

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on August 19, 1998 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN C. CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
ARTHUR STAMPLEMAN
KATHLEEN E. WALSH
Councilmen

ABSENT: None

1. Roll Call

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

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

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

The following agenda item was taken out of order.

5. Resolution proposing dual naming of Third Street in honor of Judge Frank McCullough, Sr.

Former Councilman James Flick respectfully requested that the City Council consider dual naming Third Street in memory of the late Frank S. McCullough, Sr. He said everyone is aware of Judge McCullough's exceptional record of public service to the City of Rye, Westchester County, and the State of New York. He also requested that the City Council consider establishing a sunset provision, so that at an appropriate time, Third Street would no longer have a dual name; it would be known solely as McCullough Place.

Councilwoman Cunningham endorsed naming streets after notable and prominent people who have dedicated their service to the City of Rye. She, too, suggested a sunset provision which would also give cartographers time to amend the official City map.

Councilwoman Walsh expressed her appreciation to Mr. Flick and to Mayor Otis who did extensive research to improve the original proposed resolution. She said Third Street is very suitable to co-name since Judge McCullough's law office was located on that street. The Mayor expressed his appreciation to Mr. Flick and to Councilwoman Walsh for all they did to make this all possible.

Mayor Otis noted that the extraordinary service exemplified by Judge McCullough's career was worthy of this special recognition. He cited Judge McCullough's service as Rye's representative on the County Board of Supervisors, nineteen years in the State Assembly and State Senate and his career as a Judge.

Councilwoman Walsh made a motion, seconded by Mayor Otis, to adopt the following resolution:

WHEREAS, the late Judge Frank S. McCullough, Sr., is recognized as having served the City of Rye with distinction, and

WHEREAS, Judge McCullough served as Supervisor for the City of Rye from 1942 to 1944, and

WHEREAS, Judge McCullough served with distinction representing Rye in both houses of the New York State Legislature from 1945 until 1959, chairing the Joint Legislative Committee to Study Revision of Corporation Laws, sponsoring the statewide building code, and reforming election law, and

WHEREAS, Judge McCullough led a dedicated career in the judiciary from 1959 until 1974, as Westchester County Court Judge, State Supreme Court Judge, and as Administrative Judge of the 9th Judicial District, and

WHEREAS, the City of Rye benefited from his counsel, judgment, and representation during his tenure as a member of the County Board of Supervisors, and subsequently, the State Assembly and State Senate, and

WHEREAS, the City of Rye and the larger community of which it is a part have benefited from the high standards with which he fulfilled his responsibilities throughout his distinguished judicial career, in his practice of the law and in his service to government and educational and charitable institutions, and

WHEREAS, Judge McCullough practiced law from his office on Third Street for many years, now, therefore, be it

RESOLVED, that the City of Rye hereby designates its street, shown on the Official Map as Third Street, to be known also as McCullough Place and establishes that it hereafter shall be so known in honor of his record of achievement in the service of his community.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

3. Public hearing on proposed local law regulating the siting of wireless telecommunications facilities, including towers, antennae, and related facilities (For discussion only)

Mayor Otis opened the public hearing.

The Mayor summarized the proposed local law which he and Councilwoman Cunningham edited and tailored to Rye from a draft by Mr. Lawrence Monroe and Mr. Richard Comi. He said the proposed local law (which carries the principles from the prior law):

- gives the City of Rye the tools to deal with the telecommunications applications in a more professional manner,
- establishes a process for applicants,
- includes a priority list of preferred areas for these facilities,
- includes language which deals with screening,
- requires Board of Architectural Review's approval so that the proposed facilities are as inconspicuous as possible,
- affords the City the technical expertise to understand applications better,
- uses consulting services (paid by the applicant) to advise the City Council on its legal options,
- requires notice to properties within 750 feet of the proposed site, and
- stresses use of existing facilities for collocation.

Councilwoman Cunningham stated that she and the Mayor spent considerable time taking portions of the existing law which she and former Councilman Latwin originally drafted and adding them to the proposed draft. Applications received after the adoption of the existing Wireless Telecommunications Law prompted the Council to review the definitions contained in the law. To keep pace with the ever changing telecommunications industry, it is essential to have laws ensuring that the City will maintain as much control as possible.

Discussion focused on:

- Definitions in the proposed law

- Review of historic buildings
- Safety issues
- Coverage for entire City of Rye

Councilmen Downing and Hutchings raised the question of effective cellular service throughout the community. They said that there were difficulties with reception in the Milton Point Area.

Mayor Otis introduced and expressed appreciation to the City's consultants Mr. Lawrence Monroe and Mr. Richard Comi, Monroe Telecom Associates, who drafted this proposed local law to the City's needs.

Mr. Alan Field, representing Metricom, Inc., questioned the impact that this law would have on multiple sites and the use of the public right-of-way.

Mayor Otis said that Metricom's proposed installations would be subject to the Wireless Telecommunications Law. The right-of-way issue will also involve regulatory and property questions which will be addressed in the future. The latter concerns which involve the use of City property would entail negotiations.

Mr. Monroe complimented Mayor Otis and Councilwoman Cunningham for their interest and dedication in preparing this proposed law.

The Mayor said the public hearing will be continued at the September 9, 1998 Council meeting.

4. Public hearing on proposed local law grandfathering certain fences which are legally nonconforming as to height

This agenda item was rescheduled to the September 9, 1998 City Council meeting.

6. Consideration of request to relocate an undeveloped paper street shown on the Official City Map on Parsonage Point

Anthony T. Antinozzi, Esq., attorney for Parsonage Investment Company, explained the reason for the relocation of an undeveloped paper street shown on the official City map on Parsonage Point.

The Council discussion centered on relocation v. extending the street. Mr. Antinozzi will submit a map illustrating the relocation of this paper street on the official City map.

Corporation Counsel Richard Gardella said a public hearing must be held to change the official City map.

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

WHEREAS, a proposed resolution Requesting to Relocate an Undeveloped Paper Street Shown on the Official City Map on Parsonage Point 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 resolution, 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 September 9, 1998 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 resolution.

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

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Request to Relocate an Undeveloped Paper Street
Shown on the Official City Map on Parsonage Point**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of September, 1998, 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 "request to relocate an undeveloped paper street shown on the official City Map on Parsonage Point".

Copies of said request may be obtained from the office of the City Clerk.

Dated:

City Clerk

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

7. Consideration of an extension of the permission for parking two customers' vehicles temporarily overnight at the automobile service station at 997 Boston Post Road as provided for in the Rye Brook Service license agreement with the City of Rye

Gregg S. Baker, Esq., representing J. Lamberti Automotive, Inc., d/b/a Rye Brook Service, stated that the license agreement between the City of Rye and Rye Brook Service, included the temporary parking of two vehicles in front of the pumps at Rye Brook Service Station. This provision was originally for a six-month period which was extended for an additional six months. He respectfully requested that the Council extend this provision for the term of the license agreement.

Councilwoman Downing initiated a brief discussion which focused on the problem of parked cars (by the Rye Brook Service Station) in the proximity of Christ Church Nursery School. She will research the impact that this might have on the Nursery School and report back to the Council.

The consensus of the Council was that the ninety days prior written notice for termination of the license, which includes the provision for parking two cars, is sufficient.

Mayor Otis made a motion, seconded by Councilwoman Cunningham, to extend permission for parking two customers' vehicles temporarily overnight at the automobile service station at 997 Boston Post Road, as provided for in the Rye Brook Service license agreement with the City of Rye for the term of the license agreement.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The motion carried.

8. Consideration of the Planning Commission's SEQR Request for Lead Agency Designation for Rye Country Day School Site Plan #123G and Use Permitted Subject to Additional Standards and Requirements

Councilwoman Walsh explained the SEQRA requirement for establishment of a lead agency in connection with the application of Rye Country Day School.

Councilwoman Walsh made a motion, seconded by Councilwoman Larr, to accept the Planning Commission's SEQR Request for Lead Agency Designation for Rye Country Day School Site Plan #123G and Use Permitted Subject to Additional Standards and Requirements.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

9. Request from the Planning Commission for a supplemental appropriation of \$16,000 for the Village Green Study and authorization for the City Manager to enter into agreements for sharing the costs with the Rye Free Reading Room and the YMCA

Dr. Michael Klemens, chairman of Planning Commission, respectfully requested a supplemental appropriation of \$18,500 instead of \$16,000 for three additional items in the Village Green Study, namely, The Landscaping Master Plan, Study Model, Hydrology and Traffic Technical Study. He explained that the cost of this project will be shared by the City, Rye Free Reading Room (RFRR), and the YMCA.

Discussion focused on:

- Request For Proposal for the Landscaping Master Plan
- A potential long-range plan for burying overhead utilities
- Aesthetic and integrated approach to the planning of the Village Green

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

WHEREAS, The City of Rye Planning Commission is conducting a study of the Village Green for the purposes of evaluating projects proposed by the Rye Free Reading Room, the Rye YMCA and the City of Rye Fire Department, and

WHEREAS, funding is needed for three additional items in the Village Green Study: Landscaping Master Plan, Study Model, Hydrology and Traffic Technical Study, and

WHEREAS, it is intended that the cost of these aforementioned items be shared equally by the City of Rye, the Rye Free Reading Room and the Rye YMCA, and

WHEREAS, the estimated cost of these studies is \$79,500 making each share \$26,500, and

WHEREAS, the City Planner's budget for consultants has \$8,000 available for these studies, now, therefore be it

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Comptroller to increase the City Planner's budget for consultants by \$71,500 to be funded from the following:

\$18,500 from the General Fund - Contingency
26,500 from the RFRR
26,500 from the YMCA, and be it further

RESOLVED, that the City Planner's budget revenues be increased by \$53,000, and be it further

RESOLVED, that the City Manager is hereby authorized to enter into agreements relating to the above projects for sharing the costs with the Rye Free Reading Room and the YMCA.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

The following agenda items were taken out of order.

15. Authorization for the City Manager to accept the proposed donation of an 18' boat to the Rye Fire Department

Mayor Otis acknowledged the August 10, 1998 communication from Fire Chief George Ballantoni apprising the Council that a resident has offered to donate an 18' Thunderbird boat with a 150 horsepower engine.

Fire Chief Ballantoni stated that the Fire Department will be responsible for maintaining the boat.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing to accept the donation of an 18' Thunderbird boat with a 150 horsepower engine to the Rye Fire Department.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The motion carried.

16. Approval of amendment of Section 191-20 of the Rye City Code, Parking Time Limited, to limit parking on the southeasterly side of Theodore Fremd Avenue at its intersection with Central Avenue for 155 feet

Mayor Otis acknowledged the August 14, 1998 memo from City Manager Culross regarding a request from Mrs. Dorothea Frenz for a two-hour parking limitation on Theodore Fremd Avenue from the intersection with Central Avenue northeasterly for 155 feet.

Mr. & Mrs. Zygmunt Rachwal, 143 Theodore Fremd Avenue, objected to creating this two-hour parking limitation because it directly impacted their home. They stressed maintaining the residential character of the neighborhood. They also pointed out the availability of parking spaces on Theodore Fremd Avenue.

In response to Mr. David Adler, 129 Theodore Fremd Avenue, City Manager Culross said there was no requirement to notify the adjacent residents; the Rachwals were informed because they would be directly impacted by this proposed regulation.

Mrs. Rachwal expressed her appreciation to City Manager Culross for notifying her.

Councilman Hutchings said the City Council always tries to be cooperative and is always cautious not to impose too many regulations on its residents. He said the Rachwal's delivered an effective argument against creating these parking spaces.

This agenda item was tabled until Mr. Culross communicates with Mrs. Frenz.

10. Review of Financial Goals, Policy Statements, budget development assumptions and guidelines by City Council

Mayor Otis acknowledged the August 13, 1998 memo from Councilman Stampleman regarding financial policies.

Italics indicate excerpts from Councilman Stampleman's memo.

A. *Councilman Stampleman proposed that the City Manager submit at least one budget proposal in November which provides for no increase in property taxes for 1999.*

After a brief discussion, Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Manager is requested to have as a goal, a zero-tax increase budget for 1999, but he is invited to submit an alternative budget tailored to the City's needs.

B. *The City's financial policies should include these as revenue policies:*

1. *The City will strive to be aware and take advantage of all meaningful grants for which the City is eligible.*

2. *The City will ensure that fines are maintained at levels such that they are real deterrents to illegal acts. (e.g., parking fines, fines for cutting down trees without appropriate approvals, etc.)*

The City Manager will reword item #1 in section B and determine if the fines (item #2 in B) are adequate deterrents to illegal acts.

C. The recent Finance Committee meeting discussed some policy changes related to investment diversification (permitting 75% of our deposits to be in one bank), investment tenors (some over one year), and fund raising (deal negotiation & structuring process); this is an opportunity to incorporate any changes required in our financial policies.

Councilman Stampleman suggested amending page 2-17 of the financial goals and financial policy statements under Diversification: Institution to read:

No more than 55% of the overall portfolio may be deposited in a single bank except in the case of Money Center Banks where the limit is 75%.

Councilman Stampleman postponed discussion on the last portion of Section C (beginning with fund raising...) to a future council meeting.

D. Council Members should have an opportunity to have input and involvement in the budget discussions affecting the City departments for which they act as Council liaisons.

Councilman Stampleman said his intention for this suggestion was not to interfere with the City Manager's responsibilities. He stated and Councilwoman Downing concurred that the Council could have input before the budget is officially presented in November by having some indication of capital expenditures and departments' proposals.

The City Manager expressed concern that suggestion D. in Councilman Stampleman's memorandum may inadvertently lead to violations of the intent and/or spirit of the City Charter. Suggestions from individual Council Members or the City Council collectively regarding the budget are welcome at any time. However, any suggestions from the City Council should be presented to the City Manager. Individual Council Members should not see themselves or be seen as advocates for a particular department's budget just because they happen to be liaison to an affiliated Board or Commission. The majority of the City's departments, including the City's largest departments, i.e., Public Works, Police, and Fire, have no such liaisons on the City Council. The financial goals and policy statements are meant to be a guideline to the City Manager as he prepares the budget as called for by Section C.21 of the City Charter. The annual review of those goals and policy statements by the City Council is designed to give the City Council a specific opportunity to make changes collectively in those guidelines and to give the City Manager whatever direction or guidance they wish prior to the preparation of the next year's budget.

Mayor Otis suggested that Council members could incorporate their suggestions for the budget through memorandums.

Councilman Stampleman will modify section D and present it to the Council.

11. Status Report on Project Impact

Mayor Otis said that letters announcing the second meeting of *Project Impact* had been sent to everyone involved. A list of project ideas, formulated at the last meeting, was included in this mailing. The Mayor said there have been a number of meetings with State and Federal officials regarding different ways the City of Rye can become more disaster resistant. The State Emergency personnel who did a risk analysis, determined that flooding is the City's #1 risk. The Mayor extended an invitation to everyone to attend tomorrow night's meeting. The purpose of this meeting, he said, is to refine the project list before discussing these projects with the Federal Emergency Management Agency (FEMA) and settling on a feasible project list.

In response to Councilwoman Downing's question on representation from the Boat Basin at these *Project Impact* meetings, Mayor Otis said he would check to see if there was a representative from the Marina at these meetings.

12. Consideration of proposed local law amending Article VIII of Chapter 191, Vehicles and Traffic, of the Rye City Code by creating a new Section 191-48 and renumbering the current Section 191-48 to Section 191-49

Corporation Counsel Richard Gardella said parking regulations have been enforced at the Marina without having a statute. He said this proposed local law would include a parking regulation for the Marina in the Code.

A Council discussion focused on guest parking at the Marina and clarification of Section D of the proposed local law.

Corporation Counsel Gardella will rewrite Section D of the proposed local law for clarity.

Mayor Otis made a motion , seconded by Councilwoman Walsh , to adopt the following resolution:

WHEREAS, a proposed local law entitled "a local law amending Article VIII of Chapter 191, Vehicles and Traffic, of the Rye City Code by creating a new Section 191-48 and renumbering the current Section 191-48 to Section 191-49" 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 September 9, 1998 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 Article VIII of Chapter 191, Vehicles and Traffic,
of the Rye City Code by creating a new Section 191-48
and renumbering the current Section 191-48 to Section 191-49**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of September, 1998, 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 Article VIII of Chapter 191, Vehicles and Traffic, of the Rye City Code by creating a new Section 191-48 and renumbering the current Section 191-48 to Section 191-49".

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

City Clerk

Dated:

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

13. Authorization for the City Manager to enter into a renewal agreement with the Village of Mamaroneck to provide certain joint police services

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

RESOLVED, that the City Manager is hereby authorized to enter into a renewal agreement with the Village of Mamaroneck to provide certain joint police services.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

14. Resolution in conjunction with the grant application under the State's Municipal Waste Reduction and Recycling Program

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

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

WHEREAS, the City of Rye has filed an application for such financial aid in conformity with the applicable laws of State of New York; and

WHEREAS, the City of Rye is committed to municipal waste reduction and recycling,

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye, intends to act as it own market in the event that it is a recipient of such grant, and be it further

RESOLVED, that the compost and wood chips produced by the purchasing of a grinder under this grant, will be offered to the City of Rye residents and also used in the Parks and Recreation Departments within the City.

17. Consideration of the request from the Co-Chairs of Festival 'Round the Green for permission to use the Village Green and surrounding area for the 1998 Festival on Saturday, September 19, 1998

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request from the Co-Chairs of Festival 'Round the Green for permission to use the Village Green and surrounding area for the 1998 Festival on Saturday, September 19, 1998.

18. Consideration of request from residents of Grapal Street for controlled traffic for a *Block Party* on Saturday, September 12, with a rain date of Sunday, September 13, 1998

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from residents of Grapal Street for controlled traffic for a *Block Party* on Saturday, September 12, 1998 with a rain date of Sunday, September 13, 1998.

19. Consideration of request from residents of Overlook Place and Hayward Place for controlled traffic for a *Block Party* on Saturday, September 12, with a rain date of Sunday, September 13, 1998

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from residents of Overlook Place and Hayward Place for controlled traffic for a *Block Party* on Saturday, September 12, 1998 with a rain date of Sunday, September 13, 1998.

20. Consideration of request from residents of Centre, Lynden and Orchard Streets for controlled traffic for a *Block Party* on Saturday, September 26, 1998 with a rain date of Sunday, September 27, 1998

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request from residents of Centre, Lynden and Orchard Streets for controlled traffic for a *Block Party* on Saturday, September 26, 1998 with a rain date of Sunday, September 27, 1998.

20. Consideration of the request of the American Diabetes Association to use city streets for its annual America's Walk for Diabetes on Sunday, October 4, 1998

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of the American Diabetes Association to use city streets for its annual America's Walk for Diabetes on Sunday, October 4, 1998.

21. Bids for Wet Well Mounted Pump Station at Stuyvesant Avenue
Roll Call

The following bids were received:

Contract #9804

Stuyvesant Avenue Pump Replacement

NAME OF BIDDER	SECURITY	TOTAL BID
Charles Smith Smith & Loveless 14040 Santa Fe Trail Lenexa, Kansas 66215	Bid Bond	\$29,685.00

Foremost Electric Corporation 37 Old Albany Road Ossining, New York 10562	Bid Bond	\$37,900.00
Cirrus Construction Co., Inc. 343 Adams Street Bedford Hills, New York 10507	Bid Bond	\$38,800.00

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

RESOLVED, that Contract No. 9804, for the Wet Well Mounted Sewer Pump Station at Stuyvesant Avenue be and is hereby awarded to Smith & Loveless, Inc., the low bidder meeting specifications, in the amount of \$29,685.00.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

22. Bids for Recreation Park Playground Improvements

Prompted by residents desiring playgrounds in areas that were not in the proximity of existing playgrounds, Councilman Stampleman asked about what happens to the old playground equipment.

City Manager Culross said there is some concern that the old equipment does not meet safety standards. The City Manager will investigate if there is some way to reuse this equipment.

The following bids were received:

NEW PLAYGROUND EQUIPMENT AT RYE RECREATION PARK

CONTRACT NO. 9811

NAME OF BIDDER	Security	Total Bid
Peter J. Landi, Inc. 249 Main Street Eastchester, New York 10709	Bid Bond	\$82,275.00
Louis Barbato Landscaping 135 Johnson Avenue Ronkonkoma, New York 11779	Bid Bond	\$87,235.00
N. Picco & Sons 154 E. Boston Post Road Mamaroneck, New York 10543	Bid Bond	\$117,900.00
Rosamilia Landscaping, Inc. 23 Wampus Lake Drive Armonk, New York 10504	Bid Bond	\$80,640.00

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

RESOLVED, that Contract No. 9811, for the New Playground Equipment at Rye Recreation Park be and is hereby awarded to Rosamilia Landscaping, Inc., the low bidder meeting specifications, in the amount of \$80,440.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
 Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

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

WHEREAS, the total project cost for the 1997 Recreation Playground Improvement Project is estimated to be \$80,440.00, and,

WHEREAS, the current budget and funding available in this project is \$49,819.72, and

WHEREAS, \$30,440.00 is available in the Recreation Trust Gift Catalogue account, and,

WHEREAS, the Junior Section of the Rye Women's Club has pledged to donate \$15,000.00 to the Recreation Trust Gift Catalogue account,

NOW THEREFORE, be it resolved that the budget for the 1997 Recreation Playground Improvements Project in the Capital Projects Fund be increased to \$80,440.00, and

BE IT FURTHER RESOLVED, that the City Comptroller be authorized to transfer \$30,440.00 from the Recreation Trust Gift Catalogue Account to the Capital Projects Fund 1997 Recreation Playground Improvements Project.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS: None

ABSENT: None

The resolution passed.

23. Bids for Drainage Improvements at Rye Golf Course 10th & 11th Holes
Roll Call

The following bids were received:

DRAINAGE IMPROVEMENTS AT THE RYE GOLF CLUB
10th & 11th HOLES
CONTRACT NO. 9810

NAME OF BIDDER	Security	Total Bid
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Joseph Carducci 505 Concord Avenue Mamaroneck, New York 10543	Bid Bond	\$45,990.00
Land Improvement, Inc. PO Box 177 Katonah, New York 10536	Bid Bond	\$49,510.00
Joken Development Corp. 9 Belway Place White Plains, New York 10601	Bid Bond	\$49,920.00
Tucci Equipment Corp. PO Box 741 Larchmont, New York 10538	Certified Check \$2,884.60	\$57,692.00
Delvito Contracting 615 Fenimore Road Mamaroneck, New York 10543	Bid Bond	\$36,160.00
Etre Associates, LTD 531 Fayette Avenue Mamaroneck, New York 10543	Bid Bond	\$54,565.00
Irra-Tech 18 Merritt Street Port Chester, New York 10573	Certified Check \$2,740.00	\$54,800.00
Bilotta Construction Corp. 162 Crotona Avenue Harrison, New York 10528	Bid Bond	\$51,575.00

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

RESOLVED, that Contract No. 9810, for the Drainage Improvements at The Rye Golf Club 10th & 11th Holes be and is hereby awarded to Delvito Contracting Co. Inc., the low bidder meeting specifications, in the amount of \$36,160.00.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

24. Draft unapproved minutes of the regular meeting of the City Council held July 15, 1998

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried to approve the minutes of the regular meeting of the City Council held July 15, 1998 as amended.

25. Miscellaneous communications and reports

A. City Manager Culross apprised the Council that Monday evening a substantial portion of the seawall on Kirby Lane was damaged. He respectfully requested authorization to transfer \$40,000 from the General Fund-Contingency to the General Fund-Drainage for the emergency repair of the Kirby Lane seawall.

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

WHEREAS, heavy rains earlier in the week, undermined (through drainage problems) the seawall in the vicinity of Kirby Lane causing extensive damage which threatens the road surface itself on Kirby Lane, and

WHEREAS, this condition must be addressed immediately to prevent further damage and to keep the road functioning, now, therefore, be it

RESOLVED, that the City Council finds an emergency exists requiring the immediate retaining of the necessary contractor to do the work, and be it further

RESOLVED, that the City Manager is hereby authorized to enter a contract with Delvito Contracting, which is familiar with the area and the proposed work that has to be done, and be it further

RESOLVED, in order to provide the funds for the contract work, the City Comptroller is hereby authorized to transfer \$40,000 from General Fund-Contingency to the General Fund-Drainage for the emergency repair of the Kirby Lane Seawall.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing, Hutchings, Larr,
Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

B. Councilwoman Walsh acknowledged the receipt of a letter from Mr. David Byrnes, Director of the Rye Historical Society, regarding the upcoming Jail and Bail fund raiser scheduled for September 9, 1998 at the Square House.

C. Councilwoman Walsh acknowledged the receipt of the July 30, 1998 communication from the Village of Port Chester requesting that the City of Rye adopt a resolution to change bar closing hours in Westchester County from 4 A.M. to 2 A.M. She requested that this matter be placed on the agenda for a future Council meeting.

D. Councilman Stampleman asked that any notice of community functions, such as the Summerfest scheduled for August 2, 1998, be forwarded to the Council as quickly as possible.

The Mayor explained that this flier was not officially sent to the Council.

E. Councilwoman Cunningham acknowledged the receipt of the July 24, 1998 letter from Scott Fein, Esq., Whiteman Osterman and Hanna, concerning the Croton Point Sanitary Landfill case.

Corporation Counsel Gardella said it is important to establish a committee comprised of deminimus and municipal contributors to the Croton Landfill.

F. Mayor Otis said that Playland has agreed to rethink its philosophy about fireworks after the season since the fireworks displays have already been advertised. The Mayor has protested about the lateness and the high level of noise emanating from these fireworks. He stated both issues will be on the table for discussion. The Mayor has notified Playland about the existence of Rye's Noise Ordinance. He said the noise level has decreased to some degree and a meeting will be scheduled with the Director and members of the former Playland Advisory Committee after the season. Mayor Otis said the net number of complaints has decreased from last year. He also questioned the lateness of the fireworks and argued it is in the Park's financial interest to have the fireworks earlier.

Councilwoman Downing said that it is noise pollution of the highest kind. She also said that she and County Legislator George Latimer have received a number of complaints. She concluded by saying that the noise is too loud and that has to be part of what is negotiated.

26. Old Business

There was no old business discussed.

27. New Business

A. City Manager Culross apprised the Council that the Purdy Avenue street reconstruction has been delayed and will begin next week.

B. Councilwoman Walsh acknowledged the receipt of the fund raising letter from Mr. Joseph Chira. She was distressed that the letter implied that the City Council, in conjunction with the Rye Citizens' Committee, was soliciting financial contributions. She requested that the City Council ask Mr. Chira to clarify that the Council is not involved in this fund raising campaign.

Mayor Otis said that he would contact Mr. Chira to discuss this matter.

28. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn into executive session to discuss Home Depot at 10:55 P.M.

The Council reconvened at 11:05 P.M.

There being no further business to discuss, the meeting was adjourned at 11:06 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk