

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 11, 2007 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 Seitz made a motion, seconded by Councilman Hennes and unanimously carried, to adjourn to executive session at 7:01 P.M. to discuss attorney/client matters. Councilman Fahey made a motion, seconded by Councilman Cunningham to close the executive session at 8:15 P.M. No decisions were made. The regular meeting reconvened at 8:17 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.

Announcements

Mayor Otis congratulated the Rye YMCA for their recent award for promoting public health by taking a leadership role in the Sound Shore area for the "Activate America" program. He said the City was proud to be partnering with the YMCA on the Trail Ways projects.

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

James Amico, 350 Midland Avenue, said he noted the approval of a stop sign at the Bradford/Florence Avenue intersection and wondered why nothing had happened at the intersection of Midland Avenue and Palisade Road. The Mayor assured Mr. Amico that everyone was working hard on this and many other traffic issues, and the Council is awaiting a

report in May concerning safety around all school areas (which would include Midland Avenue). He said the Council was also evaluating the Stop Sign Policy and that the City has acquired more speed signs. Mr. Amico said the speed study indicating that there was very little speeding probably reflected the slow down in traffic as a result of his son's tragic death and he requested another study be done. He said the police were not adequately pursuing the people he sees speed all the time (Councilman Ball disagreed). Councilman Seitz suggested adding a "no parking" space at the corner of Palisade Avenue to eliminate a blind spot. Councilman Hennes suggested lowering the speed limit, but this cannot be done under State Law. Mr. Amico was assured that the Council cares very much and that many traffic decisions will be made in the near future.

John Carolyn, long-time Rye resident, addressed the Council on the subject of a discounted membership rate for senior golfers at the Rye Golf Club. He said there have been many improvements, but nothing has been done to help senior golfers who want to play occasionally (once a week). He is frustrated that no action has been taken and does not want to wait for the Commission to discuss this as part of next year's budgeting process. He feels some accommodation should also be made to senior pool users. Councilman Cunningham said he had suggested a revenue-neutral proposal that recommended a daily rate for up to 12 days as a way to let seniors (of an age to be determined) with limited income to play golf. The Mayor said the Council had asked the Rye Golf Club Commission to come up with a plan but it has not happened. Councilman Pratt said the Commission would not take action until the City prepared a white paper on the subject and urged the City Manager to speak to the staff of the Golf Club and to the Commission. Councilman Cunningham said he would distribute his proposal to the Council.

Councilman Cunningham made a motion, seconded by Councilman Fahey (Council Liaison to the Rye Golf Club and the Commission), to adopt the following resolutions:

RESOLVED, that the Commission should respond to Councilman Cunningham's memorandum; and be it further

RESOLVED, that at a later date, the Council should be supplied with the nomination and election process and the results of said elections for the past 10 years as well as a list of any Rye Golf Club procedures which have not followed written protocol.

Holly Kennedy (105 Mendota Avenue); Carolina Johnson (40 Mendota Avenue) and Robert Gay (96 Mendota Avenue) were present to discuss flooding issues. Mayor Otis recapped the events of the prior evening when the City hosted a Flood Meeting to recap the events of the severe flooding of March 2007. He said it was a good turnout, the presentations were helpful and the input was productive. He assured everyone the Council wants to see action taken and the City should move full steam ahead on all flood prevention initiatives. He also wants all City Boards, Commissions and Committees to pay full attention to how structures are approved and constructed. Councilman Ball noted that flooding in Rye is a long-standing problem and everyone has flood fatigue, but preventing inches matter and suggested creating a "Flood Czar" position to handle all flooding matters, including grant writing. Councilman Cunningham said the main problem lies upstream and we need engineering solutions and have to have more

control of the Bowman Dam area. He said the Council understands everyone's frustration and is interested in action rather more studies.

Holly Kennedy said she, Carolina Johnson and Bob Gay are here representing all of Rye which floods. They understand it is a long-term problem that, despite complacency since the '70s (which gave rise to increased building in the flood plain [the library, the YMCA and the artificial turf at the High School] over the past 25 years), has reemerged. She thanked the City Manager and all public safety employees who helped during the last flood, saying the assistance was like night and day compared to the last flood – professional, remarkable and helpful. However we have to face the fact that we flood – it is expensive, leads to loss of business, loss of playing fields, etc. She pointed out that the insurance coverage has changed so it is much more difficult to reconstruct and recover from flood damage (she has been homeless for almost a month). So, what are we going to do? What if it happens again during hurricane season? For starters, she recommended the City should work further on the early warning protocols.

Carolina Johnson read a prepared statement to the Council entitled “A Call to Action to Solve Rye's Flooding Problem.” To summarize, she said a large group of citizens have banded together to request government action to mitigate the problem; that the cost, frequency, severity and psychological toll has changed from the past; and they believe if everyone works together, Rye is capable of dramatically reducing its flooding problem. The time has come to take the #1 hazard for Rye seriously and make it a priority. She asserted that the Bowman Avenue spillway (dam and catch basin) would reduce the risk of repetitive flooding (the catch basin should be dredged, a movable floodgate should be installed and any development near the dam should be permanently blocked).

Ms. Johnson called for the formation of “the Rye Flood Action Committee to work with the City to develop protocols to follow during flood emergencies. The proposed committees (listed below) would include pertinent City administrators as well as one City Council Member and at least two community representatives. Dozens of interested and qualified citizens are ready to help. The Committee should consist of four sub-committees as follows:

- The Engineering Committee to work with the City Engineer
- The Finance Committee to work with the Mayor and City Council to secure funding from not only the City, but the County, State and Federal Governments to mitigate our problems
- The Inter-Municipal Committee to work with other communities upstream to preserve the integrity of the watershed
- The Monitoring and Warning Committee to assist the Police and Fire Departments to evaluate monitoring devices and design an early warning system (to be in place by June 1 – the beginning of Hurricane Season).

Bob Gay wants on-going flooding awareness and wants the Council to take the lead on flood control not only in Rye but in the Sound Shore area. He likes the “Flood Czar” idea and said all concerned Rye Citizens want to work with the Council to help solve the flooding issue.

The Council agreed flooding was a priority and that they were eager for citizen committee involvement. Councilman Hennes agreed the Bowman Dam area is a priority, but

cautioned people not to come up with solutions which would tell them what to do that would hurt their property values (i.e. you have to raise your house; the Library cannot expand). Councilman Pratt said the High School field had been designed to be flood-sensitive and reminded everyone that funds allocated to improve Bowman Dam had been siphoned off to New Orleans and we need to find a way to get that money back. Councilman Cunningham said we have to dredge Milton Harbor so that the water will have someplace to go and noted this has become not only almost impossible, but prohibitively expensive. The Mayor pointed out the immediate need to clean up Blind Brook. In conclusion, the Mayor reported that Rye has long been working on a solution to our flooding problems; that we have been part of the State-funded Project Impact since 1998; that we are way ahead of most communities in our emergency response programs and that we are working already with the County to try and develop a cooperative solution to keeping the land near the Bowman Dam undeveloped. Both the Council and Staff will continue to make this issue a priority.

4. Public Hearing to amend Chapter 98, Fire Prevention, Article VII, Explosives, Section 98-44, Use of Explosives, Subsection F, Times when blasting is prohibited, and Section 98-144, Penalties for offenses, of the City Code of the City of Rye

Mayor Otis announced that there would be one public hearing to address the proposed amendments to the local law as referenced in this agenda item and in agenda item #5. Both proposed local laws deal with rock chipping, new hours and new penalties. The Mayor opened the public hearing. The Council noted the addition of a stop work order resulting in lost days of work. The Council decided not to revisit the number of holidays mentioned in the local laws, noting that this list could be amended at a later date. As there were no further comments from the Council, or from members of the public, the Mayor closed the public hearing, thanking Holly Lehman for bringing the matter to the Council's attention.

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

**CITY OF RYE
LOCAL LAW NO 1-2007**

A local law to amend Chapter 98 Article VII "Explosives" Section 98-44(F) (Use of explosives) and Article XXII "Enforcement" Section 98-144 (Penalties for offenses) of the City Code of the City of Rye

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

Section 1. § 98-44. Use of explosives is hereby amended to read as follows:

F. Times when blasting is prohibited. No person shall conduct blasting operations within the City of Rye after the hour of 5:00 p.m. and before 8:00 9:00 a.m. nor at any ~~time~~ hour on Saturday, Sunday or any of the following holidays: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day,

Thanksgiving Day and Christmas Day except under authority of a special permit issued by the City Manager.

Section 2. § 98-144. Penalties for offenses. [Amended 1-20-1982 by L.L. No. 3-1982] is hereby amended to read as follows:

In the event an activity is not being performed in accordance with this chapter, the owner of the property or the owner's agent or the person performing such violation shall be notified to suspend all work, and any such persons shall forthwith stop such work and suspend all activities. Such order and notice shall be in writing and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the property and sending a copy of same by registered or certified mail. Any person who shall violate or cause, suffer or permit the violation of any of the provisions of this chapter or who shall fail to comply with any written order made hereunder or who shall build in violation of any detailed statement or specifications or plans submitted and approved hereunder or any certificate or permit issued hereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Board of Fire Wardens or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance, respectively, upon conviction thereof, be punished upon such first conviction by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, and each day that such violation shall continue shall be construed as a separate offense. Upon any subsequent conviction for the same offense, such person shall be subject to a fine of not more than \$500 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. The application of these penalties shall not be held to prevent the enforced removal of prohibited conditions.

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

Note: Changes are indicated by strike-throughs; additions are underlined.

ROLL CALL

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

NAYS: None

ABSENT None

5. Public Hearing to amend Chapter 133, Sections 133-8(B) and (E) (Noise, Construction work restricted to certain hours, Definitions, and Times when blasting is prohibited) and Section 133-9 (Penalties for offenses) of the City Code of the City of Rye.

(The public hearing was held for this local law in conjunction with agenda item #4.)

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

**CITY OF RYE
LOCAL LAW NO 2-2007**

**A local law to amend Chapter 133, Noise, Sections 133-8(B) and (E)
(Construction work restricted to certain hours, Definitions, and Times when blasting is
prohibited) and Section 133-9 (Penalties for offenses)
of the City Code of the City of Rye**

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

Section 1. § 133-8. Construction work restricted to certain hours and days [Added 6-18-2003 by L.L. No. 2-2003] is hereby amended to read as follows:

A. After investigation of complaints by residents that the noise from construction work performed at unusually early or late hours or on Sunday or holidays has deprived them of needed rest and quiet and has materially diminished the customary use and enjoyment of their premises, the City Council hereby finds and declares that, to preserve the peace and good order of the community and to protect the health, comfort and well-being of residents, construction work, as defined in this section, should be prohibited before 7:30 a.m. and after 6:30 p.m. on weekdays, before 10:00 a.m. and after 5:00 p.m. on Saturdays, and should be prohibited at any hour on Sundays and the holidays set forth in Subsection C.

B. Whenever used in this section, the following terms shall have the meanings indicated:

CONSTRUCTION WORK -- All work performed by one or more employees and/or independent contractors pursuant to an oral or written agreement for compensation and involving the construction, reconstruction, demolition or removal of buildings or major repairs to buildings, the excavation, clearing, filling or grading of land or the placement or removal of earth, stone or building material of any kind, whether or not the work involves the use of machinery or power tools. The term "construction work" shall not mean the performance of necessary emergency repairs.

MECHANICAL ROCK REMOVAL- The removal or chipping of rock through the use of any tools that are not operated solely by human muscular power. Rock includes natural stone and impervious concretions created by humans such as macadam, concrete and bricks.

C. Construction work prohibited at certain hours and on certain days. No person shall engage in construction work earlier than 7:30 a.m. or later than 6:30 p.m., prevailing time, on weekdays, earlier than 10:00 a.m. or later than 5:00 p.m.;

prevailing time, on Saturdays, or at any hour on Sunday or any of the following holidays: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

D. Notwithstanding and provision of § 133-8 to the contrary, an individual may perform construction work him/herself on property on which such individual then resides as follows:

- (1) Weekdays, between 7:30 a.m. and 8:00 p.m.
- (2) Saturdays and Sundays (including holidays), between the hours of 10:00 a.m. and 8:00 p.m.

E. Mechanical rock removal and blasting prohibited at certain hours and on certain days. No person shall conduct mechanical rock removal, as defined in subsection B, or blasting operations using explosives as defined by §98-40, within the City of Rye after the hour of 5:00 p.m. and before 9:00 a.m. nor at any time hour on Saturday, Sunday or any of the following holidays: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, except under authority of a special permit issued by the City Manager.

Section 2. § 133-9. Penalties for offenses [Added 6-16-199 by L.L. No. 5-1999] is hereby amended to read as follows:

In the event an activity is not being performed in accordance with this chapter, the owner of the property or the owner's agent or the person performing such violation shall be notified to suspend all work, and any such persons shall forthwith stop such work and suspend all activities. Such order and notice shall be in writing and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the property and sending a copy of same by registered or certified mail. Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both, except that repeated violations under §133-8 Construction work restricted to certain hours and days, shall be treated as individual violations for each and every such violation and noncompliance, respectively thereof, be punished upon such first conviction by fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, and each day that such violation shall continue shall be construed as a separate offense. Upon any subsequent conviction for the same offense, such person shall be subject to a fine of not more than \$500 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse or remedy such violations.

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

Note: Changes are indicated by strike-throughs; additions are underlined

ROLL CALL

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

6. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, "Procedure for Determining Claims Pursuant to General Municipal Law §207-c"

City Manager Paul Shew said it is a requirement in the Charter that revisions to the Rules and Regulations of the City of Rye Police Department be approved by the City Council. He said the proposed changes to "Procedure for Determining Claims Pursuant to General Municipal law §207-c" formalizes the way the department covers Police Officers who are injured or taken ill in the performance of his or her duties. In addition to enhancing the operational effectiveness of the Department, the procedures will ensure that those affected will see speedier monetary relief. The Mayor notes that the Police Benevolent Association has expressed opposition, but the record should show that the Council is interested in providing this help to those in need. Councilman Ball said he felt the issue had not been fully vetted.

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

RESOLVED, that the Council of the City of Rye hereby approves the revision of the Rules and Regulations of the City of Rye Police Department, "Procedure for Determining Claims Pursuant to General Municipal law §207-c" as submitted.

ROLL CALL

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

7. Discussion of flag lots

Councilman Seitz said the Council had been asked to consider the value of eliminating flag lots in future subdivision plans and suggested that the staff should proceed to draft specific legislation for the Council's review. Councilman Pratt agreed that the process should begin again and there should be additional discussion. The Mayor asked, for the purposes of discussion, if there is now a consensus for passing a local law incorporating this suggestion; is

there interest in pursuing alternatives; do we need more information; should there be a workshop with the Planning Commission?

After discussion it was decided that Staff should schedule a joint workshop for the City Council and the Planning Commission at which time the discussion of flag lots would be discussed; followed by a continuation of the “steep slope” proposals.

8. Establishment of Water Runoff Working Group

Mayor Otis recommended the establishment of a Water Runoff Working Group to examine the relationship between water run-off and development and to review our current policies and laws to see how they impact flooding. Are they acceptable or do they need to be amended? Does the City need more tools to adequately deal with this area? Councilman Cunningham suggested the Committee examine the Code of the City of Rye as it relates to landscaping projects and their impact on residents downstream. Councilman Seitz suggested the Committee also look at the Hazard Mitigation Plan, but it was decided to keep these two issues separate. Mayor Otis said the meetings would be properly noticed and more people might join, but at the outset the Committee will be comprised of the following volunteers: Hugh Greechan and Carolyn Cunningham (Planning Commission); Serge Nivelles (Zoning Board); Lew Nash and Jim Nash (CC/AC).

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

RESOLVED, that the City Council establishes a temporary “Water Runoff Working Group” to review existing City rules, regulations and procedures, as well as those in other municipalities, relating to the stormwater runoff (including landscaping plans) and the land use approval process; and, be it further

RESOLVED, that the Committee, which will consist of members of the Planning Commission, Zoning Board of Appeals and Conservation Commission in consultation with the Chairs of those committees will report back to the City Council within four to six months with recommendations regarding the adequacy of these rules or the need for any possible adjustments.

ROLL CALL

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

9. Approval of the election of the Chiefs of the Rye Fire Department

In accordance with Article 13, Section 2 of the Rye City Charter, the Mayor made a motion, unanimously carried, to approve the election of John Wickham as Chief of the Rye Fire

Department; George Hogben as 1st Assistant Chief; and Peter Cotter as 2nd Assistant Chief at the meeting of the Board of Fire Wardens held April 5, 2007. The Mayor thanked all volunteers, especially the Chiefs for all their time and effort and offered special thanks to outgoing Chief Peter Donohue.

10. Resolution declaring Recreation Department 1980 tractor/backhoe as surplus

Councilman Cunningham reported he had had a change of heart and, after learning more about the value of buying a new tractor/backhoe for the Recreation Department, had decided to withdraw his objection to surplus the old one.

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

WHEREAS, The Recreation Superintendent has determined that the 1980 John Deere Tractor/Backhoe Model #310AD, Serial No. 348643T is obsolete or otherwise no longer useful to the City; now, therefore, be it

RESOLVED, that the aforementioned equipment be declared surplus and disposed in a manner determined by the City comptroller to be in the best interests of the City.

ROLL CALL

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

NAYS: None

ABSENT None

11. Resolution to declare certain equipment as surplus

City Manager Paul Shew reported that it is a routine procedure to declare electronic equipment no longer current as surplus. He confirmed that everything would be disposed of in a proper, environmentally correct manner.

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

WHEREAS, the City Comptroller has determined that the following equipment is obsolete or otherwise no longer useful to the City:

Make	Model	Serial#
IBM CLONE	N/A	9871
IBM CLONE	N/A	1153
IBM CLONE	N/A	6837BWZ45050

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IBM CLONE	N/A	45585
SCI-EDGE	CPU FRAME	16767
COMPAQ	CPU FRAME	6910CL94B745
COMPAQ	PROLINEA 4/25S	A340HEP21150
COMPAQ	DESKPRO	X112FR3ZA206
COMPAQ	CPU FRAME	6X1ADY5Z22RE
COMPAQ	DESKPRO WKSTATION	V112JB2ZA006
COMPAQ	PROSIGNIA 200	D824BWP20015
COMPAQ	PROSIGNIA	6521HPK10665
COMPAQ	DESKPRO 575	G545HSY20306
COMPAQ	PROLINEA 575	A520HNB5E099
COMPAQ	CPU FRAME	6133FR4ZA68Z
IBM CLONE	N/A	6831BWZ4J745
SCI-EDGE	CPU FRAME	16765
COMPAQ	DESKPRO	6909CMMZA378
COMPAQ	PROSIGNIA 200	D819BWP20047
COMPAQ	ARMADA 1560DM	J807BT53K079
QP QUALITY PRODUCT	CPU FRAME	1-9802071
WESTREX INTL.	BOOK SHELF	984268
COMPAQ	DESKPRO	6808BNT4F652
B&H	PHOTO&VIDEO CUSTOM PC	BHPV000644-99
COMPAQ	DESKPRO	6836BWZ4J770
SCI-EDGE	CPU FRAME	9870
COMPAQ	ARMADA 1560DM	J812BT53P172
COMPAQ	ARMADA	1J0CJFB3T15B
COMPAQ	ARMADA	1J0CJFB3T1BP
COMPAQ	ARMADA 1560DM	J813BT530789
COMPAQ	ARMADA	1J0CJFB3T1BK
COMPAQ	DESKPRO	9935CDDZ0192
COMPAQ	DESKPRO	X132FR4ZA161
COMPAQ	CONTURA 400CX	7448HJJ3R171
COMPAQ	LTE LITE 4/25E	000014
COMPAQ	LTE LITE 4/25E	000551
COMPAQ	CONTURA 430C	7529HPB20825
COMPAQ	ARMADA 1560DM	J812BT53P409
NEC	VERSA 6030X	69004344
NEC	VERSA 4050H	64005039
NEC	VERSA P/75	56002657
IBM	THINKPAD 365XD	78-AYKK9 96/11
COMPAQ	CONVENIENCE BASE	J807BNH11047
COMPAQ	CONVENIENCE BASE	J807BNH11067
COMPAQ	CONVENIENCE BASE	3J01CBX1WK03
COMPAQ	CONVENIENCE BASE	1Y0CCMT320KT
COMPAQ	CONVENIENCE BASE	J807BNH11041
COMPAQ	CONVENIENCE BASE	J804BNH11471
COMPAQ	TAPE DRIVE 3300 SERIES	2Y00340ASKZ
SYNOPTICS	LATTISHUB 2803	712932803
3COM	TP/12 HUB	02017HDV055111
NEC	CD-ROM READER 74-1	36023366B

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INDIANA CASH DRAWER	SL16520/PST1	6756
SYNOPTICS	LATTISHUB 2803	712932803
SYNOPTICS	LATTISHUB 2803	418952803
HP SCANJET	5P	SG734121CV
BAYSTOCK	303 ETHERNET SWITCH	031198AL2001E04
TOA	900 SERIES AMP	383138
BIAMP	EQ290	471069
TEMPLE SPEAKER	E35	47847
BOGEN	C20B CONTROL BOX	86F0220
BOGEN	ACOUSTA MASTER CT-60	NO SERIAL #
APC	BACKUP 500	PB9814459782
MICROSOLUTIONS	BACKUP CDWRITER	19401494
HP	LASERJET 1200 SERIES	CNBJD67799
HP	LASERJET 1200 SERIES	CNBIF07993
BROTHER	INTELLIFAX 770	U56495F0K004550
HP	LASERJET 1100 SERIES	USGN098224
HP	LASERJET 2100	USBD039905
CANON	PC 920 COPIER	TVB86261
CANON	PC 770 COPIER	NTX08220
WANG	LDP8 PRINTER	V21628
WANG	LDP8 PRINTER	V23336
HP	LASERJET III PRINTER	3022A01195
OTC	DURALINE PRINTER	D00021
HP	LASERJET 1100 SERIES	USGN098260
HP	LASERJET 5SI	USDH044748
HP	LASERJET 4SI	USGB578743
HP	LASERJET 1300	CNBKK12551
COMPAQ	471	32105277C722
VIEWSONIC	EF70	20K002002748
VIEWSONIC	E55	10U015001430
SAMSUNG	SYNCMaster 700B-PLUS	KG17H80K110736L
COMPAQ	462	506AA02AB181
SAMSUNG	SYNCMaster 700B-PLUS	KG17H80K1105342
COMPAQ	611	715BC11UB221
COMPAQ	473A	521AF05AB550
VIEWSONIC	E70	21P004300240
COMPAQ	471P	41105277U043
COMPAQ	471	32805277E337
HP	1502 FLAT PANEL	CNN4340MVN
COMPAQ	TFT5030 FLAT PANEL	205BL72UP399
VIEWSONIC	E40	C193096375
SAMSUNG	SYNCMaster 700B-PLUS	KG17H80K110324R
SAMSUNG	SYNCMaster 700B	H8WHA06473X
VIEWSONIC	GS773	DL00400323
VIEWSONIC	GS773	DL00400334

now, therefore, be it

RESOLVED, that the aforementioned equipment be declared surplus and disposed in a manner determined by the City Comptroller to be in the best interests of the City.

ROLL CALL

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

12. One appointment to the Board of Assessment Review for a term expiring on September 30, 2011

Mayor Otis made a motion, unanimously approved, to re-appoint David Olson to the Board of Assessment Review for a five-year term expiring September 30, 2011.

13. Bid Award for Street Materials

City Manager Shew presented the recommendations for Street Materials (Bid #2-07). Councilman Seitz questioned why the City does not use recycled graded processed stone. The Council decided to award the remaining portion of the bid and postpone the decision on graded processed stone until more information is available

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

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

RESOLVED, that Bid #2-07, Street Materials, is hereby awarded to Patterson Materials Corp. for crushed stone (3/4 and 1 1/2) delivered; 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: Mayor Otis, Councilmen Ball, Cunningham, Fahey, Hennes,
Pratt and Seitz
NAYS: None
ABSENT None

**Bid #2-07
STREET MATERIALS**

NAME OF BIDDER		PATTERSON MATERIALS CORPORATION		PECKHAM MATERIALS CORPORATION		DAKOTA SUPPLY CORPORATION	
#	Items	PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾"	No Bid	24.00	No Bid	No Bid	No Bid	No Bid
	Crushed Stone 1 ½"	No Bid	24.00	No Bid	No Bid	No Bid	No Bid
	Graded Processed Stone NYS 304.02	No Bid	21.50	7.00** recycled	14.25** recycled	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						
#	Items						
403.13	Binder Course Type 3 3.5%	No Bid	No Bid	56.00*	No Bid	No Bid	No Bid
403.14	Binder Course Type 4 4.0%	No Bid	No Bid	56.00*	No Bid	No Bid	No Bid
403.15	Shim Course Type 5 8.25%	No Bid	No Bid	58.00*	No Bid	No Bid	No Bid
403.17	Top Course Type 6F 6.4%	No Bid	No Bid	56.00*	No Bid	No Bid	No Bid
403.18	Top Course Type 7F 7.0%	No Bid	No Bid	58.00*	No Bid	No Bid	No Bid
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid	No Bid	60.00*	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	102.00	102.00

NAME OF BIDDER		RKB TRUCKING, LLC		CANAL 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	24.60	27.00	No Bid		
	Crushed Stone 1 ½"	No Bid	24.60	No Bid	No Bid		
	Graded Processed Stone NYS 304.02	No Bid	23.55	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						
#	Items						
403.13	Binder Course Type 3 3.5%	No Bid	No Bid	52.50*	No Bid		
403.14	Binder Course Type 4 4.0%	No Bid	No Bid	52.50*	No Bid		
403.15	Shim Course Type 5 8.25%	No Bid	No Bid	No Bid	No Bid		
403.17	Top Course Type 6F 6.4%	No Bid	No Bid	58.00*	No Bid		
403.18	Top Course Type 7F 7.0%	No Bid	No Bid	61.00*	No Bid		
714.06	Asphaltic Concrete Curb Mix 7.5%	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
502.2	Class "A" Concrete	No Bid	No Bid	No Bid	No Bid		

* Mileage adjustment as per bid specifications.

** Not in bid specifications, treated as No Bid

14. Bid Award for Two Trucks with Dump Body and Snow Plow

City Manager Paul Shew reported that only one bid was received for two trucks with dump body and snow plow capability, but that this was the third time it had been bid and this price is the lowest yet. He said neither the State nor County have this type of truck on bid and do not propose to do so, so the City Engineer, George Mottarella is recommending that the sole bid be accepted and that the five-year warranty be purchased. Councilman Pratt recommended that the City check to make sure the warranty is still valid once the truck is used for plowing.

The bid tab follows:

BID/CONTRACT #3-07

**TWO (2) TRUCKS W/FOUR WHEEL DRIVE
DUMP BODY & 9-FOOT SNOW PLOW**

BIDDER	AMOUNT BID
Gabrielli Truck Sales	\$101,214

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

RESOLVED, that Bid #3-07
“Two(2) Trucks with Four Wheel Drive
Dump Body and 9 Foot Snow Plow is
hereby awarded in the amount of \$101,214
to Gabrielli Truck Sales, being the sole
bidder meeting specifications; and be it
further

RESOLVED, that the 5-year
warranty be purchased in the amount of
\$2,990.

ROLL CALL

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

NAYS: None

ABSENT: None

15. Miscellaneous communications and reports

The Council reminded the audience that the 50th Anniversary of the Rye Little League parade would take place Saturday, April 14th at 11:30 A.M.

The Joint Meeting of the City Council and the Rye Board of Education will take place at 9:00 A.M. on Saturday, April 14th in Council Chambers.

Mayor Otis reminded everyone that the annual ceremonial Council Meeting at the Square House will take place on May 9th at 8:00 P.M. after which the Council will return to chambers for the remainder of the meeting.

16. Old Business

Councilman Cunningham suggested, as a follow up to the Council's prior discussion on loitering that once the warm weather arrives the City Manager direct the Police Department to consider reallocating staff to the Central Business District during the evenings to create more of a presence. Councilman Ball endorsed the suggestion.

17. New Business

There was no new business to be discussed.

18. Draft unapproved minutes of the regular meeting of the City Council held March 28, 2007

Councilman Hennes made a motion, seconded by Councilman Seitz and unanimously carried to approve the minutes of the regular meeting of the city Council held March 28, 2007 as amended.

19. 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 10:45 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk