

APPROVED MINUTES of the Special
Meeting of the City Council of the City of Rye held in
City Hall on August 13, 2008 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT:

PAULA J. GAMACHE
GEORGE S. PRATT
Councilmembers

The Council convened at 6:48 p.m. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to adjourn into Executive Session to discuss attorney/client matters regarding litigation. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to close the Executive Session at 8:12 p.m. No decisions were made. The Council reconvened at 8:16 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. Consideration of authorizing the City Manager to endorse the implementation of an easement between the American Yacht Club located at Stuyvesant Avenue and the City of Rye

Corporation Counsel Kevin Plunkett said that this agenda item was postponed from the previous meeting in order to confirm the location of the proposed easement. He said it has been confirmed that the easement will benefit the City for purposes of maintenance and drainage control and that the form of the agreement is acceptable to him. Councilman Sack stated for the record that he subleases office space from the office where Friedman, Harfenist, Kraut & Perlstein, LLP, the firm representing the American Yacht Club in this matter, have their offices, but does not feel it affects his ability to decide upon any issues brought before the Council.

Councilman Ball made a motion, seconded by Councilman Cunningham and unanimously carried to adopt the following Resolution:

RESOLVED, that the City Manager is hereby authorized to execute an Easement Agreement with the American Yacht Club for access to a drainage pipe located at 400 Stuyvesant Avenue, tax map designation Sheet 153.18, Block 1, Lot 8, for the purpose of maintenance, alteration and repair.

4. Adoption of the 2008/2009 tax levy and tax rate for the Rye Neck Union Free School District Roll Call

Assistant City Manager Scott Pickup said that this was an annual ministerial act, the tax rates have been published and upon acceptance by the City Council it will be billed accordingly.

Mayor Otis made a motion, seconded by Councilman Cunningham to adopt the following Resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$9,180,935 to be raised on property within the District located in the City of Rye, with the established tax rates of \$626.452702 per \$1,000 of taxable assessed value on homestead property and \$808.684176 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2008 and ending June 30, 2009, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

5. Consideration of Bid for Dredging and Ancillary work at the Municipal Boat Basin Roll Call

Assistant City Manager Pickup said that staff is suggesting that the Council reject the current sets of bids and give authorization to rebid the project immediately in order to meet the limited window of time to accomplish a dredging project and utilize the capping source that has

been located. He said there was some confusion in the details of the first bid that caused a wide spread in the bids, but that has been corrected.

Councilman Cunningham made a motion, seconded by Councilman Sack to adopt the following Resolution:

RESOLVED, that all bids for Contract #2008-04, Dredging and Ancillary work at the Municipal Boat Basin be rejected and that the contract be re-bid as soon as possible.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

6. Bid award for new equipment for RCTV including cameras, controller, and monitors to record City Council meetings
Roll Call

Assistant City Manager Pickup said that the current cameras have reached the end of their useful life and are two generations past current standard. They will be funded through monies that come in as part of the Cable Franchise Agreement.

Councilman Cunningham made a motion, seconded by Councilman Ball to adopt the following Resolution:

RESOLVED, that Bid #6-08, City Hall Video Equipment be awarded to HB Communications, the company meeting all bid requirements, in the amount of \$54,896.00.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

7. Request for the transfer of \$54,896.00 from RCTV Fund Balance to RCTV budget for the purchase of replacement City Hall cameras.
Roll Call

Mayor Otis made a motion, seconded by Councilman Cunningham to adopt the following Resolution:

RESOLVED, that the 2008 RCTV budget be amended to reflect a transfer of \$54,896.00 from the RCTV Fund Balance for the purchase of replacement City Hall cameras.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

8. Bid award for the Elm Place Wall replacement for the City of Rye Department of Public Works Roll Call

Assistant City Manager Pickup said this was the first of multiple bids for repairs necessitated by the April 2007 flood. This project only involves FEMA funding. It has been fully vetted with FEMA and they are in full agreement with the City's proposed contract vendor. The Federal reimbursement process, however, does not allow for a contingency fund, so if additional unanticipated work is discovered the City will have to go back to FEMA for approval before bringing it back to the City Council to modify the project. In response to a question from Councilman Cunningham, Mr. Pickup added that he would look into the possibility of having other projects on Elm Place done simultaneously, if the successful bidder on this project was also the successful bidder on those projects.

Mayor Otis made a motion, seconded by Councilman Cunningham to adopt the following Resolution:

RESOLVED, that Contract #2008-03, Elm Place Retaining Wall Replacement, with alternate, be awarded in the amount of \$1,186,325.02 to Bilotta Construction the low bidder whose bid meets the specifications.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

9. Authorization to fund the design of a Sluice Gate at Bowman Avenue Roll Call

Mayor Otis said that this motion was being made subject to review by the Corporation Counsel and the phasing direction of the City Manager's Office. Assistant City Manager Pickup said this was a continuation of a project analysis to get a fully funded project for improvements at the Bowman Avenue Dam. It will provide additional site analysis related to the condition of the existing dam to determine if the proposed improvements will be able to fit within the financial parameters the Council has been discussing.

Mayor Otis made a motion, seconded by Councilman Cunningham to adopt the following Resolution:

RESOLVED, that \$150,000 is hereby authorized to fund a design for a Sluice Gate at the Bowman Avenue Dam.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

10. Acceptance of donation of a boat to the Rye Police Department to be used in the Marine Division
Roll Call

Assistant City Manager Pickup said that the Department of Public Works has reviewed the offer made by the American Yacht Club to donate a power vessel "Grady White" to the Rye Police Department Marine Unit and determined that there will be some associated costs to bring it up to full operating capacity. He said that, even with the added costs, it is a generous offer that will restore the Marine Unit back to full capability. Mayor Otis and Councilman Cunningham added their thanks to the American Yacht Club for the donation.

Councilman Cunningham made a motion, seconded by Councilman Ball to adopt the following Resolution:

RESOLVED, that the City Manager is hereby authorized to accept a donation of a power vessel "Grady White" (Hull Id# MRK J08081990) from the American Yacht Club for use by the Marine Unit of the City of Rye Police Department.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

10A. Resolution to amend 2008 budget to reflect increased parking violation activity
Roll Call

Assistant City Manager Pickup said this item has been added by Comptroller Michael Genito in order to modify the budget to reflect increased activity and revenue as well as the offset. Councilman Ball offered his congratulations to the Police Force and Parking Enforcement Officers for being ahead of projections for enforcement and related revenues.

Councilman Cunningham made a motion, seconded by Councilman Sack to adopt the following Resolution:

WHEREAS, the 2008 parking violation activity is significantly greater than the 2007 parking violation activity; and

WHEREAS, the City Comptroller has estimated that the costs to process the increase in parking violations will exceed the amount originally adopted in the 2008 budget by \$30,000; and,

WHEREAS, the City Comptroller has estimated that the 2008 parking violation fines and forfeitures will exceed the originally adopted 2008 estimate by at least \$30,000, now therefore be it

RESOLVED, that the 2008 General Fund Budget be amended as follows:

Increase Parking Enforcement Estimated Revenues \$30,000, and
Increase Parking Enforcement Appropriations \$30,000.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Parker and
Sack

NAYS:

ABSENT: Councilmembers Gamache and Pratt

11. Approval of the election of former Explorer Member of Rye Fire Department to full membership in the Rye Fire Department

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

RESOLVED, that the Council of the
City of Rye hereby approves the election of
John Damascas to the Poningoe Engine & Hose

Company approved at the August 2008 meeting
of the Board of Fire Wardens.

12. Adjournment

Mayor Otis made a motion, seconded by Councilman Ball and unanimously carried, to adjourn into Executive Session to discuss The Osborn litigation at 8:35 p.m.

The meeting reconvened at 9:12 p.m.

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Ball and unanimously carried, to adjourn the meeting at 9:13 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk