

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 7, 2009, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss labor relations.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the election of two new members to the Rye Fire Department.
4. Residents may be heard who have matters to discuss that do not appear on the agenda.
5. Public information meeting regarding the replacement of the Central Avenue Bridge.
6. Presentation regarding Rye Habitat Project acceptance by National Wildlife Federation Program.
7. Presentation by the Rye Nature Center on a proposed *Nature Run* to be held in November as a fundraising event.
8. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 29, 2009 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.
9. Bid Award for the renovations to the roof and chimneys at the Square House (Contract #2009-01).
Roll Call.
10. Consideration of a resolution adopting a SEQR Negative Declaration in connection with the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd.
11. Public Information Meeting and consideration of a resolution adopting a SEQR Negative Declaration in connection with the Sidewalk/Pedestrian improvement projects being funded under the Transportation Improvement Program (TIP).
12. Consideration of a resolution whereby all matters which affect the City of Rye shall be made known to the entire City Council and be subject to the assent by vote of a majority of its members.

13. Consideration of a letter of support for a grant application to the New York State Department of Environmental Conservation for stormwater system mapping.
14. Acceptance of a COPS Technology Grant Award from the Department of Justice Office of Community Oriented Policing Services in the amount of \$30,000 for an in-car video system.
15. Miscellaneous communications and reports.
16. Old Business.
17. New Business.
18. Draft unapproved minutes of the regular meeting of the City Council held September 16, 2009.
19. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, October 21, 2009.



CITY COUNCIL AGENDA

NO. 3

DEPT.: Fire Department

DATE: September 21, 2009

CONTACT: Chief George Hogben

AGENDA ITEM: Approval of the election of two new members to the Rye Fire Department.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of Ann Ivan and Vincenzo Repola to the Rye Fire Police Patrol.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that Ann Ivan and Vincenzo Repola were elected into membership by the Rye Fire Police Patrol and were approved by the Fire Wardens at their September meeting.



CITY COUNCIL AGENDA

NO. 5 DEPT.: City Manager's Office DATE: September 17, 2009
CONTACT: Francis J. Culross, City Manager

AGENDA ITEM: Public information meeting regarding the replacement of the Central Avenue Bridge.

FOR THE MEETING OF:
October 7, 2009
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Damages were incurred at the Central Avenue Bridge during the April 15, 2007 floods. Due to the severe damage to the structure of the bridge, the remnants of the bridge were taken down for public safety. Permanent restoration work to correct the damages will be provided under the auspice of FEMA overseeing the project by the Federal Highway Administration and the NYS Department of Transportation. A provision for the funding is that a Public Meeting be held to review the project.

Staff from Berger, Lehman Associates, P.C., will make a presentation on the Central Avenue Bridge replacement project highlighting objectives, evolution, alternatives, and next steps.



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: October 2, 2009

CONTACT: Mayor Otis

AGENDA ITEM: Presentation regarding Rye Habitat Project acceptance by National Wildlife Federation Program.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye Habitat Project has had its application to become a registered Community Wildlife Habitat accepted by the National Wildlife Federation. Rye is now the first community in New York State to be working towards becoming a Certified Wildlife Community.

So far there are forty certified communities in the country, and thirty- three others, including Rye are working towards it. We hope to make Rye the forty-first, and of course the first in New York State.

Jane Grant, the local head of this project will make a brief presentation to the City Council and recognize the City and the Conservation Commission for the City's role to date.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: September 30, 2009

CONTACT: Frank J. Culross

AGENDA ITEM: Presentation by the Rye Nature Center on a proposed *Nature Run* to be held in November as a fundraising event.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Friends of The Rye Nature Center have made a request to hold a *Nature Run* as a fundraising event. The event would be held in November and would encompass a 5k nature run which would take place on the grounds of the Rye Nature Center. It is intended to be a fun event for the community which will also serve to raise funds for the Nature Center.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: September 21, 2009

CONTACT: Frank J. Culross

AGENDA ITEM: Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on November 29, 2009 from 10:00 a.m. to 3:00 p.m.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Merchants Association is requesting the Council authorize the closing of Purchase Street for its annual Mistletoe Magic event to be held this year on Sunday, November 29, 2009 from 10:00 a.m. to 3:00 p.m. The event will be held a week later than previous years, on the Sunday of the Thanksgiving weekend.

Robert L. Byrne, Esq.
350 Theodore Fremd Avenue
Rye, New York 10580
Telephone: (914) 921-0026
Facsimile: (914) 921-0028
e-mail: rbyrneesq1@aol.com

September 28, 2009

Ms. Dawn Nodarse
City Clerk
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Rye Chamber of Commerce "Mistletoe Magic"

Dear Ms. Nodarse:

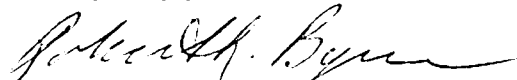
On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **Sunday, November 29, 2009** for the Mistletoe Magic event. Specifically, we are requesting that Purchase Street be closed from the Square House north to Purdy Avenue from the hours of 10 a.m. to 3 p.m.

Our members will be providing entertainment with costumed characters, Rye Art Center children's musical ensembles, strolling carolers, a horse and buggy ride and assorted refreshments and arcade games. The idea being that we are inviting all of Rye to come start their holiday shopping on Purchase Street and to bring the family to town. We are encouraging all merchants to decorate festively for the season.

If approved, I understand we must coordinate logistics with Lt. Falk of the Rye City Police Department. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,


Robert L. Byrne

cc: Ms. Sally Wright



CITY COUNCIL AGENDA

NO. 9

DEPT.: Engineering

DATE: September 21, 2009

CONTACT: George Mottarella, City Engineer

ACTION: Bid Award for the renovations to the roof and chimneys at the Square House (Contract #2009-01).

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

N/A

RECOMMENDATION: That the City Council award the bid to the low bidder, K-Con Site Developers, in the amount of \$108,433.85 as recommended by the City Engineer.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Four bids were received and tabulated. The low bidder, K-Con Site Developers meets all the City's specifications and has done quality work for the City in the past. Most importantly, K-Con has previous experience with historic sites and has performed roof restorations on Historic buildings.

See attached.

MEMORANDUM

To: Honorable Mayor and Council Members
From: Frank J. Culross, City Manager
Date: September 30, 2009
Subject: Renovations to the Square House Roof and Chimneys

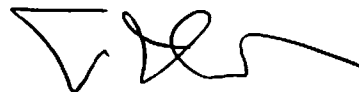
It is recommended that the City Council authorize the City Manager to proceed with the Square House renovations and award the bid to the low bidder, K-Con Site Developers (see attached recommendation from the City Engineer along with the bid tabulations).

The roof was last replaced in 1974 (some subsequent repair work has taken place). It currently leaks and the building will suffer additional damage if the project is deferred. The chimneys are out-of-plumb and must be repaired at this time.

The bid specifications and requirements were prepared by Easton Architects, LLP. The bids and project schedule were reviewed with Lisa Easton and with Dr. Ruth Smalt, Executive Director of the Rye Historical Society.

The Building & Vehicle Fund has an available appropriation of \$86,038 for the Square House improvements. In addition, a balance of \$58,426 remains available from the City Hall steps project.

The work would begin by late October and be completed by mid-December.



Frank J. Culross
City Manager

cc: Dr. Ruth Smalt
Lisa Easton
George Motterella



CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

TELEPHONE (914) 967-5400

Engineering Department (914) 967-7676

DATE: September 18, 2009

TO: Frank Culross, City Manager

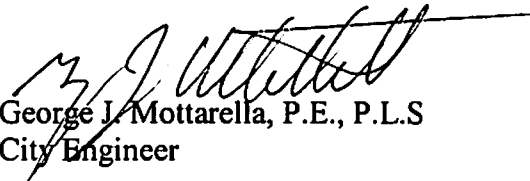
FROM: George Mottarella P.E., P.L.S.

RE: Bid Recommendation for Contract 2009-01 – Renovations to Square House Roof and Chimneys

I have checked and tabulated the four (4) bids received for the above referenced contract. A copy of the bid results is attached for your convenience. I recommend that the bid be awarded to the low bidder, K-Con Site Developers, in the amount of one hundred eight thousand, four hundred thirty three dollars and eighty five cents (\$108,433.85). They have done quality work for us in the past.

There are sufficient funds for this project in this year's budget.

Very truly yours,


George J. Mottarella, P.E., P.L.S.
City Engineer

Contract No. 2009-01 - Renovations to Square House Roof and Chimneys

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder	Position
K-Con Site Developers	\$110,641.60	\$108,433.85	\$0.00	0.00%	1
T.S. General Roofing	\$152,496.00	\$152,496.00	\$44,062.15	40.64%	2
J. Salvatore and Sons	\$163,500.00	\$162,293.56	\$9,797.56	6.42%	3
Precision Roofing	\$301,674.00	\$301,674.00	\$139,380.44	85.88%	4



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Planner

DATE: September 30, 2009

CONTACT: Christian K. Miller, AICP

AGENDA ITEM: Consideration of a resolution adopting a SEQR Negative Declaration in connection with the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Rye City Council, as Lead Agency, adopt the SEQR Negative Declaration on the Theodore Fremd retaining wall project.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A Permanent Restoration project will correct the damages caused by the April 15, 2007 Floods at the retaining wall on Blind Brook at Theodore Fremd. The project is listed in the City of Rye, Westchester County, PIN 8701.43 and is eligible for funding under Title 23 U.S. Code, as amended, for Federal emergency relief that calls for the apportionment of the costs of the Permanent Restoration to be borne at the ratio of 80% Federal funds and 20% non-federal funds. It has been determined that the proposed project is considered an "Unlisted Action" under the State Environmental Quality Review (SEQR) Act and that the City Council should review the attached environmental assessment form and consider the attached resolution adopting a SEQR Negative Declaration. A Negative Declaration is a finding by the City Council that the project will not have any significant adverse environmental impacts.

See attached Short Environmental Assessment Form, Resolution and Negative Declaration.

PROJECT I.D. NUMBER

617.21 Appendix C State Environmental Quality Review SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I – PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Rye City Council; 2. PROJECT NAME: Theodore Fremd Retaining Wall Replacement; 3. PROJECT LOCATION: Municipality: Rye, NY County: Westchester; 4. PRECISE LOCATION: North side of Theodore Fremd at Blind Brook; 5. PROPOSED ACTION: Modification/Alteration; 6. DESCRIBE PROJECT BRIEFLY: The project involves the reconstruction of a retaining wall...; 7. AMOUNT OF LAND AFFECTED: Initially 24,000 square feet Ultimately 24,000 square feet; 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING...; 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?; 10. DOES ACTION INVOLVE A PERMIT APPROVAL...; 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?; 12. AS A RESULT OF PROPOSED ACTION WILL EXISITNG PERMIT/APPROVAL REQUIRE MODIFICATION?; I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE; Applicant/Sponsor Name: Rye City Council Date: September 2009; Signature: Christian K. Miller, AICP

SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12 ? If yes, coordinate the review process and use the FULLEAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6 ? If No, a negative declaration may be superseded by another involved agency.

Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal potential for erosion, drainage or flooding problems? Explain briefly:

No significant adverse impact. The project will not alter existing drainage or flooding conditions.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No significant adverse impact.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No significant adverse impact.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No significant adverse impact.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No significant adverse impact.

C6. Long term, short term, cumulative, or other effects not identified in C1 – C5? Explain briefly:

No significant adverse impact.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No significant adverse impact.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If Yes, explain briefly

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration of irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure all explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND prove on attachments as necessary, the reasons supporting this determination:

Rye City Council

Lead Agency

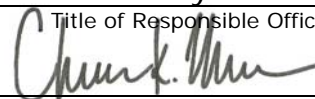
Steve Otis

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Mayor

Title of Responsible Officer



Signature of Preparer (If different from Responsible Officer)

Christian K. Miller, AICP

October 1, 2009

Date

RESOLUTION
Adopting a SEQR Negative Declaration in Connection
with the Reconstruction of the Flood Damaged Retaining Wall
on Blind Brook at Theodore Fremd Avenue

WHEREAS, in April 2007 the retaining wall on Blind Brook at Theodore Fremd Avenue was damaged and collapsed as a result of a major flood; and

WHEREAS, the proposed action involves the reconstruction of the retaining wall on Blind Brook at Theodore Fremd and the restoration of the adjacent roadway and City parking lot; and

WHEREAS, on September 16, 2009 the Rye City Council conducted a public information meeting on the proposed action including a presentation from the project consultant; and

WHEREAS, the Final Design Report (P.I.N. 8701.43) dated September 24, 2009 provides a complete description of the project, the alternatives considered and notes no adverse impacts associated with the proposed project including no increase in upstream or downstream water surface elevations on Blind Brook; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) dated October 1, 2009 and determines that the proposed action is an Unlisted Action and that a coordinated review will not be conducted; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact and that a Negative Declaration be issued for the project.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number:

Date: 10/1/09

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **Rye City Council** as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Theodore Fremd Retaining Wall Replacement

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes (see attachment)
 No

Description of Action:

The proposed action involves the reconstruction of the retaining wall on Blind Brook at Theodore Fremd and the restoration of the adjacent roadway and City parking lot.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Blind Brook at Theodore Fremd, City of Rye, Westchester County, New York

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7 (d) for Conditioned Negative Declaration)

Based on the review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the Lead Agency finds that the proposed action will not have a significant adverse environmental impact due to the extent of the proposed improvements, the modest nature of reasonably expected impacts, modifications in the project design to reduce anticipated impacts and implementation of mitigation measures. More specifically, the Lead Agency finds that the proposed action will not have an adverse impact on any of the indicators of potential environmental impact listed in Sections 617.7(c)(1)(i) through (xii).

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Christian K. Miller, AICP, City Planner
 Address: 1051 Boston Post Road, Rye, New York 10580
 Telephone: (914) 967-7167 Fax: (914) 967-4641 email: cmiller@ryeny.gov

A Copy of this Notice is sent to:

Lead Agency (For All Actions):

Rye City Council

Involved Agencies (For Type I Actions and Conditioned Negative Declarations only):

- Rye City Planning Commission
- City of Rye Zoning Board of Appeals, c/o Rye City Clerk
- City of Rye Board of Architectural Review, c/o Rye City Building Inspector
- Westchester County Department of Health
- Westchester County Department of Planning
- Westchester County _____
- New York State Department of State, Division of Coastal Resources
- New York State Department of Environmental Conservation Regional Office
- New York State _____
- _____
- _____

For All Type I Actions and Conditioned Negative Declarations:

- Mayor of Rye, c/o Rye City Clerk
- ENB
- Applicant: _____
- Person(s) requesting a copy: _____



CITY COUNCIL AGENDA

NO. 11

DEPT.: Planning Department

DATE: September 30, 2009

CONTACT: Christian K. Miller, AICP

AGENDA ITEM: Public Information Meeting and consideration of a resolution adopting a SEQR Negative Declaration in connection with the Sidewalk/Pedestrian improvement projects being funded under the Transportation Improvement Program (TIP).

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Rye City Council adopt the SEQR Negative Declaration on the Sidewalk/Pedestrian improvement projects.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Planner will provide an overview of the Safe Routes to School Sidewalk/Pedestrian Improvements which were approved under the TIP Amendment #876084. The City Council needs to adopt a resolution for a SEQR Negative Declaration.

The five projects totaling \$695,000 include the following:

- | | |
|--|-----------|
| 1. Library Lane signal and pedestrian phase signals, ADA compliant curb cuts | \$195,000 |
| 2. Playland Parkway @ Forest Avenue pedestrian improvements | \$ 85,000 |
| 3. Midland @ Palisades pedestrian improvements | \$ 85,000 |
| 4. BPR Sidewalk (Johnson Place to Mamaroneck Line) | \$160,000 |
| 5. Oakland Beach Avenue pedestrian improvements | \$170,000 |

SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12 ? If yes, coordinate the review process and use the FULL EAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6 ? If No, a negative declaration may be superseded by another involved agency.

Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal potential for erosion, drainage or flooding problems? Explain briefly:

No significant adverse impact.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No significant adverse impact.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No significant adverse impact.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No significant adverse impact.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No significant adverse impact.

C6. Long term, short term, cumulative, or other effects not identified in C1 – C5? Explain briefly:

No significant adverse impact.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No significant adverse impact.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If Yes, explain briefly

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration of irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure all explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND prove on attachments as necessary, the reasons supporting this determination:

Rye City Council

Lead Agency

Steve Otis

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Mayor

Title of Responsible Officer

Signature of Preparer (If different from Responsible Officer)

Christian K. Miller, AICP

October 1, 2009

Date

ATTACHMENT
Environmental Assessment Form
TIP Funded Pedestrian Improvements

The proposed action involves the implementation of pedestrian improvements at five locations in the City of Rye. Funding for these projects is from the “Federal Stimulus Program” via the State Transportation Improvement Program (TIP Amendment #876084). The five projects totaling \$695,000 and are discussed in more detail below.

Library Lane Signal and Pedestrian Improvements

The project is located at the intersection of Library Lane, Boston Post Road and Cross Street. The project would replace existing traffic signals that do not meet NYSDOT requirements. The project would also provide new pedestrian signals and sidewalk improvements that meet the requirements of the American’s with Disabilities Act (ADA). Project cost is estimated at \$195,000. The project is a replacement in-kind that will improve pedestrian safety and will not have a significant adverse impact on the environment.

Playland Parkway @ Forest Avenue Pedestrian Improvements

Recently Westchester County replaced the traffic and pedestrian signals at the intersection of Playland Parkway and Forest Avenue. This project would expand on that project by adding a pedestrian crosswalk on Forest Avenue south of Playland Parkway and a pedestrian crosswalk on Playland Parkway west of Forest Avenue. Pedestrian activity in the area is high and will be enhanced by this project by providing crosswalks at every street in the intersection. Additional sidewalk, curbing and ADA compliant access ramps will be installed. The project is estimated to cost \$85,000. Forest Avenue is a City Road. Since the project involves Playland Parkway, Westchester County approval will be required. The project will improve pedestrian safety and will not have a significant adverse impact on the environment.

Midland @ Palisades Pedestrian Improvements

The project is located at the intersection of Midland Avenue and Palisades Road and is estimated to cost \$85,000. The project would involve extending the existing curb line approximately six feet into southbound lane of Midland Avenue. The expanded curb area (i.e. “bump-out”) would extend approximately 60-70 feet to the north and south side of the Palisades Road intersection. The proposed bump-outs would be within an existing “no parking” area of Midland Avenue and would improve vehicle and pedestrian sight distance, reduce pedestrian crossing distances on Midland Avenue and may provide some traffic calming benefit due to the narrowing of the roadway at this intersection. Existing drainage facilities will need to be extended or relocated to accommodate the proposed bump-outs.

The project will also include other pedestrian improvements on Midland Avenue all of which requires Westchester County approval, which controls the roadway. These improvements include a new crosswalk(s) on Midland at either the north and/or south side of the Palisades intersection, alternative pavement treatment and coloring of crosswalks, additional pedestrian signage and speed indicator signals in the north and southbound directions. The project will improve pedestrian safety and will not have a significant adverse impact on the environment.

Boston Post Road Sidewalk (Johnson Place to Mamaroneck Line)

This project involves the construction of a new sidewalk on the west side of Boston Post Road between Johnson Place and the Rye/Mamaroneck municipal boundary. The new 5-foot wide concrete sidewalk would extend for approximately 1,600 linear feet and be separated from Boston Post Road by a four-foot grass strip. Two mature trees would require removal for the proposed sidewalk; however these trees are in declining health. The project would allow residents of residential neighborhoods on the west side of Boston Post Road to walk to Rye Neck school without having to cross Boston Post Road. It would also connect to the existing sidewalk network on the west side of Boston Post Road in the Village of Mamaroneck. The project would be within existing City right-of-way and would be maintained by the homeowner associations of the adjacent residential neighborhoods. The project is estimated at \$160,000.

Oakland Beach Avenue Pedestrian Improvements

The project involves replacing and expanding approximately 1,200 feet of the existing deteriorated sidewalk on the south side of Oakland Beach Avenue between Chamberlain Street and Blind Brook. The existing asphalt sidewalk is in disrepair, has a substandard width (i.e. less than three feet) and provides virtually no separation from the vehicle travelled way in some locations. The sidewalk is used by pedestrians walking to recreational facilities at Disbrow Park and Milton Elementary School.

Due to right-of-way limitations a new sidewalk could not be located on the north side of Oakland Beach Avenue. The proposed plan would provide a 24-foot wide lane width and curbing on the south side of Oakland Beach Avenue. In order to provide a suitable sidewalk width of five feet and separation from the adjacent vehicle lane the project requires a shift in the current alignment of Oakland Beach Avenue. The road would shift approximately 3-5 feet north between Harbor Terrace Drive and Rose Street. In order to maintain suitable roadway geometry, Oakland Beach Avenue would shift approximately 3-5 feet south west of Rose Street. The project is estimated to cost \$170,000. The project will improve pedestrian safety and will not have a significant adverse impact on the environment.

RESOLUTION
Adopting a SEQR Negative Declaration in Connection
with the Sidewalk/Pedestrian improvement projects being funded under the
Transportation Improvement Program (TIP)

WHEREAS, the proposed action involves the implementation of pedestrian improvements at five locations in the City of Rye under the State Transportation Improvement Program (TIP Amendment #876084); and

WHEREAS, the pedestrian improvements are known as: 1) Library Lane Signal and Pedestrian Improvements; 2) Playland Parkway @ Forest Avenue pedestrian improvements; 3) Midland @ Palisades intersection pedestrian improvements 4) Boston Post Road sidewalk (Johnson Place to Mamaroneck Line); and 5) Oakland Beach Avenue pedestrian improvements; and

WHEREAS, on October 7, 2009 the Rye City Council conducted a public information meeting on the proposed action; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) dated October 1, 2009 and determines that the proposed action is an Unlisted Action and that a coordinated review will not be conducted; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact and that a Negative Declaration be issued for the project.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number:

Date: 10/1/09

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **Rye City Council** as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: TIP Funded Pedestrian Improvements

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes (see attachment)
 No

Description of Action:

The proposed action involves the implementation of pedestrian improvements at five locations in the City of Rye. Funding for these projects is from the "Federal Stimulus Program" via the State Transportation Improvement Program (TIP Amendment #876084). The five projects totaling \$695,000 include the following:

- | | |
|--|-----------|
| 1. Library Lane signal and pedestrian phase signals, ADA compliant curb cuts | \$195,000 |
| 2. Playland Parkway @ Forest Avenue pedestrian improvements | \$ 85,000 |
| 3. Midland @ Palisades pedestrian improvements | \$ 85,000 |
| 4. BPR Sidewalk (Johnson Place to Mamaroneck Line) | \$160,000 |
| 5. Oakland Beach Avenue pedestrian improvements | \$170,000 |

A more complete description is included in the EAF.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Various locations, City of Rye, Westchester County, New York

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7 (d) for Conditioned Negative Declaration)

Based on the review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the Lead Agency finds that the proposed action will not have a significant adverse environmental impact due to the extent of the proposed improvements, the modest nature of reasonably expected impacts, modifications in the project design to reduce anticipated impacts and implementation of mitigation measures. More specifically, the Lead Agency finds that the proposed action will not have an adverse impact on any of the indicators of potential environmental impact listed in Sections 617.7(c)(1)(i) through (xii).

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Christian K. Miller, AICP, City Planner

Address: 1051 Boston Post Road, Rye, New York 10580

Telephone: (914) 967-7167 Fax: (914) 967-7185 email: cmiller@ryeny.gov

A Copy of this Notice is sent to:

Lead Agency (For All Actions):

Rye City Council

Involved Agencies (For Type I Actions and Conditioned Negative Declarations only):

- Rye City Council
- City of Rye Zoning Board of Appeals, c/o Rye City Clerk
- City of Rye Board of Architectural Review, c/o Rye City Building Inspector
- Westchester County Department of Health
- Westchester County Department of Planning
- Westchester County _____
- New York State Department of State, Division of Coastal Resources
- New York State Department of Environmental Conservation Regional Office
- New York State _____
- _____
- _____

For All Type I Actions and Conditioned Negative Declarations:

- Mayor of Rye, c/o Rye City Clerk
- ENB
- Applicant: _____
- Person(s) requesting a copy: _____



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: September 30, 2009

CONTACT: Councilman Joseph Sack

AGENDA ITEM: Consideration of a resolution whereby all matters which affect the City of Rye shall be made known to the entire City Council and be subject to the assent by vote of a majority of its members.

FOR THE MEETING OF:

October 7, 2009

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council review the resolution for adoption.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A resolution has been proposed regarding the clarity of action of members of the Rye City Council including disclosure amongst members and the City Manager in regard to meetings, discussions, and voting.

See attached Resolution.

RESOLUTION

WHEREAS, The Rye City Council is an elected body that must take action by a vote of a majority of its members, and

WHEREAS, Action by one, or less than a majority, of its members, without a vote of a majority of its members, is not permitted, and

WHEREAS, Every member is entitled to be advised of and to participate in the formulation of policy that affects the City of Rye, and

WHEREAS, No single member or group of members is authorized to engage in discussions or negotiations on matters that affect the interests of the City of Rye, without the knowledge of all members, and the assent by vote of a majority of its members, and

WHEREAS, Any such discussions or negotiations should be coordinated through the Rye City Manager, therefore

BE IT RESOLVED, Whenever any member of the Rye City Council desires to have a meeting or discussion, regarding issues that may affect the policy or business of the City of Rye, with other government officials or bodies, or with any other interested parties, that such meeting or discussion be disclosed to the City Manager in advance, that all members of the Rye City Council be given the opportunity to participate in such meeting or discussion, and that promptly after such meeting or discussion, a report be made to all members of the Rye City Council on the topics covered, including any offers made or received, and any proposed follow-up.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: September 28, 2009

CONTACT: Frank J. Culross

AGENDA ITEM: Consideration of a letter of support for a grant application to the New York State Department of Environmental Conservation for stormwater system mapping.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council endorse the letter of support for the stormwater system mapping.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Village of Sleepy Hollow has agreed to be the lead municipality in the creation of a consortium for the purpose of submitting a grant application to the NYSDEC for mapping of stormwater catch basins and manholes under Round 10 Water Quality Improvement Programs. The grant application requires a letter of support from the local governing body, the City Council.

See attached letter and documentation.



CITY OF RYE

**STEVEN OTIS
MAYOR**

October 1, 2009

New York State
Department of Environmental Conservation
Division of Water, 4th Floor
625 Broadway
Albany, NY 12233-3507

Re: Water Quality Improvement Projects

Dear Sir:

This letter is to express the intent of the City of Rye to participate in the Sleepy Hollow Consortium for the purpose of receiving grant funds to facilitate stormwater system mapping. The City of Rye will provide a 25% share of the prorata cost of mapping their MS4 stormwater system. This share can be in-kind services associated with the project. Dolph Rotfeld Engineering, PC will prepare and submit the grant application on behalf of the consortium as well as manage the project. Should the application for funding be approved, each participating municipality will be required to adopt an IMA covering the program.

Sincerely,

Steven Otis
Mayor

Thank you attending the grant information sessions hosted by Sleepy Hollow and Rye Brook on September 16th and 24th concerning the creation of a consortium for the purpose of submitting a grant application to the NYSDEC for mapping of stormwater catch basins and manholes in your respective municipalities under Round 10 Water Quality Improvement Programs. The Village of Sleepy Hollow has agreed to be the lead municipality with respect to the consortium and all administration of the project will process through them.

Should the grant application be approved, it would be necessary for each municipality to provide its share of the 25% of the project cost in in-kind matching services (municipal staff to assist GPS technician in locating catch basins and manholes). **In order to develop cost estimates we need to know the number of highway miles in your municipality as well as the number of catch basins and manholes to be mapped. Although a municipal resolution to participate is not needed at this time, a letter of commitment (example attached) is needed in order to participate and must be submitted with the grant application. We would like this information / commitment, returned by October 5th. Those not wishing to participate, just e-mail us back and let us know.**

The NYSDEC requires that there be in house capabilities to update mapping. Since many of you may not have this capability, we have a verbal commitment from the Westchester County IT Department to assist in this effort as long as data sharing agreements are in place between the County and municipality. We will emphasize this in the grant application.

The grant would be set up similar to the previous land use and IDDE grants. DRE would act as the project manager and coordinate the effort. An RFP would be issued for the GPS and mapping work. Each municipality along with the county would receive a disk and hard copy of their respective mapping information. Each municipality would be required to document in-kind matching services time in a format acceptable to the NYSDEC.

We would like this information / commitment, returned by October 5th. Those not wishing to participate, just e-mail us back and let us know. The grant application is due October 16th



CITY COUNCIL AGENDA

NO. 14

DEPT.: Police

DATE: September 25, 2009

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of a COPS Technology Grant Award from the Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$30,000 for an in-car video system.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the COPS Technology Grant Award from the Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$30,000.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a COPS technology grant of \$30,000 from the Department of Justice Office of Community Oriented Policing Services (COPS). The grant was obtained by Congresswoman Nita Lowey and will be used to purchase an in-car video system that will allow for automatic wireless download of data onto a computer server. The system will include two in-car camera units.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



September 24, 2009

Memorandum for: Frank J. Culross, City Manager

Subject: **COPS OFFICE TECHNOLOGY GRANT**

I am pleased to report that the City of Rye Police Department has been awarded a COPS Technology Grant by the Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$30,000.

The grant was obtained by Congresswoman Nita Lowey, and has been earmarked for the purchase of an in-car video system that will allow for automatic wireless download of data onto a computer server. The system will include two in-car camera units.

The original award document is attached. It will require signature verifying acceptance by the city. I am also forwarding a copy to the Finance Department to facilitate any fiscal record keeping duties it may entail. If you will return the executed document to my office, I will have it forwarded to the COPS Office.

Submitted for your consideration.

WRC/wrc

William R. Connors
Police Commissioner

cc: Jean Gribbins, Comptroller



U.S. Department of Justice

Office of Community Oriented Policing Services (COPS)

Office of the Director
1100 Vermont Ave., NW
Washington, DC 20530

September 21, 2009

Police Commissioner William Connors
Rye, City of
21 McCullough Place
Rye, NY 10580

Re: Technology Program Grant #2009CKWX0095
ORI#: NY05908

Dear Police Commissioner Connors:

Congratulations! On behalf of Attorney General Eric Holder, I am pleased to inform you that the COPS Office has approved your agency's request for funding in the amount of \$30,000 under the COPS Technology Program. Enclosed in this packet is your grant award. **The award document must be signed and returned to the COPS Office within 90 days from the date of this letter to officially accept your grant.** On the reverse side of the grant award is a list of conditions that apply to your grant. You should read and familiarize yourself with these conditions. In addition, your Grant Owner's Manual and other important information to assist you with the implementation of your award are available online at <http://www.cops.usdoj.gov/Default.asp?Item=2200>.

The official start date of your grant is March 11, 2009. Therefore, you can be reimbursed for approved expenditures made on or after this date. Please carefully review the Financial Clearance Memorandum included in your award package to determine your approved budget, as some of your requested items may not have been approved by the COPS Office during the budget review process, and grant funds may only be used for approved items. Also, please be aware that any vendor or contractor who participated in drafting your grant application may not receive federal funding for any procurement under this award.

Within a few weeks, you will receive a financial documentation package from the Office of the Chief Financial Officer, Office of Justice Programs. This important package will contain the forms and instructions necessary to begin drawing down funds for your grant.

Once again, congratulations on your Technology Program award. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 1.800.421.6770.

Sincerely,

A handwritten signature in black ink, appearing to read "DBuchanan".

David M. Buchanan
Acting Director



U. S. Department of Justice
Community Oriented Policing Services

Grants Administration Division
Law Enforcement Technology

1100 Vermont Avenue, NW
Washington, DC 20530

Memorandum

To: Police Commissioner William R. Connors
Rye, City of

From: Andrew A. Dorr, Assistant Director for Grants Administration
Clara Pesiri, Grant Program Specialist
Budget Prepared By: Clara Pesiri, Grant Program Specialist

Re: Law Enforcement Technology Financial Clearance Memo

A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines. Exceptions / Adjustments are noted below.

OJP Vendor #: 136007328

ORI #: NY05908

DUNS #: 098483837

Grant #: 2009CKWX0095

<u>Budget Category</u>	<u>Proposed Budget</u>	<u>Approved Budget</u>	<u>Adjustments</u>	<u>Disallowed/Adjusted - Reasons/Comments</u>
Equipment	\$17,530.00	\$17,530.00	\$0.00	
Other	\$13,100.00	\$12,470.00	\$630.00	Exceeds award amount
Direct Costs:	\$30,630.00	\$30,000.00	\$630.00	
Grand Total	\$30,630.00	\$30,000.00	\$630.00	
Grand Total:	Federal Share:	\$ 30,000.00		
	Applicant Share:	\$ 0.00		

Cleared Date: 8/7/2009

Overall Comments:

All costs listed in this budget were programmatically approved based on the final Budget Detail Worksheets submitted by your agency to the COPS Office. Maintenance agreements (if applicable) must be purchased and paid in full within the three-year grant period. Prior to the obligation, expenditure or drawdown of grant funds for non-competitive contracts in excess of \$100,000, grantee must submit a sole source justification to the COPS Office for review and approval. Prior to the obligation, expenditure, or drawdown of grant funds for consultant fees in excess of \$550 per day when the consultant is hired through a noncompetitive bidding process, approval must be obtained from the COPS Office. If the vendor number on this form differs from the EIN number included in your application, then for administrative purposes only, we are assigning a different vendor number to your agency. The reason for this administrative change is that your original EIN number has been assigned to another agency. If this applies to your agency, please use the new vendor number on all financial documents related to this grant award. The vendor number should not be used for IRS purposes and only applies to this grant.



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Clerk

DATE: September 24, 2009

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the regular meeting of the City Council held on September 16, 2009, as attached.

FOR THE MEETING OF:

October 7, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the Unapproved Minutes of the regular meeting of the City Council held on September 16, 2009.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on September 16, 2009 at 8:00
P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
PAULA J. GAMACHE
CATHERINE F. PARKER
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT: MACK CUNNINGHAM

The meeting convened at 7:57 p.m. Councilman Ball made a motion, seconded by Councilman Sack and unanimously carried, to adjourn into Executive Session for an update on the *Chittenden v. City of Rye, et al* litigation. Mayor Otis made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the Executive Session at 8:02 p.m. No decisions were made. The regular meeting convened at 8:04 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 announced that the County Board of Legislators has approved the bonding for the first four flood mitigations projects that are being funded through County Flood Mitigation Assistance Fund. The City will receive \$1.2 million for the sluice gate project. The Mayor offered congratulations to all of the local school sports teams and wished them well for the year.

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

Patricia Pugh, 5034 Theall Road read from a letter she had sent to a local paper urging the City to work out a program to cull the local deer population under the guidelines of the Department of Environmental Conservation (DEC) Bureau of Wildlife. She said that deer culling is permitted with bows and arrows by marksmen during hunting season. Mayor Otis said

that there is a DEC process involved in getting permission to cull the deer population. A few years ago a survey of the local deer population was done but the numbers of deer did not substantiate the number required to qualify for that permission. He added that it may be time to do a new survey in order to qualify for DEC permission. Councilman Pratt added that technology is better now to get a more accurate count by utilizing motion-operated cameras. Councilman Ball said that Greenwich had allowed a bow hunt to occur in order to cull a deer herd and suggested that staff contact them to get feedback on their experience.

John Carolin, 66 Milton Road said that the area of Stuyvesant Avenue that had been the Durland Scout Center was overgrown and asked if the property owner could be told to clean it up. He also thanked Councilwoman Parker for her support on the maintenance of the memorial trees on Purchase Street.

Ray Tartaglione read from Rye City Code §108-25 regarding water supply and asked Councilman Sack why it was not being enforced in homes on Hen Island. Councilman Sack declined to comment saying he would consult with the City Manager first. Mayor Otis said the Building Inspector has been out to Hen Island and has issued violations that were deemed warranted. He added that the applicability of the section of the Code quoted by Mr. Tartaglione is a question for the Building Department and the City Manager. City Manager Culross said he would look into it.

4. Public Information meeting regarding the proposed improvements to the Theodore Fremd Retaining Wall

Mayor Otis said that part of the approval process to receive funding (approximately 80%) for the replacement of the Theodore Fremd Avenue Retaining Wall is that the City is required to hold a public information meeting to describe the design of the improvements for the project. David Weiss and Nicole Schutte were present, representing the engineering firm of WSP Sells (Sells). Ms. Schutte, the project engineer, made the presentation. She said that Sells had been hired by the City to restore the wall to a functioning structure and improve the site by creating a smoother alignment. The issues faced in the project included hydrology, private property easements, utilities (Con Edison, both gas and electric; Westchester County Trunk Sewer and United Water) and maintaining traffic flow. One of the main reasons the wall collapsed was because of the velocity of the water exiting the stream through the I-95/Metro North tunnel where it takes a sharp right turn at a 45 degree angle. A “no build” option was looked at but determined that it did not meet the project objectives and, therefore, is not a recommended course of action. Wall replacement is the option recommended by Sells for this project. A cast-in-place concrete wall is more suitable to withstanding the high stream velocity than pre-cast concrete. Relocating all utilities was not a viable option so an engineered revetment is proposed, which is a protective slope that will require little or no excavation to be installed. It is an articulated concrete block system composed of concrete units tied together with steel cables in order to withstand the high stream velocity. An alignment was chosen to smooth out the curve and lessen the impact of the stream flow. The rebuild option also includes scour countermeasures to protect the wall from being undermined, the stream channel will be cleaned out and new guide rail will be installed. The stream channel will be widened, which will reduce the velocity of water and impact on the wall and, hopefully, prevent this type of wall failure in the future. There should be no effect upstream or downstream from the installation of this wall.

Con Edison will lower the gas line outside of the heating season and electric and water lines will be relocated prior to the contractor beginning work. All services will be maintained throughout construction. Traffic will be shifted slightly to maintain one lane in either direction. Since federal money is involved, New York State Department of Transportation (DOT) procedures must be followed, which requires DOT to review and approve the project. Sells will submit the final design report for approval, acquire easements, obtain the necessary permits, advertise for and award bids and begin construction in Spring 2010.

Assistant City Manager Scott Pickup added to the presentation by saying that previous hydrology work done for the City by the Sells firm has helped with this project. The biggest issues have been the utility conflicts. The high pressure gas line is a major transmission line and necessitated three of four designs before coming up with the final design. Con Edison considers October through March as heating season and will not turn off gas during that time period but other site work can be done during that period, such as relocating water utilities. He also said that there are additional requirements on federal projects relative to right-of-way issues. There will be more action required by the Council during the next few months, including SEQRA and NEPA. The big issue is to satisfy all the requirements for the federal money, not only to receive FEMA money but DOT and Federal Highway money. The DOT has worked with the City and enabled the project to move forward more quickly. He added that the preferred design looks like it will fit within the existing allocation.

Council comments and questions included:

- Can the City do this project without approval for the money and get reimbursed? (FEMA funds are reimbursement based, but the DOT has strict guidelines for receiving Federal Highway money and they will not reimburse the City if work is done without their approval.)
- The timeline of the project has been dictated by the timeline of the process for getting approvals.
- What consideration has been given to improving the hydrology and utility issues? (The cause of the failure was looked at and the proposed project tried to reduce that impact without impacting the utility companies too heavily. The City also received information from the Elm Place Wall project that was helpful in the project.)
- Would the channel artificially narrow at the point where the reventment and slope goes back to vertical walls? (The sloping was done to eliminate the high pressure transmission main from going under the County Trunk sewer thereby satisfying the hydrology and utility needs.)

Members of the public commenting on the presentation included *John Carolin, 66 Milton Road*, and *Peter Jovanovich, 647 Milton Road*. Their questions included:

- Will the project relieve backup that occurred in the Highland parking area opposite Highland Hall? (This project will not change existing conditions up or down stream. This project is to repair the Theodore Fremd Avenue Retaining Wall and make it more sustainable in the future.)

- What type of construction will be used? (The proposed wall will be cast-in-place concrete and the reventment will be an engineered pre-caste concrete slope.)
- What type of guard rail system will be utilized? (Anything incorporated into the design specs must meet DOT standards; some are more aesthetically pleasing than others. Part of the area for the construction is contained in County plans for a bike path extension and there will be discussions with the County about how that will be incorporated into the final design.)

Consideration to set a public information meeting on October 7, 2009 regarding the replacement of the Central Avenue Bridge.

Mayor Otis announced that the City has received an approval letter from the Historic Preservation Unit of the New York State Office of Parks Recreation and Historic Preservation. With this approval the Department of Transportation (DOT) will be able to go forward and the City will, hopefully, received approval from them shortly.

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

WHEREAS, the New York State Department of Transportation requires that a public meeting be held to discuss the replacement of the Central Avenue Bridge in order for the City of Rye to receive Emergency Relief Funds to make said improvements; and

WHEREAS, it is now desired to call a public meeting to discuss such replacement, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. A public meeting will be held by the Council of said City on October 7, 2009 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning the replacement of the Central Avenue Bridge.

Section 2. Such notice of public meeting shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Meeting to discuss the Replacement of the Central Avenue Bridge.

Notice is hereby given that a public meeting will be held by the City Council of the City of Rye on the 7th day of October, 2009 at 8:00 P.M. at City Hall, Boston

Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the replacement of the Central Avenue Bridge.

Dawn F. Nodarse
City Clerk

Dated: September 25, 2009

6. Report from the Corporation Counsel's Office regarding research on rent control legislation

Corporation Counsel Kevin Plunkett said this report was being made as a result of recent inquiries regarding the Emergency Tenant Protection Act (ETPA) in order to revisit the requirements of the law regarding adoption or amendment of ETPA. In February 2006, the City adopted ETPA and declared an emergency for certain buildings containing 50 or more dwelling units. There has recently been talk about amending that Resolution. He said he and Deputy Corporation Counsel Kristen Wilson researched the law and Ms. Wilson spoke with attorneys at the Division of Housing and Community Renewal (DHCR) and determined that there are no short cuts to expedite the process. If a community wishes to adopt or amend ETPA it must consider whether or not there is an emergency and follow the following steps: (1) conduct a survey or assessment of the housing accommodations in the City along with the vacancy rate for each type of housing accommodation; (2) after completing the survey the City can declare an emergency with respect to any classification of housing containing six or more units subject to the fact that the vacancy rate must be less than five percent; and (3) the City Council must hold a public hearing with 10 days notice prior to adopting a Resolution declaring an emergency. Mr. Plunkett pointed out that if a vacancy rate for a particular housing accommodation class exceeds five percent then the emergency must be declared at an end. He said there is a need from time to time for the City Council to revisit whether or not there is still a housing emergency for those units where the ETPA has been adopted. He also said that if a building owner is artificially creating vacancies in order to get above the five percent mark, they would not be considered true vacancies. He advised that if the City Council desires to expand ETPA, they must follow the procedures in the law. He said the basis of his report was strictly to update the Council about the process of ETPA and not for action to be taken. He advised that if the Council chose to act on expanding ETPA, any survey done should also include those units currently covered by ETPA.

Council questions included:

- Is there any information on the Memorandum of Understanding (MOU) among the property owners? (Four years ago there were three owners of five structures, two years ago there were two owners of four structures and currently there is one owner of three structures who has signed on, but there have been very few complaints in the years the agreements have been in effect.)
- Is doing a survey precedent to even having a discussion about expanding ETPA? (Yes, the Council must first determine that an emergency exists.)
- Wasn't there a rent element involved in the prior adoption of ETPA? (There was concern last time because in addition to the emergency aspect, an unknown owner was coming in

and people were concerned about how much the rents could be raised. The rents are not part of the necessity for a survey for the emergency aspect of the law.)

- Is there a time period requirement to do a reassessment under ETPA? (No, but in order to comply with the spirit of the law that says ETPA becomes null and void if the vacancy rate goes above five percent, the community should take a look at the issue.)

Members of the public commenting included Roger Laurence, 12 Laurel Street, and Albert Annunziata, of The Building & Realty Institute:

- The Council should not hesitate to expand ETPA. It should be expanded to other buildings as a matter of fairness. (The Council cannot change the parameters of ETPA coverage just by motion. It must follow the procedures outlined by the Corporation Counsel.)
- The Council should reach out to the association that represents owners of buildings. Fairness goes both ways because investors deserve consideration as well.
- There can be fiscal effects when rents are regulated.
- Other communities have also successfully utilized voluntary agreements, which omit a layer of regulation in ETPA that makes it difficult to make capital improvements.
- There are several communities similar to Rye that have ETPA and have not suffered any consequences.

7. Consideration of a resolution to televise all public meetings of the City Council including regular meetings, special meetings, and workshops

Mayor Otis said that Councilmen Sack and Pratt have both drafted Resolutions regarding televising all public meetings of the City Council. Councilman Sack said that he had prepared and circulated his proposed Resolution to the Council and he hoped the Council would adopt it at this meeting. Councilman Pratt said that he had supported Councilman Sack's suggestion of expanding television coverage of Council meetings at the last meeting but proposed an alternate Resolution, which simplified the language.

The City Manager was asked about the economic consequences of the proposal. He said that it was viable because most extra meetings occur during budget season. He said there would be some additional cost involved for the part-time employee who works on an hourly rate. He added that the biggest concern from a staff perspective would be if meetings were scheduled with less than a week's notice. It was conceded that both proposed Resolutions ultimately sought the same result and a discussion ensued about which Resolution the majority of the Council preferred to adopt.

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

WHEREAS, All of the "regular" public meetings of the Rye City Council have always been televised on the Rye City government access cable television channel ("Rye TV") since that practice was adopted, and

WHEREAS, There are frequently “special” public meetings and “workshop” public meetings of the Rye City Council, which include discussions that are just as much in the public interest as those discussions which take place at “regular” public meetings of the Rye City Council, and

WHEREAS, These “special” and “workshop” public meetings of the Rye City Council have not been televised on Rye TV, and

WHEREAS, There have recently been “special” and workshop” public meetings of the Rye City Council at which important public issues have been addressed, but these meetings have not been televised or recorded for public viewing, and

WHEREAS, the overwhelming majority of Rye City residents are unable to attend in person the live public meetings of the Rye City Council, due to the demands of busy family and professional lives, and thus rely upon either the live Rye TV broadcast or the subsequent taped Rye TV broadcasts of the public meetings of the Rye City Council, in order to obtain unfiltered information from the meetings, and

WHEREAS, the residents of the City of Rye deserve to have the opportunity to directly know and observe what is happening at all public meetings of the Rye City Council, and

WHEREAS, It is the intention of the City of Rye and the Rye City Council to take measures to promote and encourage public access to all open and public meetings of the Rye City government, therefore

BE IT RESOLVED, That henceforth all public meetings of the Rye City Council – “regular,” “special,” “workshop” or otherwise – be televised live on Rye TV and be recorded for subsequent rebroadcast on Rye TV, and for streaming on the Rye City website, and

BE IT FURTHER RESOLVED, That if in the sole determination of the Rye City Manager the necessary Rye City staff is unavailable to broadcast these public meetings on Rye TV, these public meetings will nonetheless be audiotaped by the Rye City Clerk, and the audiotape will then be played back on Rye TV and posted on the Rye City website, and will otherwise be available to the public for listening in the Rye City Clerk’s office, and

BE IT FURTHER RESOLVED, That Rye City staff will take the appropriate measures to place a microphone(s) in the City Council chambers, so as to not disrupt the “informal” setting of some public meetings that are not conducted with Council members seated on the dais.

Councilwoman Gamache, the liaison to the Cable Television Committee, pointed out that the Committee had not had a meeting since the proposal was made to expand television coverage. It was noted that former Mayor John Carey, who is a member of the Committee, had

suggested that volunteers could tape the meetings if a staff member was not available. Councilman Pratt said that both he and Councilman Sack were proposing to codify what this Council and future Council would do relative to televising meetings. Councilman Ball said that he could support Councilman Pratt's motion now or Councilman Sack's with some modifications.

Councilman Sack withdrew his motion to adopt his proposed Resolution and said he would support Councilman Pratt's Resolution.

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

WHEREAS, All of the "regular" public meetings of the Rye City Council have always been televised on the Rye City government access cable television channel ("Rye TV") since that practice was adopted, now, therefore,

BE IT RESOLVED it will be the policy of the City Council all regular meetings, workshops, and special meetings of the City Council, excluding executive sessions, will be televised live on RCTV and be recorded for subsequent rebroadcast on RCTV , and for streaming on the Rye City website and;

BE IT FURTHER RESOLVED, that, consistent with past practice, the staffing for broadcasting meetings will be determined by the City Manager subject to staff availability, and;

BE IT FURTHER RESOLVED, when staff is not available, the meetings will be audio taped and made available to the public through the same media as video recorded meetings.

ROLL CALL

AYES: Mayor Otis, Councilmembers Ball, Gamache, Parker, Pratt and Sack
NAYS: None
ABSENT Councilman Cunningham

8. Three appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2012

Mayor Otis made a motion, unanimously carried, to approve the appointments of Andrew Bodnar, George DeFilippo and Robert Rispoli to the Boat Basin Commission for two-year terms expiring on January 1, 2012.

9. Designation of one member to the Boat Basin Nominating Committee

Councilman Pratt made a motion, seconded by Councilman Ball and unanimously carried, to appoint Ford Winters to the 2010 Boat Basin Nominating Committee for a one-year term expiring on January 1, 2011.

10. Five appointments to the Rye Golf Club Commission by the Council: three appointments for three-year terms expiring January 1, 2013 and two appointments for a one-year term expiring January 1, 2011

Councilman Sack made a motion, seconded by Councilman Ball and unanimously carried, to approve the appointments to the Rye Golf Club Commission of Dan DeVito, Patrick Dooley and Tom Kennedy to three-year terms expiring on January 1, 2013 and Frank Adimari and Rich Verille to one-year terms expiring on January 1, 2011.

11. Designation of one member to the Rye Golf Club Nominating Committee

Mayor Otis made a motion, unanimously carried, to appoint Tom DeMarco to the 2010 Golf Commission Nominating Commission for a one-year term expiring on January 1, 2011.

12. Bid Award for the Brevoort Lane Pump Station Pump Retrofit (Contract #2009-05)
Roll Call.

City Manager Culross said that the pumps were last replaced in 1988 and staff recommends awarding the contract to the low bidder. City Engineer Mottarella said that this is a highly specialized field and there are not many companies who do this type of work.

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

RESOLVED, that Contract #2009-05, Brevoort Lane Pump Station Pump Retrofit, be awarded to Evergreen Mechanical, the low bidder meeting the City's specifications, for the amount of \$86,790.00.

ROLL CALL

AYES: Mayor Otis, Councilmembers Ball, Gamache, Parker, Pratt and Sack
NAYS: None
ABSENT Councilman Cunningham

CONTRACT # 2009-05
Brevoort Lane Pump Station Retrofit

BIDDER	BID AMOUNT
Evergreen Mechanical	\$86,790.00
Grupusso Plumbing	\$110,000.00

13. Bid Award for two Diesel Generators for the Department of Public Works (Bid #3-09)
Roll Call.

Councilman Pratt made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

RESOLVED, that Bid #3-09, two (2) Diesel Generators for the Department of Public Works, be awarded to Kinsley Power, the low bidder meeting the City's specifications, for the amount of \$63,155.00.

ROLL CALL

AYES: Mayor Otis, Councilmembers Ball, Gamache, Parker, Pratt and Sack
NAYS: None
ABSENT Councilman Cunningham

BID #3-09
Two (2) Diesel Generators

BIDDER	BID AMOUNT
Kinsley Power Systems	\$63,155.00
Power Performances Ind.	\$95,200.00
K & G Power Systems	\$123,000.00

14. One appointment to the Traffic & Transportation Committee to fill a term ending January 1, 2012 by the Mayor with Council approval

Mayor Otis made a motion, unanimously carried, to approve the appointment of Alfred Vitiello to the Traffic & Transportation Committee to fill a term ending January 1, 2012.

15. Approval of the election of a new member to the Rye Fire Department

Mayor Otis made a motion, unanimously carried, to adopt the following Resolution:

RESOLVED, that the Council of the City of Rye hereby approves the election of Robert Orlando DelliPaoli to the Poningoe Engine and Hose Company approved at the August 2009 meeting of the Board of Fire Wardens.

16. Miscellaneous communications and reports

Councilman Pratt asked that the Mayor and City Manager consider moving the appointments of volunteers who serve in the Fire Department or on other City Boards and Commissions to earlier in the meeting.

Councilwoman Parker said that she had attended a Chamber of Commerce meeting (also known as the Rye Merchants' Association) and they have decided to move the Mistletoe Magic event back to the Sunday of Thanksgiving weekend.

17. Old Business

Councilman Sack asked for a report on a meeting Mayor Otis had with the Chief Judge about the Police/Court facility. He said that whenever a Councilmember interacts with another government official on an issue that affects the City, he would like to know about it. The Mayor said that there has been an ongoing dialogue between the City and the Office of Court Administration (OCA) regarding their requirements for space at the Courthouse and the City's obligations. The meeting Councilman Sack referred to was organized by the City Court Judges for Chief Judge Lipman to visit the City's Courthouse facility and Police Station and he and City Manager Culross were also invited to attend. The goal was to maximize the City's ability to try and access OCA funding for what must be done for renovation and expansion of the Courthouse facility. City Manager Culross said that the City must know what they want to do relative to the Police/Court facility before any application for funding can be made. He added that even though the Chief Judge indicated there might be some funds available, the OCA is in a position to direct the City to do certain things. Councilman Pratt suggested that since the issue of the court facility goes back several years and will continue into the future, it would be helpful to have the City Manager provide a history of the issue.

Councilman Pratt said that he has heard that the new business model for the management of Playland may become a political issue in the County. He said he is concerned about the lack of success in finding a business operating model that works for Playland and wonders what the taste is for Westchester to continue supporting a recreational vehicle that loses money. Councilwoman Parker said that she had been told by Dan McBride, the Deputy Commissioner of Westchester Parks, that Playland is the park least subsidized by Westchester residents. Mayor Otis added that he had been told by Dan McBride that this summer's weather would have to be factored in when they evaluate the new business model and said that the City could ask for a copy of that analysis.

18. New Business

There was no new business to be discussed.

19. Draft unapproved minutes of the regular meeting of the City Council held August 12, 2009

Mayor Otis made a motion, seconded by Councilman Ball and unanimously carried to approve the minutes of the regular meeting of the City Council held on August 12, 2009, as amended.

20. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 10:52 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk