

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on April 16, 1997 at 8:00 P.M.

PRESENT:

EDWARD B. DUNN, Mayor
JAMES K. BURKE
EDWARD J. COLLINS
CAROLYN C. CUNNINGHAM
ROBERT H. HUTCHINGS
JOSEPH L. LATWIN
Councilmen

ABSENT: KATHLEEN E. WALSH

1. Roll Call

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

2. Resolution proclaiming April 25, 1997 as Arbor Day in the City of Rye

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

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce soil erosion, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees are a source of joy and spiritual renewal, and

WHEREAS, the City of Rye has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, Edward B. Dunn, Mayor of the City of Rye, do hereby proclaim April 25, 1997 as ARBOR DAY in the City of Rye, and I urge all citizens to support efforts to care for our trees and woodlands and to support our city's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

DATED this twenty-fifth day of April, 1997.

Edward B. Dunn
Mayor

3. Old Business

There was no old business to be discussed.

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

There were no residents present who had matters to discuss that did not appear on the agenda.

5. Status Report on RCTV

Mayor Dunn acknowledged the receipt of the City Manager's review of the RCTV Excellence Report dated April 11, 1997.

Councilman Hutchings commended City Manager Culross for his efforts in identifying what needs to be accomplished. He expressed the hope that negotiations with the Superintendent of Schools would help achieve the proposed goals. He added that consideration should be given to the relationship of the new Administrative Assistant with RCTV.

Responding to several questions posed by the City Council, City Manager Culross highlighted the following:

- The RCTV Excellence Report suggests that the legislative intent section of Article 20B be expanded by adding the following: "to serve as a valuable source of information on behalf of the City government, School District, and residents regarding topics and issues that affect the quality of life within the City of Rye." He concurred with the intent of the statement but questioned the appropriateness of referring to the School District in the legislative intent section of the City of Rye's Charter.
- The Excellence Committee's proposed change in the composition and function of the Cable Television Commission is a policy issue which would be best addressed by the City Council.

- He expressed the belief that the most important role for the Cable Television Commission is to provide guidance and oversight of the community access use of cable television and to coordinate the fundraising efforts of the Friends of RCTV.
- Government and Educational Access channels can be managed by the City and the School District staff. Issues relating to the shared studio can be handled within the terms of an intermunicipal agreement.
- The City Council might consider repealing Article 20B and reestablishing the Cable Television Commission by resolution to create greater flexibility as its role evolves.
- The Excellence Committee anticipates that the cost of expanding and upgrading the present studio at Rye High School will be primarily financed by the City of Rye from the TCI payment for support of PEG Access facilities.
- He concurs with the Excellence Committee's recommendation that an appropriate joint use agreement be negotiated with the Rye City School District and as part of that agreement, the City of Rye should be prepared to make a significant investment in equipment.
- Presently there are ongoing discussions with the Superintendent of Schools for an intermunicipal agreement between the City of Rye and the Rye City School District for the joint operation of a cable television studio through the year 2005.
- The inventory of equipment should be agreed upon by both the City and the Rye City School District.
- The cost of televising the City Council meetings was not included in the 1997 budget. However, it could be appropriated from the fund balance when needed.

At the joint April 12, 1997 School Board/City Council meeting, Councilman Hutchings noted that the School Board had a positive approach to the recommended plan for the studio. He also added that it would be wise to wait until some of these policy issues are resolved before implementing the televising of Council meetings. Therefore, he suggested that this project be included in the 1998 budget.

Mayor Dunn said that the City Council has to decide the type and function of the Cable Commission.

In response to Councilman Latwin's question on the need for a referendum if the City Council does not appoint the Cable Commission members, Corporation Counsel Gardella explained that it might entail a referendum for the curtailment of power of an elected official. He would research this issue.

Mr. Robert Connor, member of the RCTV Commission, said the first Commission model discussed by the RCTV was to divorce RCTV from the political ramifications of the City and School Board and to establish a separate charitable corporation. When the Commission members realized that the legal implications were so horrendous, they felt the best compromise was to create a three station network as opposed to three separate networks. He added that before a final decision is made, an agreement must be made with the School Board. In closing, the Cable Commission offered its assistance to help in any way.

6. Three appointments to the Finance Committee for three-year terms ending January 1, 2000, two appointments for two-year terms ending January 1, 1999, and two appointments for one year term ending January 1, 1998, by the Mayor with Council approval

Mayor Dunn said despite the way the agenda reads, he would like the one year terms to end January 1, 1999, the two-year terms to end January 1, 2000, and the three-year terms to end January 1, 2001. This way, even the individuals serving one year terms would have experience with two budgets.

Corporation Counsel Gardella said he was not aware of any legal impediment connected with changing these term limits, however, the Council would have to amend the original resolution establishing such terms.

Mayor Dunn informed the Council that one nominee, Mr. Arthur Stampleman, is currently serving on the Ethics Committee. Since it is customary to serve on only one board, and because the Mayor has not had the opportunity to discuss Mr. Stampleman's preference, the Mayor postponed this appointment to the next Council meeting.

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

RESOLVED, that the second "RESOLVE" establishing terms of office adopted on February 5, 1997 is amended accordingly, and be it further

RESOLVED, that the City Council hereby approves the Mayor's appointment of the following to the Finance Committee:

Mr. Robert H. Neihaus, Mrs. Doreen M. Beswick, and Mr. Edmond J. Downing for three-year terms ending January 1, 2001;
Mr. Gregory McLaughlin and Mr. Douglas K. Monroe for two-year terms ending January 1, 2000; and
Mrs. Julia Powers Killian for a one year term ending January 1, 1999.

The resolution passed.

7. Designation of the Chairman of the Finance Committee, by the Mayor

Mayor Dunn designated Mr. Robert H. Niehaus as chairman of the Finance Committee.

The following agenda item was taken out of order:

9. One appointment to the Recreation Commission to fill the unexpired term ending January 1, 1998

Councilwoman Cunningham made a motion, seconded by Councilman Burke and unanimously carried, to approve the appointment of Mr. Mack S. Cunningham to the Recreation Commission to fill the unexpired term ending January 1, 1998.

8. One appointment to the Boat Basin Commission to fill the existing vacancy until the next election, by the City Council

Councilman Burke made a motion, seconded by Councilman Collins and unanimously carried, to approve the appointment of Mr. Edward McCarten to the Boat Basin Commission to fill the existing vacancy until the next election.

10a. Approval of the election of the Fire Chief, 1st Assistant Fire Chief and 2nd Assistant Fire Chief

Councilman Latwin made a motion, seconded by Councilman Burke and unanimously carried, to approve the appointment of Mr. Vincent Ballantoni as Fire Chief, Mr. George Ballantoni as 1st Assistant Fire Chief, and Mr. Walter Roode as 2nd Assistant Fire Chief.

10b. Approval of the election of new members of the Fire Department

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to approve the appointment of Mr. William Heidel to the Milton Point Engine & Hose Company. The appointment of Mr. Anthony Critzman to the Milton Point Engine & Hose Company was tabled to the next Council meeting pending further information.

11. Authorization for the City Manager to sign a Fire Standpipes Maintenance and Repair Agreement with the New York State Thruway Authority for such standpipes located along I-95 New England Thruway within the geographical jurisdiction of the City

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

RESOLVED, that the City Council hereby authorizes the City Manager to sign a Fire Standpipes Maintenance and Repair Agreement with the New York State Thruway Authority for such standpipes located along I-95 New England Thruway within the geographical jurisdiction of the City.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Walsh

The resolution passed.

12. Authorization for the City Manager to enter into an agreement for a five-year period ending December 31, 2001 with the County of Westchester for participation in the Composting Equipment Circulation Program

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

RESOLVED, that the City Council hereby authorizes the City Manager to enter into an agreement for a five-year period ending December 31, 2001 with the County of Westchester for participation in the Composting Equipment Circulation Program.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Walsh

The resolution passed.

Councilman Latwin noted that the Rye City Code prohibits composting. This issue was referred to the Conservation Commission/Advisory Council for review and comment.

13. Bids for Alterations to the Kitchen, Lounge and Office Area of the Damiano Recreation Center

The following bids were received:

Contract #9705
 Flooring & Alterations
 Damiano Recreation Center

NAME OF BIDDER	Security	Total Bid
N. Picco & Sons 154 E. Boston Post Road Mamaroneck, New York 10543	Bid Bond	\$92,700.00
K-Con 225 Orienta Avenue Mamaroneck, New York 10543	Bid Bond	\$87,523.39
DiMar Contracting, Inc. 63 Maple Avenue Tuckahoe, New York 10707	Bid Bond	\$120,250.00
Etre Associates 531 Fayette Avenue Mamaroneck, New York 10543	Bid Bond	\$82,000.00

City Manager Culross recommended that the City Council reject the bids received because the lowest bid exceeded the anticipated cost for this project. The increase in cost was due, in part, to asbestos removal. Mr. Culross explained that plans should be modified and it will be rebid as a narrower project.

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

RESOLVED, that the City Council hereby rejects all bids submitted for Contract #9705 Alterations to the Kitchen, Lounge, and Office Area of the Damiano Recreation Center.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

14. Draft unapproved minutes of the regular meeting of the City Council held April 2 1997

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to approve the minutes of the regular meeting of the City Council held April 2, 1997 as submitted.

15. Miscellaneous communications and reports

A. Mayor Dunn acknowledged the receipt of the report "Beaver Swamp Brook Plan for Restoration and Permanent Protection", produced by the Beaver Swamp Brook Inter-Municipal Working Group. He commended Steven Otis, Esq. and Mr. Ernie Fiore who are working very diligently on this project.

Councilwoman Cunningham suggested that the Council may want to explore ways to encourage the Town of Harrison to do their part in the restoration.

B. Mayor Dunn acknowledged a letter from County Legislator George Latimer regarding traffic flow from Ellsworth Street to Playland Parkway. After a brief discussion, it was the consensus of the Council that there was no solution to this problem.

16. New Business

There was no new business to be discussed.

17. Adjournment

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss litigation at 9:07 P.M.

The Council reconvened at 10:10 P.M.

There being no further business to discuss, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk