

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on May 19, 1999 at 7:00 P.M.

PRESENT:

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

ABSENT:

ARTHUR STAMPLEMAN
Councilman

Councilwoman Walsh made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn into executive session to discuss litigation. The City Council reconvened at 7:40 P.M. in the Council Chambers.

1. Pledge of Allegiance

Mayor Otis invited the audience to join the Council in the Pledge of Allegiance.

2. Roll Call

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

3. Discussion of process for Council discussion of broad policy issues

Mayor Otis acknowledged the memo from Councilwomen Downing and Walsh, and referenced his memo regarding possible procedures for the City Council to discuss broad policy issues. The Mayor indicated that the Council's discussion will focus on how the Council can work broad policy discussions into the agenda in a more systematic way. Mayor Otis said that previous councils have used an Items Pending List which was reviewed periodically and then placed on the agenda.

Councilwoman Downing suggested that the Council have a round table discussion to reach consensus.

Councilwoman Cunningham supported the idea of having round table discussions.

Councilwoman Walsh said it is extremely difficult to reach consensus from the dais because it is not conducive to substantive discussion all the time.

Mayor Otis noted that topics which bring on lengthy discussions are sometimes introduced under New Business, Old Business, and Miscellaneous Communications which should be more ministerial in nature rather than a forum for broad policy discussions. He said it might be better to have topics for broad policy issues listed on the agenda.

Councilwoman Downing suggested having round table discussions on a monthly basis. Since it is an open meeting, she said it is important to make the public aware of what is being discussed.

Both Councilwoman Larr and Mayor Otis stressed the importance of having the audience hear everything being discussed at the round table.

Councilman Hutchings noted his agreement and mentioned that often the forum of an executive session in the conference room offers a real opportunity for communication. He stated his appreciation for the need for consensus and voiced his support for the idea of a round table discussion.

The first round table discussion will be held at the June meeting.

4. Presentation by the Rye Cable Television Committee

Mayor Otis acknowledged receiving the report entitled "Guidelines for Cablecasting City Meetings" which was submitted by the Rye Cable Television Committee.

Mr. John Gregg, chairman of Rye Cable Television Committee, expressed his appreciation to Councilman Hutchings, committee member, Mr. David Moore, and RCTV Coordinator James Kenny for all their research on the report. He summarized information from other communities about audio, cameras, lighting on screen text, cablecast scheduling and public speaker guidelines. A short video was presented showing clips from other communities' cablecasting.

Mr. Gregg stated that Mr. Jeffrey Stonehill, administrative assistant, has volunteered to do the on-screen text. He said there will be a producer for every meeting and presented the following recommendations:

- Council meetings will be cablecast live, gavel to gavel, and re-broadcast through the following weekend.
- There will be a dry run taping of the Council meeting on June 16, 1999, and the July council meeting will be live.

- He stressed the importance of having a time limit for speakers and enforcing it.
- In consideration of effective time management, it is suggested that the podium be eliminated except for special occasions.
- There should be careful adherence to the practice of having public speakers identify themselves.

Mayor Otis thanked the committee and noted that the goal is to inform the public.

Councilman Hutchings stated that the committee has done a great job and indicated that it was unfortunate that everyone couldn't see the control room on the second floor.

Mr. Gregg noted that the committee had promised to submit a report on the Policies and Procedures for Rye Cable Television as they relate to political programming during elections. It will be submitted by the end of May, in time for the June meeting.

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

There was no one wishing to address the Council on matters that did not appear on the agenda.

6. Discussion of leaf blower noise issue

Mayor Otis said that this is the council's opportunity to discuss ideas about the leaf blower noise issues; public comment will be heard at agenda item #7. The Mayor acknowledged the May 14, 1999 memo from Councilwoman Walsh.

Councilwoman Downing stated her concern about the 1/3 acre designation, noting that it would not prevent four machines operating simultaneously on the same property. She said the proposed legislation does not address the problem on larger properties.

Councilwoman Cunningham expressed concern about smaller properties.

Councilwoman Larr concurred with Councilwoman Walsh's memo that the issue is noise not just machinery. She suggested that the legislation should concentrate on the issue of noise pollution, hours of operation, and enforcement.

Councilman Hutchings opposed adopting a new local law because the City of Rye has an existing noise ordinance. He recommended the following:

- concentrate on the issue of noise,
- amend the current code,
- quantify the number of complaints received and stop talking in generalities,
- involve enforcement personnel, and
- educate landscapers and residents about not operating machinery at full throttle.

Councilwoman Cunningham said the reason why the legislation focuses on leaf blowers is because it has become such a noise annoyance. The Scarsdale ban has been in effect for three years and is working well. She stated that many people in the community have complained for years and the Conservation Commission/Advisory Council (CC/AC) could document these complaints. She supported a compromise that would bring some relief to the citizens of Rye.

Councilwoman Walsh said there is a broader consensus about doing something about the noise issue and not just focusing on leaf blowers. She stated that she did not wish to restrict the hours on commercial properties but would consider a later time of operation for residential properties regardless of size. She expressed concern that people have tried voluntary regulation. She said a well planned education program needs to be part of this approach.

Mayor Otis said the reason for concentrating on leaf blowers is because it had been identified over the summer months as an overused piece of equipment. The Mayor stated that the proposed legislation is a compromise to accommodate the needs of the community.

Councilman Hutchings stated that not allowing more than one piece of equipment was micro-managing someone else's business. He strongly supported education and self-regulation.

Councilwoman Larr supported registering the gardeners/landscapers.

Councilwoman Downing suggested surveying the residents for their comments on this issue.

Councilman Hutchings agreed with Councilwoman Downing by saying he would like to have more input from the community. He also suggested that the current noise ordinance law be forwarded to the members of the community for comments.

Councilwoman Cunningham felt an obligation to the community to do something to mitigate noise pollution this year.

Mayor Otis noted that the legislation is a framework which could be in place for this summer. He said that it is simple and workable. He was hopeful that the council would consider this proposed legislation favorably.

7. Continuation of public hearing on proposed local law amending Chapter 133, Noise, of the Code of the City of Rye with respect to the use of leaf blowers

Mayor Otis continued the public hearing on proposed local law amending Chapter 133, Noise, of the Code of the City of Rye, with respect to the use of leaf blowers.

Ms. Margaret Whitehouse, 116 Apawamis Avenue, said noise could be reduced by lowering the throttle on the machines. She expressed concern about residents not being able to use their patios because of the incessant noise.

Mr. John Rossini, 164 Highland Road, stated that it was not just a noise problem; it is also a health problem.

Mr. Curtis Spacavento, landscaper, made the following comments:

- It is an educational process to train residents and landscapers.
- He supported the concept of registering landscapers.
- He said it is unfair to exempt City agencies.
- He opposed changing the times for operating machinery because during eastern time, they would lose an hour of daylight.

Mayor Otis noted that there is a possibility that Westchester County might undertake registering landscapers.

Councilman Hutchings said registering landscapers would facilitate enforcement.

In response to Councilwoman Walsh's question, Mr. Spacavento said new leaf blowers are being modified to minimize noise.

Mayor Otis said this public hearing will be continued at the June 16, 1999 council meeting.

8. Discussion of the *Public Safety and Court Facilities Study*

City Manager Culross noted that after the April 21, 1999 presentation of the report on the Public Safety and Court Facilities Study, the Fire Department indicated its desire that a \$5.6 million bond referendum be submitted to the Rye voters at a special election during Fire Prevention Week (the first week of October). He said that the Fire Department indicated that the proposed projects would be reviewed with the Planning Commission, Board of Architectural review, Landmarks Advisory Committee, and the Finance Committee. The City Manager asked the council members if they wished to proceed with the referendum in the Fall, and have the report formally transmitted to the aforementioned agencies.

Mayor Otis stated that the location of a new police station and court facility needs further City Council discussion and public input.

The Honorable Peter Lane, Rye City Judge, expressed the belief that it is very important to keep the Court and the Police Department in one facility for reasons outlined in the report. He added that the court could use a jury room and a locker/dressing room for court officers.

In response to Councilman Hutchings' question, Judge Lane indicated that the district court reorganization would not happen in the near future.

After a brief discussion, the consensus of the Council was to forward copies of the *Public Safety and Court Facilities Study* to the Planning Commission, Board of Architectural Review, Landmarks Advisory Committee, and the Finance Committee. The Council also asked the City Manager to consult with the bond counsel about a possible referendum.

9. Discussion of the installation of a traffic signal at the intersection of Playland Parkway Access Road and Old Post Road

Mayor Otis acknowledged the April 20, 1999 memorandum from Mr. Lawrence Lehman, member of the Planning Commission, regarding the installation of a traffic signal at the intersection of Playland Parkway Access Road and Old Post Road.

Councilwoman Walsh gave a brief summary on the Planning Commission's monitoring traffic generated by additional commercial development near the intersection of Playland Parkway Access Road and Old Post Road. The commission determined that all applicants, who have received site plan approval, will pay their share of the cost if a traffic control signal is necessary. She said it was Mr. Lehman's opinion that it had reached the point (with the most recent application) that a traffic signal was necessary. She said his concern is not necessarily a traffic volume issue; it is a traffic safety issue. Mr. Lehman also indicated there is a sight distance impediment caused by the fencing on top of the Westchester County's bridge which has a potential for traffic conflict.

Mr. Lehman requested the Council's permission to discuss the installation of a traffic signal with Mr. Tony Landi, Westchester County Commissioner of Public Works. The County's response was

that the intersection does not meet the warrants for a traffic light. However, Commissioner Landi would proceed further with this matter upon receipt of a resolution from the City Council.

Councilwoman Downing suggested stop signs in lieu of a traffic signal.

Mayor Otis stated that the council could get more guidance and advice from the Traffic and Transportation Committee. He said the Planning Commission has looked at several alternatives.

In response to questions posed by the Council, Councilwoman Walsh clarified that the Planning Commission was unanimous in having Mr. Lehman resolve this issue with the County. She also said that residents were evenly split on the issue.

Corporation Counsel Neale asked if there could be a change to the bridge railing to correct the sight impediment.

The City Council requested the City Manager to refer this matter to the Planning Commission and the Traffic and Transportation Committee, for review and comment.

10. Authorization for the City Manager to enter into a non-binding letter of intent with Personal Security and Safety Systems, Inc. regarding a Personal 911 System

Mayor Otis acknowledged the April 28, 1999 memo from City Manager Culross, the January 7, 1999 memo from Police Commissioner William Pease and other informative documents about a Personal 911 System.

The Council discussed the technology of the Personal 911 System, its cost, concerns about visible antennas, the potential as a revenue source, use of the City's right-of-way, liability issues, and researching other vendors.

Mr. Richard Comi, the City's consultant on telecommunications, stated that this is wireless technology which should come under the City's law. He said that there is a revenue potential because the City has a right to expect compensation for using the right-of-way. He also stated that there could be liability on the part of the City regarding maintenance.

Councilman Hutchings said that two years ago, the Police started the "Are You OK?" Program which is very successful. He supported this proposal for Personal 911 System.

Mayor Otis requested that the City Manager research additional vendors and services available and to report his findings to the City Council.

Councilwoman Downing voiced concern about privacy issues and the sense of "Big Brother" watching.

11. Authorization for the City to become a member of the Rye Merchants Association and pay annual dues

Mayor Otis acknowledged receiving the May 13, 1999 memorandum from the Rye Merchants Association. He said the Rye Merchants are preparing a Shoppers Map which will be paid through membership dues. The Mayor suggested that one of the ways the City could participate is by becoming a member.

Highlights of the Council discussion included:

- the three membership categories and fees

publicly traded companies	\$400
independent stores	\$300
professional/non-retail entities	\$200
- the question of the city being a member vs. an advertiser,
- the concept of financially participating in the project rather than becoming a member,
- setting a precedent if the City were to become a member, and
- being supportive of the Rye Merchants Association by making a contribution or by purchasing a supply of maps.

Mayor Otis made a motion, seconded by Councilwoman Downing, that the City participate in supporting the Shoppers Map by a payment of \$300.00.

In lieu of a contribution to the Rye Merchants Association, Councilwoman Walsh suggested paying for "x" number of copies which could be used for distribution.

After a brief council discussion, it was determined that a fee of \$250 will be paid for an undetermined number of maps.

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

RESOLVED, that the City Council of the City of Rye hereby agrees to pay a \$250.00 fee for copies

(number to be determined) of Shoppers Maps prepared by the Rye Merchants Association.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

12. Resolution naming the island at Milton Road/Grace Church Street/Cross Street in memory of the late Daniel Balls

In response to Corporation Counsel Neale's question, Mayor Otis said that naming the island at Milton Road/Grace Church Street/Cross Street in memory of the late Daniel Balls is a designation. The Mayor also stated that this action was not changing, or taking away this memorial to all deceased firefighters; it is commemorating Mr. Danniell Balls' service to the Rye Fire Department.

Councilman Hutchings initiated a discussion on embellishing the proposed resolution.

Mayor Otis said he would table passing this resolution to give the council time to write additional paragraphs.

Corporation Counsel Neale stated that the resolution could be adopted at this meeting and amended later. The council could also authorize the Mayor to draft an appropriate resolution.

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

RESOLVED, that the City of Rye hereby designates the island at the intersection of Milton Road, Grace Church Street, and Cross Street in addition to its existing long term designation as a memorial to all deceased firefighters who have served Rye, to Mr. Daniel Balls in memory of his service to the Rye Fire Department.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing

Hutchings, Larr, and Walsh

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

13. Resolution approving the relocation of approximately 880 feet of Grandview Avenue

Corporation Counsel Neale noted that the council held a public hearing and approved the relocation of approximately 880 feet of Grandview Avenue at its last council meeting. He said that this proposed resolution recites precisely what was done at the May 5, 1999 council meeting and includes the metes and bounds of the former and the new road as attachments.

Councilwoman Cunningham corrected a grammatical error in the proposed resolution.

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

WHEREAS, Rye Country Day School has applied to the Planning Commission for approval of a site plan modification and a change in its current uses, subject to additional standards and requirements, for the purposes of reconfiguring the property, relocating Grandview Avenue, constructing a new gymnasium, parking lot and building additions, and

WHEREAS, on August 19, 1998, at a regular meeting, the City Council accepted the Planning Commission's request pursuant to the State Environmental Quality Review Act ("SEQRA") for designation of the Planning Commission as Lead Agency for review of Rye Country Day School Site Plan #123G and Use Permitted Subject to Additional Standards and Requirements, and

WHEREAS, the Planning Commission, as Lead Agency for SEQRA, has held public hearings in connection with the application, and, after considerable review of the application, determined that the project will not result in any significant adverse environmental impacts and issued a negative declaration, and

WHEREAS, subsequent to these findings, the Planning Commission retained an independent engineering consultant, Charles H. Sells, Inc., to review traffic and drainage aspects of the project, and the consultant reported that the proposed roadway relocation is preferable to the existing roadway configuration, and

WHEREAS, the City Engineer has reported to the City Council that the proposed roadway relocation is acceptable, and

WHEREAS, the proposed modification of a public roadway requires City Council action, and

WHEREAS, on April 21, 1999, at a regular meeting, the City Council, pursuant to Section 20 of General City Law, Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, scheduled a public hearing for May 5, 1999 on the proposed relocation of approximately 880 feet of Grandview Avenue and amendment to the Official Map of the City of Rye, and

WHEREAS, on May 5, 1999, after public notice, the City Council held a public hearing on the proposed relocation and amendment of the Official Map of the City of Rye, when all persons wishing to speak were heard, **NOW, THEREFORE**, be it

RESOLVED, that the City Council of the City of Rye hereby approves the relocation of approximately 880 feet of Grandview Avenue, and be it further

RESOLVED, that the description of right-of-way to be discontinued by the City of Rye with retained easement rights for sewer and water mains, fee to be conveyed to Rye Country Day School is annexed hereto and made a part hereof as Schedule "A", and the description of right-of-way to be acquired by the City of Rye from Rye Country Day School is annexed hereto and made a part hereof, as Schedule "B", and be it further

RESOLVED, pursuant to General City Law of the State of New York, that upon completion of construction by Rye Country Day School of the roadway improvements to the right-of-way, (Schedule "B") to be acquired by the City of Rye from Rye Country Day School and acceptance of these improvements by the City of Rye, and simultaneous with the conveyance of title thereto, the portion of the Grandview Avenue right-of-way (Schedule "A") that is to be discontinued by the City of Rye, shall be discontinued, and be it further

RESOLVED, that the Mayor and other officers of the City of Rye be, and hereby are, authorized to execute all instruments necessary to complete the proposed relocation of a portion of Grandview Avenue and amendment to the Official Map of the City of Rye.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

14. Scheduling of a public hearing on the Special Permit Application by Nextel of New York, Inc. to co-locate a wireless telecommunications facility at 66 Milton Road

Robert Gaudio, Esq., representing Nextel of New York Inc., explained the request for permission to co-locate nine small panel antennas and a 192 square foot equipment shelter on the roof of the building at 66 Milton Road, Rye, New York. He said Bell Atlantic has a similar antenna at that building. Mr. Gaudio distributed a communication regarding this request dated May 19, 1999 to the members of the City Council and filed a copy with the City Clerk. He noted that the applicant has met with the Building Inspector and Monroe Telecom Associates and Comi Telecommunications Services, the City's consultants. Mr. Gaudio respectfully requested that a public hearing be scheduled for June 16, 1999.

Mr. Richard A. Comi, Telecom Associates and Comi Telecommunications Services, consultant for the City of Rye, confirmed that the applicant has completely satisfied 7 of the 9 concerns listed in his May 11, 1999 communication. He was assured that the remaining two items (signature of a licensed engineer and grounding) will be addressed. Mr. Comi noted that the applicant has used an existing facility which is in keeping with the City's requirements.

Mr. Gaudio explained that the equipment shelter would be 12' x 16', which is smaller than what was approved for Bell Atlantic, and that it will be barely above the parapet.

Mr. Comi responded to Councilwoman Downing's concern about the cumulative effect of radio frequency emissions by saying that this project was within all the protective standards.

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

WHEREAS, a special permit application for permission to co-locate nine (9) small panel antennas and a 192 sq. foot equipment shelter on the roof of the building located at 66 Milton Road 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 application, 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 June 16, 1999 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 application.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a special permit application by Nextel of New York, Inc. to co-locate nine (9) small panel antennas and a 192 square foot equipment shelter on the roof of the building located at 66 Milton Road

Notice is hereby given, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), that a public hearing will be held by the City Council of the City of Rye on the 16th day of June, 1999 at 8:00 P.M. at City Hall, Boston Post Road, on a special permit application by Nextel of New York, Inc. for permission to co-locate 9 small panel antennas and a 192 square foot equipment shelter on the roof of the building located at 66 Milton Road. Interested persons will be afforded an opportunity to be heard concerning the proposed application.

Copies of documents pertaining to this application may be obtained from the office of the City Clerk.

City Clerk

Dated:

15. Authorization for the submission of a Home Rule Request changing from three to seven years the term of leases at the park and requiring that copies of proposed leases or contracts at Rye Town Park be provided to the Rye Town Board and the Rye City Council

Mayor Otis acknowledged Councilman Stampleman's memo concerning the lease at Rye Town Park.

Mayor Otis said the original proposal stated that the Mayor or the Rye City Council and the Town of Rye Board would have veto power over the lease provisions in a seven-year lease. Town of Rye Supervisor Robert Morabito has strong reservations about this because he feels it usurps the authority of the Rye Town Park Commission which is the decision making body established by state law. The Mayor said there will be no lease until Mr. Morabito is satisfied with the terms and language of the lease. The Mayor proposed an alternative of having a three-year lease except for leases executed between now and March, 2000 which could be seven years with the approval of the Town of Rye Supervisor and the Mayor of Rye. The Mayor indicated that there needs to be a strong professional lease that would give the City of Rye more leverage. A seven-year lease is important because it would present an opportunity for a vendor to invest in capital improvements.

A brief council discussion focused on a three vs. a seven-year lease. There was no council action taken on this matter. The Mayor will work on a revised draft.

16. Proposed resolution authorizing the City of Rye to enter into an agreement with the County of Westchester for the purpose of undertaking a Community Development Program

Mayor Otis acknowledged a letter from the County of Westchester noting that June 4, 1999 is the deadline for participation in the Community Development Block Grant.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with the County of Westchester for the purpose of participating in the Community Development Program.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

17. Proposed resolution endorsing the submission of a Westchester County Community Development Block Grant program application for High Street and Maple Avenue Area Street scape Plan - Phase I

City Manager Culross explained that the City plans to submit four Community Development Block Grant (CDBG) applications for the CDBG program years 2000-2002. The applications require that the City Council endorse the submissions by resolutions which include project costs.

Councilwoman Cunningham said she was pleased to see a submission for improvements to Gagliardo Park, as well as the senior taxi voucher program. She also stated that there is a need for ongoing discussion.

Mayor Otis reiterated that the second van would give the Recreation Department more flexibility with the existing senior citizens' programs.

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

RESOLVED, that the City Council of the City of Rye endorses the application submission for the High Street and Maple Avenue Area Streetscape Plan - Phase I; and be it further

RESOLVED, that the City Council acknowledges the total anticipated CDBG Phase I project cost of \$22,770, of which \$11,385 is intended to be funded through CDBG funds and \$11,385 is intended to be funded through City funds.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

18. Proposed resolution endorsing the submission of a Westchester County Community Development Block Grant program application for Gagliardo Park Improvements - Phase II

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

RESOLVED, that the City Council of the City of Rye endorses the application submission for Gagliardo Park Improvements - Phase II; and be it further

RESOLVED, that the City Council acknowledges the total anticipated CDBG Gagliardo Park Improvements - Phase II project cost of \$98,500, of which \$58,500 is intended to be funded through CDBG funds and \$40,000 is intended to be funded through City funds.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

19. Proposed resolution endorsing the submission of a Westchester County Community Development Block Grant program application for a Senior Van

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

RESOLVED, that the City Council of the City of Rye endorses the application submission for a Senior Van; and be it further

RESOLVED, that the City Council acknowledges the total anticipated CDBG Senior Van project cost of \$60,000 of which \$45,000 is intended to be funded through CDBG funds and \$15,000 is intended to be funded through City funds.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

20. Proposed resolution endorsing the submission of a Westchester County Community Development Block Grant program application to establish a Senior Taxi Voucher Program

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

RESOLVED, that the City Council of the City of Rye endorses the application submission to establish a Senior Taxi Voucher Program; and be it further

RESOLVED, that the City Council acknowledges the total CDBG Phase I project cost of \$32,342, of which \$16,000 is intended to be funded

through CDBG funds and \$16,342 is intended to be funded through City funds.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

21. Authorization to cancel the unpaid taxes on property owned by Purchase Meeting, Religious Society of Friends a/k/a Rye Friends Meeting

Mayor Otis acknowledged the April 29, 1999 memo from City Assessor Noreen Whitty and the March 2, 1999 letter from Mr. Michael Zavelle, president, Purchase Street Meeting Trustees, concerning the tax exempt status of the Rye Friends Meeting.

Corporation Counsel Neale said that the Council is being asked to correct an error.

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

RESOLVED, that the City Comptroller is hereby authorized to cancel the unpaid taxes on property owned by Purchase Meeting, Religious Society of Friends a/k/a Rye Friends Meeting.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

22. Authorization for the City Manager to approve Applications for Refund of Taxes for the 1996, 1997, and 1998 school taxes on property located at 260 Boston Post Road

Corporation Counsel Neale explained that 260 Boston Post Road had been incorrectly included in the Rye Neck School District when it is actually in the City of Rye School District. He said council action is needed to rectify this matter.

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

RESOLVED, that the City Manager is hereby authorized to approve applications for refund of taxes for 1996, 1997, and 1998 school taxes on property located at 260 Boston Post Road.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

23. Schedule a special meeting of the City Council to be held on June 1, 1999 for the purpose of considering bids for eleven (11) Whitby Castle Restoration contracts

Mayor Otis noted that the bid proposals for the Whitby Castle Addition and Restoration were higher than anticipated. Therefore, the Mayor suggested scheduling a special council meeting to review the bids.

Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to schedule a special meeting of the City Council for June 1, 1999 at 8:00 P.M. to consider the eleven (11) bids for Whitby Castle Addition and Restoration.

24. Consideration of the request from The Sounds of Praise Pentecostal Fellowship Ministries, Inc. to use Midland Avenue sidewalks for a Walk-a-Thon on Saturday, June 12, 1999

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from The Sounds of Praise Pentecostal Fellowship Ministries, Inc. to use Midland Avenue sidewalks for a *Walk-a-Thon* on Saturday, June 12, 1999.

25. Consideration of the request from residents of Onondaga Street for controlled traffic on Sunday, June 13, 1999 for a *Block Party*

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from residents of Onondaga Street for controlled traffic on Sunday, June 13, 1999 for a *Block Party*.

26. Consideration of the request from residents of Beverly Drive for controlled traffic on Saturday, June 26, 1999 for a *Block Party*

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from residents of Beverly Drive for controlled traffic on Saturday, June 26, 1999 for a *Block Party*.

27. Consideration of the request from residents of Grapal Street for controlled traffic on Saturday, August 14, 1999 for a *Block Party*, with a rain date of Sunday, August 15, 1999

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from the Grapal Street Party Committee to hold a *Block Party* on Saturday, August 14, 1999, with a rain date of Sunday, August 15, 1999.

28. Bids for Street Materials

Mayor Otis acknowledged the May 13, 1999 memo from City Engineer George Mottarella, regarding four bids received for Street Materials.

The following bids were received:

STREET MATERIALS

Bid #6-99

NAME OF BIDDER	John Gozo, Jr. Contractor	Peckham Materials Corp. Certified Check \$100.00	Plaza Materials Official Check \$100.00	RCA Asphalt LLC Certified Check \$100.00
	Security Bid Bond			

#	Items	PER TON	PER TON	PER TON	PER TON
	3/4" Crushed Stone	15.92	15.10	No Bid	16.70
	1 1/2" Crushed Stone	15.92	15.10	No Bid	16.65
	Graded Processed Stone NYS 304.02	14.42	13.25	No Bid	15.55
		PER CU YD	PER CU YD	PER CU YD	PER CU YD
	Road Sand	13.42	No Bid	No Bid	No Bid
#	Items	F.O.B.	F.O.B.	F.O.B.	F.O.B.
403.13	Binder Course Type 3 3.5%	No Bid	32.50	37.30	33.00
403.14	Binder Course Type 4 4.0%	No Bid	32.50	37.30	33.00
403.15	Shim Course Type 5 8.25%	No Bid	33.50	45.00	33.00
403.17	Top Course Type 6F 6.4%	No Bid	32.50	38.10	33.00
403.18	Top Course Type 7F 7.0%	No Bid	33.50	42.10	33.00
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid	36.50	49.05	33.00

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

RESOLVED, that the bid for Street Materials, Bid #6-99 is awarded as follows:

Company	Bid
RCA Asphalt LLC	Asphaltic Concrete Curb Mix (FOB)
Peckham Materials Corporation	Binder Course Type 3 (FOB) Binder Course Type 4 (FOB) Shim Course Type 5 (FOB) Top Course Type 6F (FOB) Top Course Type 7F (FOB) Crushed Stone ¾ (Delivered) Crushed Stone 1 ½(Delivered) Graded Processed Stone NYS 304.02 (Delivered)
John Gozo Jr. Contractors, Inc.	Road Sand (Delivered)

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

29. Bids for One Lightweight 5 Gang Mower

Mayor Otis acknowledged the May 12, 1999 memo from Mr. Richard Gonyea, Greens Superintendent, regarding a bid proposal for a lightweight mower.

The following bid was received:

BID #9-99

LIGHTWEIGHT 5 GANG MOWER

NAME OF BIDDER	SECURITY	AMOUNT BID
Turf Products 157 Moody Road Enfield, Connecticut 06083	Certified Check \$1,205.00	\$24,105.00

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

RESOLVED, that the bid for one lightweight 5 gang mower is hereby awarded to Turf Products, the sole bidder, meeting specifications in the amount of \$24,105.00.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Stampleman

The resolution passed.

30. Draft unapproved minutes of the regular meetings of the City Council held April 21, 1999 and May 5, 1999

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council of April 21, 1999 and May 5, 1999, as amended.

31. Miscellaneous communications and reports

A. Councilwoman Cunningham apprised the council that the petition, signed by 321 residents requesting that the Old Post Road (the portion between the Boston Post Road and North Street) be restored as a two-way street.

The City Manager apprised the council that this request has been forwarded to the Traffic and Transportation Committee for consideration.

He noted that the Traffic and Transportation Committee has recommended against it. At its last meeting, the committee informed the petitioners about the decision.

B. Corporation Counsel Neale mentioned a dispute regarding illegal fencing at Coveleigh Club. He explained that it was not really a fence issue; it was a wetlands issue. It was a structure in the wetlands and also a topic of a border dispute. Both sides were in court and the fence is down.

C. Councilwoman Downing asked that the topic of fences be placed on the round table discussion for the June 16th council meeting.

Councilwoman Walsh asked to discuss closure on the leaf blower issue.

Councilman Hutchings suggested having a time limit for the round table discussion.

The Mayor said that he has a draft local law for the leaf blowers and asked the council members to submit their proposals for leaf blowers in a timely manner for the next meeting.

32. Old Business

Councilwoman Cunningham acknowledged the June 13, 1999 letter from Gruber Cleaners regarding the renaming of Third Street to McCullough Place.

33. New Business

A. Councilwoman Walsh asked the Mayor for a proclamation for a thirteen-year old Ugandan boy who has been sponsored by the Rye Rotary to come to the United States for heart surgery.

B. City Manager Culross announced that Mr. Christopher Bradbury, assistant to the City Manager, was elected Secretary/Treasurer of the City/State Management Association. The council extended congratulations to Mr. Bradbury.

Councilwoman Cunningham announced that Corporation Counsel Neale will be honored for his many years of environmental activism and dedication by the Federated Conservationists of Westchester County at Croton Point Park on June 2, 1999.

The Council congratulated Mr. Neale for this honor.

C. Councilman Hutchings asked if City Hall could be decorated with red, white and blue bunting for Memorial Day.

City Manager Culross will follow-up on this.

34. Adjournment

There being no further business to discuss, Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 11:20 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk