

MINUTES of the Regular Meeting of the
City Council of the City of Rye held in City Hall on
February 26, 1997 at 7:00 P.M.

PRESENT:

EDWARD B. DUNN, Mayor
JAMES K. BURKE
CAROLYN C. CUNNINGHAM
ROBERT H. HUTCHINGS
JOSEPH L. LATWIN
KATHLEEN E. WALSH
Councilmen

ABSENT: EDWARD J. COLLINS, Councilman

1. Roll Call

Mayor Dunn called the meeting to order; a quorum was present to conduct official City Business.

Councilman Collins was absent because he is recuperating from a recent illness.

2. Old Business

There was no old business discussed.

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

There were no residents wishing to address the Council on matters that did not appear on the agenda.

4. Discussion of proposed Home Depot Project in Port Chester

Mayor Dunn prefaced the discussion on the Home Depot Project in Port Chester with the following comments:

- The City Council will not make a decision tonight,
- A list of concerns will be compiled from the public comments received at this meeting,

- Additional meetings will be scheduled to review and discuss each concern and to discuss these concerns with the appropriate staff members or consultants.

The Mayor said that this is one of the most important issues facing the City of Rye in recent history. He pointed out that this Council and the previous three Councils have opposed the location of the mega store at Rye's border. He explained that he felt it is important that everyone know the position of the members of the Council. Both he and Councilman Collins were on the Council during the first lawsuit.

Tentative discussions of settlement have occurred, but not because anyone is in favor of Home Depot. Since Home Depot is located in Port Chester, the approval process and the E I S are the responsibility of the Village of Port Chester. The Board of Trustees of the Village of Port Chester has the discretion to make judgments about Home Depot. If Port Chester is unwilling to compromise, then the City of Rye's only recourse is through the Court System.

To summarize the recent history, the first suit brought by the City was successful. Our suit was granted by the court because the Port Chester Village Board had not studied the mitigating effects. Upon Home Depot's reapplication, we again went to court to attack the adoption of the draft Environmental Impact Statement by Port Chester. We lost that suit. When final approval was given by Port Chester, Rye City went back to court. The court ruled against the City and dismissed our petition. We appealed.

In a related suit, Port Chester was successful initially in overturning the City's ban on truck traffic left turns onto Peck Avenue, but the City was victorious on appeal. In November, Home Depot sent in plans for the already agreed improvement on Midland Avenue and I-95 exit ramp and asked for approval. We did not approve them in an expeditious manner and were informed that they were going to start two suits, a Federal and Article 78. They were persuaded not to file the suits.

Faced with the losses in the court and pending litigation, the Council then considered whether to continue to pursue these suits, or pursue an out-of-court settlement to get the best we could. We went to our Corporation Counsel and then to an outside counsel to ask if we could win on appeal. It is not in your interest to tell you what those opinions said, however, we still felt it would be better to negotiate with Home Depot. The Council was empowered to sign that settlement. The Council unanimously believed that the tentative agreement would have been appropriate to sign but chose to hold this meeting for public input.

All of us are here because we are interested in Rye. None of us wants Home Depot. He expressed the feeling that our discussions will focus on the impact issues, the possible ways to mitigate the impacts, or reasonable legal strategies. He concluded by saying that the purpose of the meeting is for the Council to learn from its citizens.

Dr. Michael Klemens, chairman, Rye Planning Commission, summarized the Planning Commission's memo dated February 11, 1997 and concluded by saying that the Planning Commission supports the City Council in its efforts to date and endorses a decision to enter into the negotiated settlement.

Mr. Joseph Chira, chairman, Rye Citizens Committee, said that issues have been raised on safety, traffic flow, taxes, emergency services, and the relation of taxes to property values. Our major concern is what is in the best interest of Rye, he said. We have a community that is worth fighting for, with facts and information drawn from the citizens. A communication did go out from the City of Rye that there would be a vote tonight, and there should be a vote tonight. Mr. Chira asked to defer the balance of his comments until after all the speakers have expressed their opinions.

Mrs. Linda O'Neill and Mrs. Mary Anne Bloom, Midland PTO, expressed concern about the increased truck and vehicular traffic on the Post Road and the safety of their children.

Mr. Scott Nelson, Headmaster, Rye Country Day School (RCDS), advised that the Board of Trustees of RCDS voted unanimously to oppose the City's tentative agreement with Home Depot, USA, Inc. He expressed concern about traffic, safety, noise and air pollution and the impact that by-pass traffic will have on the streets bordering RCDS. He said that RCDS is also considering legal recourse.

Dr. Joseph Soury, principal of Midland School, said that the existing traffic problems at Midland School will be compounded by Home Depot. He was concerned about the safety of the Midland students, especially in light of the cut-backs on busing and the fact that many children walk or bike to school. He said that the City had triumphed over the proposed construction of the Oyster Bay Bridge and Avon. Now it is time to win over Home Depot.

Mr. Warren Thayer asked to read a letter from his wife, Toni. Mrs. Thayer's letter expressed concerns which were all traffic related. The concessions noted in the proposed settlement will force truck traffic onto Grace Church St. (especially at the five corners) where children cross early in the morning or late in the day, before or after the crossing guard leaves. This will endanger the safety of the children. Besides noise and pollution, the safety for our children is paramount. Options include preventing the store from being built, or constructing a separate roadway from I-95, she said.

Mrs. Katherine Geoghegan, Mendota Avenue, said safety of our children is our primary concern. We are very worried about increased traffic throughout Rye.

Mrs. Jamie Freitas, Grace Church Street, addressed the issues of increased truck traffic, health issues of noise and air pollution, reduced real estate values and the threat to the quality of life for the residents of Rye. She said it is a lack of responsibility, accountability and the unwillingness of Port Chester to admit that there is a site location problem. If Port Chester wishes to develop the site, they

should pursue permanent alternatives which would alleviate the traffic situation and its impact on Rye. The government of Port Chester is sending a clear message that they are not interested in developing their community and they do not care about enhancing the quality of life for its citizens or neighbors. As a resident of Rye, she is concerned that it has taken considerable citizen action and expense to bring these issues to light and that our elected officials would even come remotely close to considering such a preposterous agreement that would allow the people of Rye to assume the full burden of Port Chester's lack of responsibility.

Mrs. Jane Pearson, president of the Loudon Woods Homeowners Association, opposed the Home Depot. Her concerns focused on traffic and the potential danger for those who walk to school or work. She said that Home Depot's own traffic consultants stated that 90% of the traffic will go through Rye. She asked rhetorically "Who will enforce traffic restrictions and at whose expense?" She urged the City Council to reject the proposed settlement and to persist until all parties arrive at concrete and enforceable long-term solutions and to pursue the matter in court to its conclusion.

Ralph Elefante, Esq., representing Rye Colony Homeowners Association, stressed the difficulty residents of Rye Colony have in trying to exit their property. Having the traffic from Home Depot will only exacerbate this situation. Litigation may be fruitless; however, it is time consuming and does delay projects. Perhaps, Home Depot may find something else to do with their money than to use it on litigation.

Mrs. Linda Briell, Hidden Spring Lane, apprised the Council that the residents of Hidden Spring Lane are unanimously opposed to the development of the Home Depot Project. She emphasized the following;

- Economics: Property values will decrease significantly. This will cause the City of Rye to lose tax money.
- Fairness: It is unfair that Port Chester should reap the tax benefit and Rye will need to spend the tax dollars. Rye will have more garbage and increased noise pollution.
- Integrity: Rye's integrity will be comprised by the routing of Home Depot traffic through Rye. If we cannot prevent Home Depot, we should then insist on a separate access road.

Mr. Ben Scott Custer, Holly Lane, stated that as a citizen of Rye, he is insulted that a corporation the size of Home Depot would try to bribe the City of Rye for \$200,000. He recommended staying in court and delaying the process.

Mrs. Jeanette Cummings read a letter from Mrs. Edith Read, Upper Dogwood Lane, who was unable to attend this meeting. Mrs. Read stated that she was opposed to Home Depot because it would increase traffic and impede commuters. She encouraged the City Council to protect Rye for the future.

Mr. Alan Davis, Holly Lane, said that the City of Rye has been successful over other controversies, namely, the Oyster Bay Bridge, Avon, and the John Jay property. He said that delaying Home Depot is a viable option for the City of Rye. He strongly opposed the City accepting the settlement agreement.

Councilman Latwin said it very frustrating because the City of Rye is constrained by a system that allows Port Chester to make any determination it wants as long as there is documentation to support it.

Former Councilman Arthur Stampleman, Grace Church, said that the tentative agreement is not acceptable. It may make it easier for Port Chester and Home Depot to receive deliveries, but it does not help Rye. There should be access directly onto Midland Avenue. He questioned whether the \$200,000 in the settlement agreement would cover the costs of all the improvements. The County indicates that we have judicial review if something that Port Chester does affects Rye. He agreed that it is important to schedule several meetings on the various issues. He said the civil rights of the people in Rye should be considered.

Ms. Mary Pat Long, Peck Avenue, stated that Home Depot does not make a good neighbor. She stressed that crime is prevalent in areas where there are mega stores. She also mentioned that many truck drivers are unlicensed, high on drugs, and intoxicated. Fines incurred from these are considered the cost of doing business. She said it is no mistake that Home Depot engaged the Pirro firm as its counsel. This firm claims our lawsuits are frivolous. On the contrary, our lawsuits have merit; they are not frivolous. Her property values have decreased from \$150,000 to \$100,000 and she can't imagine how much they would go down if Home Depot comes to Port Chester.

Mr. Robert Marrow, read a statement from former Mayor Warren Ross stating that the settlement proposed by Home Depot is flawed. The proposal ignores that once Home Depot is permitted to build, it will be followed by other mega stores. Our zoning would become meaningless. Acceptance of this settlement would have to be accompanied by a guarantee that no other mega stores would be permitted in Port Chester.

Mr. Sheldon Kahan, Vice President of Interstate Lumber, said that that truck deliveries are made at all times in the night, thus increasing noise and air pollution. It was his opinion that Home Depot conducted business the way they want without regard for others. The City of Rye should maintain the quality of life it presently has and protect our community.

Mr. Moshe Shyevitch, Pelham Tool Co., Port Chester, said that Home Depot deals with hazardous materials and these materials will be coming through our streets. He encouraged the City to oppose Home Depot to safeguard the City of Rye.

Mr. Robert Pfeiffer, Hidden Spring Lane, proposed an alternate route for the Home Depot trucks. He illustrated his proposal by showing a map which would divert all the traffic away from Peck Avenue and Rye Country Day School.

Mrs. Beth Griffin Matthews, 2 Lea Place, opposed Home Depot because of the increased traffic on Midland Avenue. She said there have been many other successful litigations and the City should pursue that again.

Mr. Ralph Vallone, Milton Road, said there is a high turnover among the employees at Home Depot and that trucks have to wait on line for long periods of time. This too adds to air pollution, he said. He recommended seeking the assistance of Westchester County to stop Home Depot from coming to Port Chester.

Mr. Joseph Chira, chairman Rye Citizens Committee, read a letter from Mr. and Mrs. Laurence Tisch, Island Drive, opposing the settlement.

Mr. Chira said we have not exhausted our legal remedies. He suggested going to a more sophisticated court, the Appellate Court. In every decision the individuals facts must be considered. If there is a settlement, we should be certain that there would be no re-zoning (spot zoning) for mega-stores in the future. In his statement, Mr. Chira focused on:

- Safety, especially for the Midland Avenue School children,
- the construction phase of Home Depot when many trucks will be hauling construction materials,
- the need for enforcement of the speed limit,
- the legality of the executive sessions of the City Council,
- liability issues,
- the Mayor's letter indicating there would be a vote on Home Depot at this meeting,
- the fact that in Westchester County they have never made a road improvement without the consent of that municipality, and
- the fact that Port Chester did not follow SEQRA procedures.

Mr. Chira concluded by saying we have many grounds to put before the court. We want to work with the City and pursue our legal choices together.

In response to the question raised about the legality of the City Council's Executive Sessions, Mayor Dunn stated that we have discussed this with our attorneys and under the Open Meetings Law, those meetings were legal.

Mr. Ted Kim, Midland Avenue, said it appears that the City Council changed its mind about opposing Home Depot after it met with their legal counsels. He suggested that the attorneys be fired and that the City hire counsel who would represent what the people want.

Mr. Richard Goldstein, former member of the City Council and Planning Commission, said that he had attended the Port Chester meetings where he made a number of suggestions such as banning the use of trucks on Peck Avenue, widening Slater Street (in Port Chester) or making it a one way street so traffic would go there rather than through Peck Avenue. He was met with silence by the members of the Board of Trustees in Port Chester and no consideration was given to Rye's concerns. He also traced the history of the City of Rye's litigation. He said that spot zoning is a legitimate issue to bring up. This zone was carved out for Home Depot. He expressed the feeling that Port Chester's objective will be to have the rest of Midland available for these mega stores.

Corporation Counsel Gardella noted that the Court ruled against the City's spot zoning argument in court.

Mayor Dunn spoke in defense of Corporation Counsel Gardella and his expertise in pursuing the affairs of the City in relation to Home Depot.

Mr. Leonard Greer, Grace Church Street, said there will be hundreds of cars going to and from Home Depot on every street in Rye. That is a real danger because it is impossible to stop hundreds of cars. Secondly, Home Depot is expecting that the City of Rye will be a good neighbor for a potential settlement of \$200,000. He said we should in every way possible tell Home Depot that the City of Rye will be a very bad neighbor and if they build that store, we will do everything to be disruptive.

Mrs. Lucinda Flynn, a resident of Port Chester and vice president of the Greyrock Properties Association, informed the City Council that all the residents of Greyrock will give their full support to opposing Home Depot.

Mr. Philip Shaner, a resident of Port Chester, affirmed his full support in opposing Home Depot.

Mr. Jack Stavrides, Palisade Road, said that the main problem is entering and exiting Home Depot. Since Port Chester will reap the benefits from property taxes and the State will receive income tax, the responsibility rests with them to solve the problem of traffic.

Mr. Doran Welch, resident of the Gables, supported continuing litigation. He said if Home Depot does come into Port Chester, then we, as a City, must insist on an access or exits off the highway.

Mr. Ellen D'Angelo, Wappanocca Avenue, suggested looking for an alternate route for Home Depot's traffic.

Mr. Kellogg Wong, West Bank Road, opposed the construction of a Home Depot Store in Port Chester and expressed concern about traffic, safety, and pollution.

Mrs. Oriel Redd, resident o of Rye Colony Cooperative, said Rye is already experiencing tremendous traffic and pollution from development in Port Chester. What exists now pales compared to what will happen if Home Depot is constructed without an access road. She expressed concern about access for emergency vehicles. She said that Home Depot may have a right to build but we suggest that they use their resources to direct the traffic onto major highways and direct access roads.

Mr. Jack Kahan, Boulder Road, said that Home Depot is ruthless and will not keep any agreements.

Mrs. Beverly Becker, Rye resident, said that Home Depot will be attracting undesirable elements and will add to the noise and air pollution in our community. She wanted to preserve the safety of Rye and continue litigation.

Mr. Willi Trienekens, Grace Church Street, said that the City of Rye should continue to fight Home Depot and give Port Chester a viable alternative which will not affect Rye.

Mr. Chira, pressed the City Council to vote whether or not to accept the proposed settlement. He demonstrated that the members of the Council have heard the public's comments and now all that is necessary is the vote.

Mayor Dunn apprised the audience that the City Council has taken steps to put the City in the position to file an appeal. The Mayor pointed out that his letter did not mention a vote.

Councilwoman Walsh noted that the Council has taken the time to seek public comment, and now would like to have the opportunity to discuss the legal ramifications of the issues and concerns addressed at this meeting.

Councilwoman Cunningham expressed the hope that this would not have to go to a referendum. She expressed the feeling that she has gained a keener insight into the community's concerns from this meeting.

Mr. Geoffrey Hornbeck, Hidden Spring Lane, said if it is true that Pirro law firm was able to influence the court in the second appeal case then why don't we do the same thing and hire an influential law firm.

Mrs. Burpee, Guion Road, noted that she is very concerned about the traffic

In response to Mrs. Nancy Stampleman, Corporation Counsel read the proposed settlement resolution aloud.

Mr. Robert Munsie, Apawamis Avenue, suggested involving Westchester County, the media and the residents of Port Chester.

Mr. Mitchell Palais, Grace Church Street, said Rye is not the only community to stop Home Depot. There are different ways to stop Home Depot and the City Council should investigate alternatives.

Peter Matorin, Esquire, Grace Church Street, suggested establishing a legal fund to hire top legal counsel and involving advertising businessmen to assist.

Mr. Russell Gold, Hayward Place, said the Council should not enter into this proposed settlement.

Mayor Dunn said this meeting has provided a tremendous amount of information on very complicated issues. This new insight would have a direct impact on the decisions made about Home Depot. The potential danger of continuing litigation is the fact that the City could lose and Port Chester will have the ability to build Home Depot without any mitigation. We can end up in a series of lawsuits which can get very expensive. The Mayor suggested that the main subject for the March 5, 1997 Council meeting ought to be a review of some of the traffic considerations and studies.

Former Councilman Arthur Stampleman asked if there will be a general meeting of the whole community before the vote?

Mayor Dunn indicated that there will be no vote before the March 5th meeting. There will be more meetings about the various concerns mentioned at this meeting. He said at this time, we do not know when the vote will be taken.

Mr. Chira continued to insist that the Council vote. He affirmed that he would not attend another meeting nor invite any other citizens since so many residents have come to register their concerns this evening. He offered the assistance of the Rye Citizens Committee's counsel to effect the appeal. He said there is no reason for delay and was willing to work with the City's Corporation Counsel to resolve this matter.

Councilman Burke said that he did not come to the meeting prepared to vote; he would like time to explore the issues more thoroughly.

Mayor Dunn, there will be a meeting next week and you are all invited to come.

Councilwoman Cunningham suggested that the City Council advise the community whether or not there will be a vote next week.

Mayor Dunn noted that he will not commit to a vote without consulting with Counsel and with the other members of the Council. In conclusion, Mayor Dunn expressed his appreciation to all attendees and said consideration of this issue will be placed on the agenda for the March 5, 1997 Council meeting.

5. Resolution concerning pedestrian crosswalks on Purchase Street in the Central Business District

Mayor Dunn introduced a resolution submitted by Councilwoman Cunningham regarding pedestrian crosswalks on Purchase Street in the Central Business District.

Councilwoman Cunningham moved that the all of the crosswalks on Purchase Street be painted with cross hatching.

In response to Councilman Latwin's question if cross hatching is slippery when wet, City Manager Culross said that slipperiness be reduced.

A brief Council discussion focused on the necessity and placement of signs. Since Councilwoman Cunningham felt that signs were necessary, Councilman Latwin suggested that it might be more effective to place them at the beginning and the end of the Central Business District.

Councilwoman Cunningham made a motion, seconded by Councilman Latwin and unanimously carried, to adopt the following resolution:

WHEREAS, assuring the safety of shoppers and other pedestrians crossing Purchase Street in Rye's central business district is of paramount importance, and

WHEREAS, having motorists stop for pedestrians in the crosswalks contributes not only to safety but to the user-friendliness and pleasant ambiance of a downtown shopping area; therefore, be it

RESOLVED, that each of the crosswalks on Purchase Street between Purdy and Locust be painted with cross-hatching on the street (as at school crossings); and be it further

RESOLVED, that the Purchase Street crossings at the West Purdy Street entrance to city parking lot (by the Chase Bank) have a sign placed on each side of the street to remind motorists to stop for pedestrians in the crosswalk.

6. Consideration of request of Mr. and Mrs. Howard Chumsky for permission to erect a fence in the City right-of-way on Martin Road

Consideration of this agenda item was tabled to the March 5, 1997 Council meeting to give an opportunity for the petitioners to discuss this matter with their neighbors and to suggest that they might consider constructing a berm to lessen the aesthetic impact.

7. Consideration of proposed local law amending Chapter 197-81, Interpretative jurisdiction of Board, of the Code of the City of Rye to define the Board of Appeals' authority in connection with zoning cases pursuant to State Law

The City Council was amenable to Councilman Latwin's suggestion to schedule a public hearing on the proposed local law amending Chapter 197-81, Appellate Jurisdiction of the Board, of the Code of the City of Rye, by revising and establishing public notification procedure for Board of Appeals' notice provision at the same meeting as the consideration of proposed local law amending Chapter 197-81, Interpretative jurisdiction of Board, of the Code of the City of Rye, to define the Board of Appeals authority in connection with zoning cases pursuant to State Law.

Councilman Burke made a motion, seconded by Councilman Latwin and unanimously carried, to adopt the following resolution:

WHEREAS, a proposed local law entitled "A local law Amending Chapter 197-81, Interpretative Jurisdiction of Board, of the Code of the City of Rye to define the Board of Appeals authority in connection with zoning cases pursuant to State law" has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on March 19, 1997 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 such proposed law.

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

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
Amending Chapter 197-81, Interpretative Jurisdiction of Board,
of the Code of the City of Rye to define the Board of Appeals
authority in connection with zoning cases pursuant to State law**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 19th day of March, 1997, 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 proposed local law entitled "A local law Amending Chapter 197-81, Interpretative Jurisdiction of Board, of the Code of the City of Rye to define the Board of Appeals authority in connection with zoning cases pursuant to State law".

Copies of said proposed local law may be obtained from the office of the City Clerk.

City Clerk

dated:

Councilman Burke made a motion, seconded by Councilman Latwin, and unanimously carried, to adopt the following resolution:

WHEREAS, a proposed local law entitled "A local law Amending Chapter 197-81, Appellate Jurisdiction of the Board, of the Code of the City of Rye, revising and establishing public notification procedure for the Board of Appeals" has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on March 19, 1997 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 such proposed law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on Proposed Law

Amending Chapter 197-81, Appellate Jurisdiction of the Board, of the Code of the City of Rye, revising and establishing public notification procedure for Board of Appeals

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 19th day of March, 1997, 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 proposed local law entitled "A local law Amending Chapter 197-81, Appellate Jurisdiction of the Board, of the Code of the City of Rye, revising and establishing public notification procedure for the Board of Appeals."

Copies of said proposed local law may be obtained from the office of the City Clerk.

City Clerk

dated:

8. Authorization for the City Manager to enter into a 1997 Stop DWI Patrol Project Reimbursement Contract with the County of Westchester for the 1997 calendar year

Councilman Latwin made a motion, seconded by Councilman Burke, to adopt the following resolution:

RESOLVED, that the City Manager is hereby authorized to enter into a 1997 Stop DWI Patrol Project Reimbursement Contract with the County of Westchester for the 1997 calendar year.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Cunningham,
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: Councilman Collins

The resolution passed.

9. Consideration of the request of the Rye YMCA to use City streets on Sunday, April 13, 1997, for the Annual Rye Derby

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of the Rye YMCA to use City streets on Sunday, April 13, 1997, for the Annual Rye Derby.

10. Bids for Automatic Irrigation System at Rye Golf Club

The following bids were received:

BID TABULATION ON SEPARATE PAGE

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

RESOLVED, that the bid for Automatic Irrigation System at Rye Golf Club is hereby awarded to Irra-Tech, Inc. the lowest bidder meeting specifications in the amount of \$564,400.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Cunningham,
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: Councilman Collins

The resolution passed.

11. Bids for Sidewalk Repairs. Roll Call

The following bids were received:

BID TABULATION ON SEPARATE PAGE

Councilman Burke made a motion, seconded by Councilman Hutchings to adopt the following resolution:

RESOLVED, that the bid for Sidewalk Repairs is hereby awarded to Barreto Construction Co. the lowest bidder meeting specifications in the amount of \$76,500.

ROLL CALL:

AYES Mayor Dunn, Councilmen Burke, Cunningham,
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: Councilman Collins

The resolution passed.

12. Draft unapproved minutes of the regular meeting of the City Council held February 5, 1997

Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held February 5, 1997 as amended.

13. Miscellaneous communications and reports

Mayor Dunn reported that there might be a six-month stay on the Article 78 proceedings attacking residential zoning covering Thruway Authority property across from Rye Country Day School (RCDS). The Mayor stated that he will inform RCDS about the status of this pending suit.

14. New Business

A. Councilwoman Walsh announced that a meeting is scheduled for Monday March 3, 1997 at 7:00 P.M. in the Mayor's Conference Room on the proposed development of the Rye YMCA and the Rye Free Reading Room. The purpose is to discuss an open space study and identify issues that should be pursued in the course of that study.

In response to Mayor Dunn's question, Councilwoman Walsh said another meeting is scheduled for March 22, 1997. Perhaps after that meeting, a more detailed traffic study would be appropriate.

B. Councilwoman Cunningham asked City Manager Culross to survey other communities for any background on their pooper scooper law.

C. Councilman Hutchings requested that the City Manager and the Superintendent of Rye City Schools discuss the disposition of the studio at the Rye High School. City Manager Culross will schedule a meeting and report to the Council.

D. Mr. Peter Rusciano, a representative from Vincent Rusciano Construction Company, Inc., questioned why he did not receive the bid for sidewalk repair since he expressed the feeling that he was the lowest bidder.

Corporation Counsel Gardella pointed out that his bid was submitted without a certified check and did not have a notarized signature. The Corporation Counsel explained that the law indicates that this is a non-conforming bid.

E. Councilman Hutchings made a motion, seconded by Councilwoman Walsh and unanimously carried, to schedule an executive session of the City Council for March 5, 1997 at 6:00 P.M. to discuss litigation related to Home Depot.

15. Adjournment

There being no further business to discuss, the meeting was adjourned at 12:00 A.M.

Respectfully submitted,

Alice K. Conrad
City Clerk