

APPROVED MINUTES of a Special Meeting of the City Council of the City of Rye held in City Hall on August 14, 2007 at 8:00 P.M.

PRESENT:

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

ABSENT: MATTHEW FAHEY

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. Presentation of the 2008-2012 Capital Improvements Program

Mayor Otis announced this was the annual presentation of the list of projects from which the Council can select or not as the budgeting process unfolds. He said they are not obligated to do all and each year the Council has been careful about capital spending. He said this year it was particularly important in light of the spring floods and the current economic uncertainty. He turned the floor over to City Manager Paul Shew who thanked City Comptroller Michael Genito and all the staff for putting together the capital plan and thanked the Council for their past support.

Mr. Genito began his presentation by reminding everyone that the CIP is really a multi-year plan; not a multi-year budget. It identifies major projects and acquisitions, identifies and prioritizes needs and identifies costs and sources of funding, but it is not a commitment to fund the requested projects.

The 2008-2012 CIP identifies \$20.3 million in capital improvement needs over five years. Of this amount, \$10.8 million is for infrastructure, \$6 million is for buildings and facilities, and \$3.5 million is needed for vehicles and equipment. Funding sources include \$1

million of unspent projects funds available from prior years, \$7.5 million from fund balance and/or new revenue; \$5.6 million of new debt, and \$6.2 million in grants and aid.

Projects recommended for 2008 total \$7.9 million for infrastructure, buildings and facilities, and vehicles and equipment. \$1 million is available from unspent funds of prior years' projects, \$1.7 million is to be funded from fund balance and/or new revenues, and \$5.2 million will be funded from Federal (FEMA) and State aid.

- \$6.4 million in infrastructure projects include \$305,000 for Central Business District traffic signals (some of this 2007 appropriation was used for flood recovery so the project is moved to 2008); 1.3 million for street projects including \$500,000 for the annual street resurfacing program; \$1.4 million for the reconstruction of the Central Avenue Bridge; \$50,000 for sidewalks and curbs; \$329,208 for sewer projects including a force main study; \$75,000 for the Clinton Avenue drain repairs, and \$3 million for two Blind Brook retaining walls (along Elm Place and along Theodore Fremd Avenue).
- \$1.4 million is proposed for 2008 building and facility projects. Projects include \$30,000 for underground tank removal; \$37,000 for Rye Art Center stairs and walkway; \$25,000 for City Hall door; \$95,500 for a tennis court fence; \$27,500 for Damiano Center front steps (remaining funds from the Recreation Bond can be used for this); \$25,000 for Thruway site recreation study; and \$600,000 (depending upon receipt of a grant) to develop a bikeway/trailway connecting schools, recreational facilities, and the business community.
- The 2008 plan for vehicle and equipment replacement requires \$130,000 for Police vehicles; \$445,000 for DPW vehicles and \$22,500 for Recreation equipment (tennis roller and mower).

Mr. Genito said additional not-too-distant future considerations and needs will include a study to stabilize the Boston Post Road rock embankment near the intersection at Purdy Avenue; reconstruction of the School Street parking lot retaining wall; repair/reconstruction of sewer force mains in Forest Avenue to the Hewlett Avenue pump station and in Brevoort Lane to the Greenhaven pump station; the construction of a new Police/Court facility (with possible funding contributions from the NYS Office of Court Administration), and for the construction of new recreation fields at the Thruway site on Boston Post Road (opposite the Rye Country Day School).

Mr. Genito noted that due to the April 15, 2007 Nor'easter and flood, all departments of the City have been busy addressing the needs of residents, businesses, and federal and state agencies such as the Federal Emergency Management Agency (FEMA) and the State Emergency Management Office (SEMO). On the positive side, it appears that most, if not all of the cost of the emergency recovery, and repairing the damage, will be funded by FEMA (per conversations with FEMA and SEMO representatives).

Mr. Genito also noted that when the Pavement Management System (PMS) was implemented two years ago, the average pavement condition index (PCI) of City streets was 73, and as a result of increased funding by the City Council, the work since then has raised the PCI to 79. With the completion of the Theall Road reconstruction, the PCI is expected to reach 80.

The PMS has improved the City's ability to identify, prioritize, and address needed street maintenance and improvements.

Mr. Genito noted that the *2008-2012 Capital Improvements Plan*, as well as the slideshow presentation being made tonight, will be available on the City's website tomorrow morning. He asked that all comments, questions and suggestions are welcome and should be directed in writing to him and/or the City Manager,

Questions and comments from Council Members and members of the audience followed.

What about the City's sewer needs and the unfunded mandates requiring improvements to sewers and pump stations? *We are doing many projects in response to these mandates and we have an EPA grant [expiring in Nov. 2007] which will also help. Is this adequate? We are doing the best we can using the financial and operational resources available to us. Can't the Durland developer help with the Stuyvesant drainage issued? Can it be made a condition of development? City staff will research this and see if anything can be done to have the developer assist in paying for some or all of the drainage improvements. The 2010 Stonycrest Drain project proposes an alternative that would allow the water to dump out to Forest Avenue rather than to the outfall on the County property. Where exactly on Forest Avenue would the water dump to in this alternative? We will obtain further details from the City Engineer. We understand that the Peck Avenue Pump Station project costs might exceed the project budget. What are the unanticipated costs of the Peck Avenue pump station? It is too soon to tell, and we will know more within the next two weeks, as the contractor completes his work and the City Engineer returns to evaluate the project. It originally was constructed in 1915 and the project is complicated by areas of rock and areas of sand, a high water level and significant rainfall during project construction, and structures found underground (vaults, pipes, etc.) during construction that were unmapped and previously unknown. The contractor is nearing completion, and Peck Avenue should be open by Friday (August 17, 2007). Mayor Otis said it is possible that \$200,000 will be received through Congresswoman Lowey's office, which would help defray budget overruns, but it is too soon to tell.*

What part of the proposed costs are flood related and what are "normal"? *About \$1.7 is for "normal" annual programs, \$250,000 per year is from CHIPS (State highway aid), and the balance is hopefully going to be covered by FEMA.*

Mr. Genito said FEMA has declared the City of Rye's paperwork to be the "best prepared worksheets they have seen." He outlined the status of FEMA projects:

- Parking Pay Station - \$17,000 – payment is on the way
- Emergency response expenses - \$112,000 – awaiting final signoff by FEMA
- Debris removal expenses - \$21,000 – signed off by FEMA, awaiting payment notification
- Locust Avenue Firehouse - \$100,000 - \$150,000 – still working with FEMA on the FEMA project worksheets and awaiting certain detailed information from contractors
- Central Avenue Bridge - \$1.4 million; Blind Brook retaining wall at Theodore Fremd Avenue -\$1 million - 1.2 million; and Blind Brook retaining wall at Elm Place - \$1 million - 1.2 million. So far FEMA has been very positive, but cost estimates are needed from consulting engineers in order to complete the FEMA project worksheets. The

procedure is to submit a “return to pre-flood status” proposal and then work from there to make improvements while rebuilding. The City is trying to move quickly, but the time period is 12-18 months. We want to be ready to start as soon as possible. The Mayor said it looks like all but \$300,000 could be totally covered by FEMA, but the City should be careful about recognizing the more abstract, non-reimbursable costs so that our undesignated fund balance is not depleted too far.

Bridges. Is there any chance of Federal or State funds for other bridges? *No, the other bridges did not sustain enough damage. What about raising the Orchard Avenue Bridge? According to the bridge study published in 2005, the Orchard Avenue Bridge cannot be raised significantly due to the elevations of the road approaching the bridge on both sides. What about FEMA’s suggestion of not replacing the Central Avenue Bridge and giving us demolition costs as well as 90% of what it would cost to rebuild it? This would need to be vetted by the police, fire, EMS, the City Engineer and Traffic and Transportation Committee in terms of health and safety, and by those residents and businesses in the area of the bridge. Why wasn’t there a traffic study this summer which would have given us non-school traffic patterns? Several traffic studies were done in the recent past concerning the Central Avenue Bridge. What about the Highland Avenue Bridge? It was not damaged, but City staff is considering the benefits of a culvert to divert water. What about the Locust Avenue Bridge? We will ask the City Engineer to consider a study of the Locust Avenue Bridge. This year we were unsuccessful in obtaining “SHIPS” funding for the reconstruction of our bridges. Can we re-apply for such funding? Rye will probably never qualify for funding because all of the funding to date has been awarded to very major arterial bridge projects. There would have to be a very significant increase in the funding made available state-wide for us to have the opportunity to receive an award. The recent bridge disaster in Minnesota may be the impetus to have such funding increased.*

What about dredging Milton Harbor? *FEMA cannot supercede the jurisdiction of the Army Corps of Engineers over Milton Harbor and the channel, but the City is working with the Army Corps and FEMA to see if the Army Corps will grant permission for FEMA oversight of our proposed project. Having FEMA as a lead agency will bring all other participants to the table and allow for more creative and flexible solutions. Congresswoman Lowey’s office is aware of the issue, but the City is trying to work it out on its own for now. The health and safety issues, as the harbor silts over, are a plus in the negotiations. There are alternatives to disposing of the dredging materials. If we can solve this dredging issue, perhaps the same solutions can be used in the Bowman Avenue Spillway area.*

4. Other Business

There was no other business to discuss.

Councilman Hennes made a motion, seconded by Councilman Pratt and unanimously carried to adjourn to Executive Session at 8:55 P.M. to discuss a real estate issue.

The Council reconvened at 9:25 P.M.

5. Adjournment

There being no further business to discuss, Councilman Hennes made a motion, seconded by Councilman Seitz and unanimously carried, to adjourn the meeting at 9:26 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk