

MINUTES of the Regular Meeting of the
City Council of the City of Rye held in City Hall on
May 7, 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
KATHLEEN E. WALSH
Councilmen

ABSENT: None

As is the tradition in the City of Rye, the first City Council Meeting of May commences at the Square House.

Mayor Dunn reported that former Mayor Mary Ann Ilse was unable to attend this meeting because she was receiving an "Ebby" award from the Rye Historical Society. This award, named after Ebenezer Haviland, is given to an outstanding individual who has made the greatest volunteer contribution to the Rye Historical Society.

Former Councilwoman Marcia Kapilow told the Council that the Jay Mansion and the Square House appeared in the film "America's Historic Trails".

Former Councilman Mr. Myron Weinberg said he was very pleased to attend this traditional meeting at the Square House.

Mr. Vincent Marconi, chairman of the Rye Golf Club Commission, told the Council that the community is supportive of the plans for the Whitby Castle restoration project. Mr. Marconi stressed the fact that after many years of neglect, now is the time to make the investment in Whitby for future generations.

Mayor Dunn added that the Landmarks Advisory Committee is very supportive of this project. He told the Council that Whitby Castle should continue to be one of the greatest assets in Rye.

Anthony Piscionere, Esq., member of the Board of Appeals, informed the Council that Rye is a very user friendly community and he is proud to be a resident.

The following representatives from various boards and commission were present:

Jonathan D. Kraut	Board of Appeals
Anthony Piscionere	Board of Appeals
Nicholas Everett, Chairman	Board of Architectural Review
Doris Blank	Cable Television Commission
Charlotte Schneider	Cable Television Commission
James Michael Shea	Commission on Human Rights
C. Nicholas Hodnett, Chairman	Conservation Commission/Advisory Council
Dennis Buckley	Conservation Commission/Advisory Council
Sheryl Kelly DeLeo	Conservation Commission/Advisory Council
Russell C. Cecil	Landmarks Advisory Committee
Vincent Marconi, Chairman	Rye Golf Club Commission

The following City department heads were present:

Joseph Carlucci	Department of Public Works
George Mottarella	City Engineer
Richard Gardella	Corporation Counsel
James Kenny	RCTV
Edye Kershner	City Assessor
Vincenzo Tamburro	Building Inspector
Michael Genito	City Comptroller
Alice Conrad	City Clerk
William Pease	Police Commissioner
Jeffrey Stonehill	Administrative Assistant
George Ballantoni	1st Assistant Fire Chief
Walter Roode	2nd Assistant Fire Chief

There being no further business to discuss, the meeting at the Square House was adjourned at 8:20 P.M.

The Council reconvened at City Hall at 8:30 P.M.

1. Roll Call

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

2. Old Business

There was no old business to be discussed.

3. 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.

4. Recommendation from the Fire Department regarding the fire stations

First Assistant Fire Chief George Ballantoni informed the Council that the condition of the fire stations has been deteriorating over the past few years. He recommended that the City of Rye retain a consulting firm which specializes in "Fire Station Construction" to study the condition of the Locust Avenue Fire House.

A brief Council discussion ensued on the following:

- Relocating the fire station versus renovation
- Researching possible alternatives
- Traffic problems in the vicinity of the firehouse
- Historical significance of the Locust Avenue Firehouse
- The importance of striking a balance in spending for the building vs. equipment

First Assistant Fire Chief George Ballantoni submitted a copy of Berger, Lehman Associates' report on its evaluation of the condition of the Locust Avenue Fire House.

Councilwoman Walsh recommended forwarding copies of the Fire Department's recommendations and the Berger, Lehman Associates' report to the Planning Commission for review and comments, especially in light of the fact that the Rye YMCA and the library have proposed additions to their buildings.

Mayor Dunn expressed his appreciation to the First Assistant Fire Chief for his presentation and said that this matter is a long-term project.

The following agenda item was taken out of order:

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

Councilman Burke made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the election of Mr. Anthony Critzman to the Rye Fire Department.

5. One appointment to the Finance Committee for a term ending January 1, 1999, by the Mayor with Council approval

Mayor Dunn advised the Council that Mr. Arthur Stampleman will resign from the Board of Ethics.

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to approve the appointment of Mr. Arthur Stampleman to the Finance Committee for a term ending January 1, 1999.

6. Acceptance of a gift to the Rye Nature Center in the amount of \$854 from the Junior Section of the Women's Club of Rye for the purchase of an *Enviroscape*® Watershed Model

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

RESOLVED, that the City Council hereby accepts a gift to the Rye Nature Center in the amount of \$854 from the Junior Section of the Women's Club of Rye for the purchase of an *Enviroscape*® Watershed Model, and be it further

RESOLVED, that the 1997 Rye Nature Center Special Revenue Fund budget be amended as follows:

Increase Revenues:	
Gifts and Donations	\$854.00
Increase Appropriation	\$854.00

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

7. Authorization for the City Manager to enter into a 1997 Multiple Enforcement Grant for Injury Prevention agreement with the County of Westchester

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

RESOLVED, that the City Council hereby authorizes the City Manager to enter into a 1997 Multiple Enforcement Grant for Injury Prevention agreement with the County of Westchester.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

9. Consideration of request of residents of Beverly Drive to hold a *Block Party* on Saturday, May 17, with a rain date of Saturday, May 24, 1997

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request of residents of Beverly Drive to hold a *Block Party* on Saturday, May 17, 1997 with a rain date of Saturday, May 24, 1997.

10. Consideration of request of residents of Onondaga Street to hold a *Block Party* on Sunday, June 22, with a rain date of Sunday, June 29, 1997

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request of residents of Onondaga Street to hold a *Block Party* on Sunday, June 22, 1997 with a rain date of Sunday, June 29, 1997.

Referencing agenda items 9 and 10, Councilman Latwin suggested that the City Manager be authorized to approve this type of request for a block party. Corporation Counsel Gardella told the Council he would research this matter as it might entail curtailment of the power of the City Council.

11. Consideration of request to use City streets and the City Hall parking lot on Sunday, September 14, 1997 for the *Boston => New York AIDS Ride*

Corporation Counsel Gardella acknowledged that this organization had utilized Rye City Hall and City streets in the past with no disadvantage to the City.

Councilwoman Walsh suggested the organization clarify the location as "Rye City Hall" and not "Rye Town Hall", as they had stated in the letter of request.

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request to use City streets and the City Hall parking lot on Sunday, September 14, 1997 for the *Boston => New York AIDS Ride*.

12. Bids for Reconstruction of Storm Drain on Midland Avenue

The following bids were received:

Contract #9706
 Reconstruction of Storm Drain on Midland Avenue

NAME OF BIDDER	Security	Total Bid
Tucci Equipment Rental Corp. P.O. Box 741 Larchmont, NY 10538	Bid Bond	\$87,490.50
Joken Development Corp. 9 Belway Place White Plains, NY 10601	Bid Bond	\$88,880.00
Tran Camp Contracting Corp. 1270 Saw Mill River Road Yonkers, NY 10710	Bid Bond	\$152,813.00
Micelli Excavating Corporation 570 Webster Avenue New Rochelle, NY 10801	Bid Bond	\$247,325.00
Montesano Bros., Inc. 76 Plain Avenue New Rochelle, NY 10801	Bid Bond	\$83,500.00
N. Picco & Sons 154 E. Boston Post Road Mamaroneck, New York 10543	Bid Bond	\$82,725.00
Delvito Contracting Co., Inc. 615 Fenimore Road Mamaroneck, NY 10543	Bid Bond	\$62,045.00
Hudson Canyon Construction, Inc. 115 Devries Avenue No. Tarrytown, NY 10591	Bid Bond	\$101,840.00
Etre Associates, Ltd. 531 Fayette Avenue Mamaroneck, NY 10543	Bid Bond	\$88,300.00

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

RESOLVED, that the bid for Reconstruction of Storm Drain on Midland Avenue is hereby awarded to Delvito Contracting Co., lowest bidder meeting specifications, in the amount of \$62,045.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

13. Bids for New Fencing at Sterling Field

The following bids were received:

NEW FENCING AT STERLING FIELD
 CONTRACT NO. 9708
 Bid Opening - April 29, 1997

NAME OF BIDDER	Security	Total Bid
Carjen Fence Company, Inc. 1223 Park Street Peekskill, New York 10566	Bond	\$38,523.00
Yaboo Fence Company 10 High Street & Rt. 59 West Nyack, New York 10994	Certified Check \$2,097.50	\$41,950.00
Merit Fence Company, Inc. 2711 Lexington Avenue Mohegan Lake, New York 10547	Bond	\$38,956.00

Metro Fence P.O. Box 133 Bronx, New York 10470	Bond	\$39,310.00
--	------	-------------

City Engineer George Mottarella informed the Council that the Capital Fund still has money given by the Osborn Home for this project.

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

RESOLVED, that the bid for New Fencing at Sterling Field is hereby awarded to Carjen Fence Company, Inc., the lowest bidder, meeting specifications in the amount of. \$38,523.00.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

14. Draft unapproved minutes of the regular meeting of the City Council held April 16, 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 16, 1997 as submitted.

15. Miscellaneous communications and reports

A. Councilman Hutchings referenced the May, 1997 Government Magazine's article on the impact that the Year 2000 could have on computer record management. The core problem, he said, is that some computer applications cannot distinguish between the years 1900 and 2000. He suggested that the City Manager research if the City of Rye's computer applications can handle the transition to the twenty-first century. If it cannot, then the Council should be prepared to authorize special funds to correct the problem before the year 2000.

B. Councilwoman Cunningham acknowledged the April 21, 1997 letter from New York Power Authority regarding Con Edison's proposed settlement agreement with the Public Service Commission. She supported the New York Power Authority's position. She said that a number of Environmental groups that she belongs to have problems with what looks like not a very equitable sharing of the rate decrease. She suggested that the City Council go on record to help New York Power Authority in its presentation to the Public Service Commission. She suggested that the City Manager draft a letter stating that the City Council supports its position. She said that Con Edison handed out an information packet at a meeting yesterday which she hoped to obtain.

Mayor Dunn suggested that the City Manager research this issue and report to the Council.

C. Councilwoman Cunningham recommended that the Council formally request suggestions and follow-up on the report "Beaver Swamp Brook Plan for Restoration and Permanent Protection", produced by the Beaver Swamp Brook Inter-Municipal Working Group from the Conservation Commission/Advisory Council.

D. Mayor Dunn acknowledged the receipt of Mrs. Mary Johnson's letter concerning the memorial for her husband.

Councilwoman Walsh suggested thanking Mrs. Johnson for her recent communication and informing her that if she feels strongly about removing the memorial, the City Council would reluctantly accede to her wishes.

Councilwoman Cunningham questioned if Mrs. Johnson had considered any of the alternate sites which were proposed to her.

Councilwoman Walsh made a motion, seconded by Councilman Hutchings, that the City Council send a letter to Mrs. Mary Johnson thanking her for her letter and stating that if her decision is to remove the memorial, the City Council will reluctantly acquiesce to her wishes. However, the offer of another mutually agreeable site is still available.

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 the Home Depot, USA, Inc. litigation at 9:15 P.M.

The Council reconvened at 10:00 P.M.

There being no further business to discuss, the meeting was adjourned at 10:05 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk