Rye for use "in perpetuity for park and recreation purposes."

ROLL CALL:

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

NAYS: None

ABSENT: None

15. Authorization to extend agreement between City of Rye and Friends of Rye Nature Center until August 31, 2006

City Manager Paul Shew informed the Council that additional time was needed to complete a new agreement with the Friends of Rye Nature Center.

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to authorize an extension of the Operating Agreement between the Friends of the Rye Nature Center and the City of Rye until August 31, 2006.

16. Resolution for sole source approval for a low profile Seagrave Ladder Truck and authorization for the City Manager to make a deposit and enter into negotiations for purchase

City Manager Paul Shew said the Council had approved the purchase for a new ladder truck for the Fire Department and reported that the Department needs a low truck to get under Rye's bridges and trees. Fire Chief John Wickham said the Seagrave Company is the only one which builds such a single-axle truck and asked for sole source approval. In addition he asked that the City authorize up to \$30,000 for purchase of the engine for the truck now.

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

RESOLVED, that the Council gives its sole source approval for a low profile Seagrave Ladder Truck and authorizes the City Manager to make a deposit of up to \$30,000 for the purchase of the engine and to enter into negotiations for the purchase.

ROLL CALL:

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

NAYS: None

ABSENT: None

17. Resolution appropriating \$20,000 RCTV surplus for servers

City Manager Paul Shew reported that a 2005 Needs Assessment Report published by the Buske Group for the City of Rye identified the need to upgrade RCTV operations from analog to digital format and additional funds were necessary to replace existing servers. Councilman Pratt indicated the Rye City Schools would also be contributing to this project.

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

WHEREAS, the Rye Cable Television operations is in need of equipment upgrades to provide for the transition from analog to digital video processing; and

WHEREAS, the cost of such upgrades is estimated at \$20,000; and

WHEREAS, the adoption of the 2006 Cable TV Fund budget did not provide for such upgrades; and

WHEREAS, there are sufficient funds in the fund balance of the Cable TV Fund; now, therefore, be it

RESOLVED, that the 2006 Cable TV Fund budget be amended by increasing appropriations for equipment and appropriating fund balance for said appropriations.

ROLL CALL:

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

NAYS: None

ABSENT: None

18. TIPS Resolution regarding roads and bridges

Assistant Manager Scott Pickup reported on a program applicable for Region 8 of the Mid Hudson South Transportation Coordinating Committee (MHSTCC) for surface transportation program (STP) funds for local share of projects proposed for the 2008-2012 Transportation Improvement Plan (TIPS). Should the City apply for funds the Central Avenue Bridge as well as the Orchard Avenue Bridge could be placed on a list to be considered for outside funding. He said the need to upgrade both these bridges is urgent and placing our bridge reconstruction needs on the list could be most beneficial. In addition, he said beginning the engineering plans now will enhance our position on the "needs" list. He noted that should our application be successful, the City would have to expend the funds for bridge reconstruction up front, but it would be reimbursed. The Council congratulated Mr. Pickup for finding the program.

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

WHEREAS, the recent engineering analysis of bridges on Central Avenue and Orchard Avenue have reported increasing signs of physical deterioration; and

WHEREAS, the local share of a project application requires the City to fund approximately from 5% to 20% of the total project cost; and

WHEREAS, the engineering estimate for the Central Avenue Bridge superstructure replacement including pedestrian improvements to the intersection at the Boston Post Road would cost approximately \$80,000, and the repair of the Orchard Avenue Bridge would cost approximately \$23,000; and

WHEREAS, the City Manger's Office would be directed to apply for funding for these projects in the current round of applications for the 2008-2012 funding cycle in the Transportation Improvement Plan; now, therefore, be it

RESOLVED, that the application for funding for the Central Avenue and Orchard Street bridges be forwarded to the Mid Hudson South Transportation Coordinating Committee for consideration for funding in the 2008-2012 Transportation Improvement Plan.

ROLL CALL:

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

NAYS: None

ABSENT: None

- 18A. Resolution authorizing City Manager to approve a contract for preliminary plans, estimates and SHPO documentation for Central Avenue Bridge and transfer of \$42,500 from General fund to Capital Projects Fund for engineering report related to state aid application

City Manager Paul Shew asked for authorization to begin preliminary engineering work on the reconstruction of the Central Avenue Bridge, thereby getting started on a necessary project and enhancing our position on the TIPS list (see prior agenda item). The funds would be taken out of the contingency account.

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

WHEREAS, the City is applying for surface transportation program funds for bridge projects proposed for the 2008-2012 Transportation Improvement Plan; and

WHEREAS, said application will require an engineering report estimated to cost \$42,500; and

WHEREAS, the Capital Projects Fund does not currently have a project or funding established to account for the activities of said bridge projects; and

WHEREAS, the General Fund Contingent Account currently has a balance of \$51,000 available for transfer to other accounts; now, therefore, be it

RESOLVED, that the City Manager is hereby authorized to sign a contract for preliminary plans, estimates and SHPO documentation for the Central Avenue Bridge; and be it further

RESOLVED, that the 2006 General Fund budget be amended, transferring \$42,500 from Contingent Account to Transfer to Capital Projects Fund; and be it further

RESOLVED, that a Bridge Improvements Project be established in the Capital Projects Fund to account for financial activity associated with said bridge projects.

ROLL CALL:

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

19. Bid Award for Contract 2006-05 – General Construction to the Rye City Police Station

City Engineer George Mottarella noted the large differential between the high and low bidder and assured the Council that the low bidder has met all requirements and stands by his estimate. He noted that K-Con Site Developers are the same people who successfully installed the new windows on City Hall.

The bid tabulation is as follows:

Contract No. 2006-05 Interior Alterations to the Rye Police Station

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder	Position
K-Con Site Developers	\$128,325.00	\$128,345.00	\$0.00	0.00%	1
Calgi Construction Co	\$238,000.00	\$238,000.00	\$109,675.00	85.45%	2

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

RESOLVED, that Contract No. 2006-05, Interior Alterations to the Rye Police Station – General Construction, is hereby awarded to K-Con Site Developers, being the lowest bidder meeting specifications, in the amount of \$128,345.

ROLL CALL:

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

NAYS: None

ABSENT: None

20. Bid Award for Contract 2006-08 – electrical interior alterations to the Rye City Police Station

City Engineer George Mottarella reported the bids for electrical work were all close and all from licensed contractors. The low bidder has just successfully completed work on the Damiano Center addition.

The bid tabulation is as follows:

Contract No. 2006-08 Interior Electrical Alterations to the Rye Police Station

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder	Position
Naber Electric	\$226,441.00	\$226,441.00	\$0.00	0.00%	1
Innovative	\$232,000.00	\$232,000.00	\$5,559.00	2.45%	2
RLJ Electric	\$234,000.00	\$234,000.00	\$7,559.00	3.34%	3
All Bright Electric	\$284,000.00	\$284,000.00	\$57,559.00	25.42%	4

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

RESOLVED, that Contract No. 2006-08, Electrical Alterations to the Rye Police Station, is hereby awarded to Naber Electric, being the lowest bidder meeting specifications, in the amount of \$226,441.

ROLL CALL:

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

NAYS: None

ABSENT: None

21. Bid Award for Contract 2006-04 annual street resurfacing

City Engineer George Mottarella reported that the bids for this contract were all good and all competitive; that the winner has worked for the City in the past; and that the winning bid is below the budgeted amount so he will be able to repave more streets this year. He noted he is aware of complaints on Manursing Avenue between Davis and Forest Avenues, but he is waiting for Con Edison to correct the preliminary patching job.

The bid tabulation is as follows:

Contract No. 2006-04 - Annual Street Resurfacing Contract

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder	Position
Bilotta	\$272,180.00	\$272,180.00	\$0.00	0.00%	1
ELQ	\$274,822.14	\$274,822.14	\$2,642.14	0.97%	2
Canal	\$285,000.00	\$285,000.00	\$12,820.00	4.71%	3
Peckham	\$491,100.00	\$491,100.00	\$218,920.00	80.43%	4

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

RESOLVED, that Contract No. 2006-04, Annual Street Resurfacing, is hereby awarded to Bilotta Construction, being the lowest bidder meeting specifications, in the amount of \$272,180.

ROLL CALL:

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

NAYS: None

ABSENT: None

22. Bid Award for Contract 2006-06 annual service contract for solid waste containers

City Engineer George Mottarella reported that the annual service contract for solid waste containers will expire and a new two-year contract is needed to comply with the Westchester County "Solid Waste and Recyclables Collection Licensing Law."

The bid tabulation is as follows:

Contract No. 2006-06 Service Contract for Solid Waste Containers

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder	Position
CRP Sanitation	\$32,450.00	\$32,450.00	\$0.00	0.00%	1
Finocchio Bros Sanitation	\$76,050.00	\$76,050.00	\$43,600.00	134.36%	2

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

RESOLVED, that Contract No. 2006-06 Service Contract for Solid Waste Containers, is hereby awarded to CRP Sanitation, being the lowest bidder meeting specifications, in the amount of \$32,450.

ROLL CALL:

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

NAYS: None

ABSENT: None

23. Draft unapproved minutes of the regular meeting of the City Council held June 14, 2006

Councilman Hennes made a motion, seconded by Councilman Fahey and unanimously carried, to adopt the minutes of the regular meeting of the City Council held June 14, 2006 as amended.

24. Miscellaneous communications and reports

City Manager Paul Shew told the Council that the City Engineer had just completed \$180,000 worth of sidewalk repairs – half owned by the City and the other by private citizens.

25. Old Business

There was no old business to be discussed.

26. New Business

Mayor Otis reminded everyone the annual Sidewalk Sales would be taking place in the Central Business District on Thursday-Saturday, July 27-29, 2006 and he urged everyone to support our merchants.

Councilman Pratt reminded everyone the Farmer's Market is held every Sunday morning at its new location in the large parking lot behind the Chase Bank. He urged everyone to come purchase the fresh vegetables, fruit and cheese. Councilman Cunningham suggested keeping the sign noting the new location up each week.

Councilman Cunningham noted there would be a memorial service for Bill Coash this weekend.

27. 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 10:37 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk