

## 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.*

### AMENDED 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.

- 13A. Two appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval.
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 s Roll Call.
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

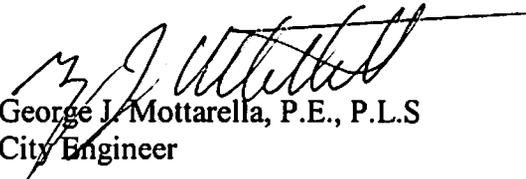
**FROM:** George Mottarella P.E., P.L.S.

**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**

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



**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

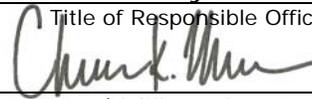
**Steve Otis**

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](mailto: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 |

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: TIP Funded Pedestrian Improvements; 3. PROJECT LOCATION: Municipality: Rye, NY County: Westchester; 4. PRECISE LOCATION: Various Locations in Rye, NY (see attachment); 5. PROPOSED ACTION: Modification/Alteration; 6. DESCRIBE PROJECT BRIEFLY: 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 total \$695,000. A more complete description in attached hereto.; 7. AMOUNT OF LAND AFFECTED: Initially see attachment Ultimately see attachment; 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?: Yes; 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?: Varies (see attachment); 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? Yes; 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? No; 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? No; 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 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.



**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](mailto: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, 4<sup>th</sup> 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 16<sup>th</sup> and 24<sup>th</sup> 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 5<sup>th</sup>. 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 5<sup>th</sup>. 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. 13A

DEPT.: City Mayor

DATE: October 5, 2009

CONTACT: Mayor Otis

**ACTION:** Two appointments to the Conservation Commission/Advisory Council for three-terms, by the Mayor with Council approval.

**FOR THE MEETING OF:**

October 7, 2009

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointments.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# 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

A handwritten signature in black ink, appearing to read "William R. Connors".

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,

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           |   |
| <b>Grand Total</b>     | <b>\$30,630.00</b>      | <b>\$30,000.00</b>     | <b>\$630.00</b>    |   |
| <b>Grand Total:</b>    | <b>Federal Share:</b>   | <b>\$ 30,000.00</b>    |                    |   |
|                        | <b>Applicant Share:</b> | <b>\$ 0.00</b>         |                    |   |

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.