

MINUTES of the Regular Meeting  
of the City Council of the City of Rye held  
in City Hall on May 17, 2000 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
CAROLYN CUNNINGHAM  
ROBERTA DOWNING  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
DOUGLAS MCKEAN  
ARTHUR STAMPLEMAN  
Councilmen

ABSENT: NONE

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. General policy discussion: city's policies regarding vehicle and traffic law arrests

Mayor Otis summarized the May 3, 2000 council discussion on the city's policies regarding vehicle and traffic law arrests.

The general policy discussion focused on:

- application of the city's arrest policies;
- complaints about arrest procedures;
- safety for the police officer making the arrest;
- alternate procedures for Sections 511.1 and 512 of NYS Vehicle and Traffic Law as outlined in the Interim City Manager's memo dated April 27, 2000;
- distinction between misdemeanors and felonies;
- issuing a Uniform Traffic Ticket in lieu of arrest for the first offense;
- liability issues of leaving a vehicle on the street when someone is arrested;
- a less onerous penalty for first time offenders of Section 511.1;
- concern about police accreditation by changing the city's arrest policy; and
- Mayor Otis' suggestion that the Acting Police Commissioner draft a new procedure.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to authorize the Interim City Manager to request information on the number of arrests and complaints for the past two years from the Acting Police Commissioner.

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

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

Councilman Stampleman announced that the Pulvermann Foundation will sponsor a free concert by the U.S. Military Band on May 21, 2000 at the Rye High School Performing Art Center.

5. Approval of Home Rule Message for Senate Bill 4236-A authorizing the city to convey park land and pending approval by the Planning Commission of application by the Rye Free Reading Room

Mayor Otis summarized his May 12, 2000 memorandum regarding the library park land alienation issue as follows:

The Rye Free Reading Room (the Library) has a pending application before the Planning Commission for a proposed addition. If the Planning Commission approves a plan which involves the use of any city owned portion of the Village Green, council approval would also be necessary. The city's authority to convey park land must be approved first by the NYS Legislature. This council meeting would be the last opportunity to submit a Home Rule Message before the 2000 Legislative Session ends on June 14<sup>th</sup> in Albany. The Mayor apprised the council that he had consulted with the Rye Free Reading Room's Director, Mrs. Betty Teoman, and Dr. Michael Klemens, chairman of the Planning Commission, who agree that this is the appropriate time for submission of the Home Rule. He said that he had drafted amended legislation to cover a larger area of park land than would ultimately be conveyed.

Councilman Stampleman stated that both the Board of Architectural Review and the Landmarks Advisory Committee must approve the Library's proposal.

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

**WHEREAS**, Senator Oppenheimer introduced Bill 4236 in the New York State Senate and Assemblyman Tocci introduced A7500 in the New York State Assembly which would authorize the City of Rye to sell and convey certain park lands to the Rye Free Reading Room now, therefore be it

**RESOLVED**, that the City Council authorizes the Mayor to file a new Home Rule Request in support of S.4236/A.7500.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

6. Consideration of resolution directing the Interim City Manager to extend the agreement with Monroe Telecom Associates for consulting services in conjunction with the review of Chapter 196 and regulation of wireless telecommunications facilities

The Mayor referenced his May 12, 2000 memo with the accompanying expired contract of Monroe Telecom Associates, Inc. The Mayor indicated that there is no need to execute a new contract. He proposed that the city continue a retainer relationship with this corporation.

Councilwoman Cunningham suggested asking the Interim City Manager to draft a one year contract which would be renewable on an annual basis. She said the intention of the original contract was to draft legislation for the regulation of wireless telecommunications facilities.

Both Councilwomen Cunningham and Larr supported drafting an agreement which would state that Telecom would review, at the council's discretion, applications for a special use permit for wireless telecommunications facilities.

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

**RESOLVED**, that the City Council hereby authorizes Interim City Manager Christopher J. Bradbury to enter into an agreement with Monroe Telecom Associates, for consulting services to process applications under the wireless telecommunications facilities.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

7. Approval of the amendment of the Rye Community Television Special Revenue Fund by appropriating \$10,000 from the fund balance and increasing expenditures in a like amount for the purpose of providing city-wide mailings

Mayor Otis referred to RCTV Coordinator James Kenny's May 10, 2000 memorandum and proposed resolution to appropriate funds for the purpose of providing city-wide mailings.

The council discussed:

- Cablevision's offering to pay for some newsletters and subsequently renegeing on that offer;
- the need to reestablish an awareness to recover the audience that was lost as a result of changing the public access channels;
- negotiations with Cablevision;
- RCTV's desire to do a six-month mailing of the newsletters;
- decreasing the requested amount from \$10,000 to \$4,000 to produce two newsletters; and
- reviewing this issue at the regular council meeting in July.

Ms. Robin T. Jovanovich, contributing editor of the Rye Record, offered to publish a letter from Mr. Hutchings on this issue.

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

**WHEREAS**, Cablevision is the provider of cable television service in the City of Rye; and,

**WHEREAS**, Cablevision recently moved the City of Rye public access channels from channels 14, 15, and 16 to 71, 72, and 73; and,

**WHEREAS**, Cablevision's unilateral decision to make such a move may create confusion with the viewing public as to the availability of the public access channels; and,

**WHEREAS**, the City of Rye may reduce the impact on the public and increase awareness of the public access channels with the publication and mailing of the RCTV schedule to the entire Rye community; now, therefore, be it

**RESOLVED**, that the City Comptroller is granted authority to amend the adopted Cable TV Fund 2000 budget by appropriating \$4,000 of fund balance and increasing expenditures by \$4,000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing  
Hutchings, Larr, McKean, and Councilman Stampleman  
NAYS: None  
ABSENT: None

The resolution passed.

Since the chairman of the Planning Commission was delayed, the council postponed discussion on agenda item # 8 until the end of the meeting.

9.

Mayor Otis referenced the application of Omnipoint Communications, Inc. requesting a special use permit to co-locate an unmanned telecommunications facility at 66 Milton Road.

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to refer the application of Omnipoint Communications, Inc. for a special use permit for 66 Milton Road to the Board of Architectural Review and Monroe Telecom Associates for their review and comments.

10. Resolution scheduling of a special meeting of the City Council

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to schedule a special meeting of the City Council for May 29 , 2000 at 9:30 A.M.

11. Consideration of proposed local law extending and continuing a Moratorium Related to the Use of the City's Rights-of-Way

Mayor Otis referenced Corporation Counsel Neale's memorandums dated May 12, 2000 and March 9, 2000 and the proposed local law regarding extension of the existing moratorium.

There was a brief council discussion on the use of the city's right-of-way.

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

**WHEREAS**, a proposed local law entitled “A Local Law amending Chapter 167, Streets and Sidewalks, of the Rye City Code Section 167-15, by extending a Moratorium Related to the Use of the City’s Rights-of Way”, 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 May 29, 2000 at 9:30 A.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 a proposed Local Law amending Chapter 167, Streets and Sidewalks, of the Rye City Code Section 167-15, by extending a Moratorium Related to the Use of the City’s Rights-of Way**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 29th day of May, 2000 at 9:30 A.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 amending Chapter 167, Streets and Sidewalks, of the Rye City Code Section 167-15, by extending a Moratorium Related to the Use of the City’s Rights-of Way.

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

Dated:

City Clerk

12. Consideration of the request from residents of Onondaga Street for controlled traffic on Sunday, June 18, 2000 for a Block Party

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request from residents of Onondaga Street for controlled traffic for a Block Party on Sunday, June 18, 2000.

13A. Consideration of the request of the American Diabetes Association to use city streets for their annual America's Walk for Diabetes on Sunday, October 22, 2000

Councilwoman Cunningham 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 22, 2000.

13B. Mayor Otis acknowledged receiving the May 15, 2000 communication from the Reverend Marsha Bacon Glover, priest-in-charge, Christ Church, requesting permission to close Rectory Street on June 4, 2000 for the parish's annual picnic.

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of Christ's Church to close Rectory Street for controlled traffic from 9:00 A.M. to 3:00 P.M. on Sunday, June 4<sup>th</sup> for their annual parish picnic.

14. Bids for Boston Post Road Retaining Wall

Mayor Otis referenced City Engineer George J. Mottarella's memorandums dated April 17, 2000 and May 11, 2000 regarding the Boston Post Road Retaining Wall, Contract #0002.

The bid tabulation is on the following page.

The following bids were received:

**Boston Post Road Retaining Wall  
 Contract No. 0002**

NAME OF BIDDER			DeVito Contracting		N. Picco & Sons		Rusciano Construction	
#	Items	Qty.	Unit	Total	Unit	Total	Unit	Total
2100-1	MOBILIZATION	Lump Sum	20000.00	20000.00	10000.00	10000.00	200000.00	200000.00
2100-2	SURVEY & STAKEOUT	Lump Sum	10000.00	10000.00	15000.00	15000.00	100000.00	100000.00
2100-3	MAINT. & PROT. TRFFC.	Lump Sum	30000.00	30000.00	20000.00	20000.00	300000.00	300000.00
2200-1	EARTH EXACAVTION	400 cu. yd.	60.00	24000.00	50.00	20000.00	40.00	16000.00
2200-2	ROCK EXCAVATION	120 cu. yd.	60.00	7200.00	300.00	36000.00	800.00	96000.00
2200-3	SELECT FILL	200 cu. yd.	20.00	4000.00	50.00	10000.00	45.00	9000.00
2510-1	WALL FINISHING	4350 sq.ft.	40.00	174000.00	10.00	43500.00	75.00	326250.00
2510-2	POURED CONCRETE WALL	275 cu. yd.	800.00	220000.00	1000.00	275000.00	800.00	220000.00
2510-3	POURED CONCRETE FOOTING	150 cu. yd.	200.00	30000.00	600.00	90000.00	550.00	82500.00
2510-4	UNDERDRAIN FILTER TYPE 1	125 cu. yd.	100.00	12500.00	20.00	2500.00	70.00	8750.00
2510-5	CONCRETE SIDEWALK	650 sq. ft.	10.00	6500.00	10.00	6500.00	8.50	5525.00
2510-6	CONCRETE CURB	350 ln. ft.	20.00	7000.00	30.00	10500.00	35.00	12250.00
2510-7	TYPE 1 SUBBASE	60 cu. yd.	35.00	2100.00	50.00	3000.00	41.00	2460.00



A council discussion focused on

- having the finish of the retaining wall treated with an acid-etching process that simulates stone veneer; and
- rejecting all current bids; and
- amending the specifications to include the acid-etching process which would improve the aesthetics of the wall.

Councilman Stampleman made the motion, seconded by Councilwoman Cunningham, to reject all bids for Contract #0002 for the Boston Post Road Retaining Wall with the understanding that this would be rebid to include the acid etching.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

15. Bids for Street Materials

The bid tabulation is on the following page.

The following bids were received:

**STREET MATERIALS**

**Bid #6-00**

NAME OF BIDDER		Peckham Materials Corporation		John Gozo, Jr. Contractors, Inc.		RCA Asphalt	
SECURITY		Certified Check		Bid Bond		Certified Check	
#	Items	PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾"		16.00		15.42	25.00	
	Crushed Stone 1 ½"		16.00		15.42		
	Graded Processed Stone NYS 304.02		15.00		14.22		
		PER CU. YD.		PER CU. YD.		PER CU. YD.	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Road Sand				13.42		
#	Items	F.O.B.	*Adj. Price	F.O.B.	Delivered	F.O.B.	*Adj. Price
403.13	Binder Course Type 3 3.5%	35.00	37.13			33.75	39.24
403.14	Binder Course Type 4 4.0%	35.00	37.13			33.75	39.24
403.15	Shim Course Type 5 8.25%	36.00	38.13			34.25	39.74
403.17	Top Course Type 6F 6.4%	35.00	37.13			34.00	39.49
403.18	Top Course Type 7F 7.0%	36.00	38.13			34.50	39.99
714.06	Asphaltic Concrete Curb Mix 7.5%	45.50	47.63			36.50	41.99

\* Price adjustment as per bid specifications.

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

**RESOLVED**, that Bid 6-00, Street Materials, is hereby awarded as follows:

John Gozo Construction, Inc.:

	<u>Delivered</u>	
3/4" Crushed Stone	\$15.42	per ton
1 1/2" Crushed Stone	\$15.42	per ton
Graded Processed Stone NYS 304.02	\$14.22	per ton
Road Sand	\$13.42	per cu. yd.

Peckham Materials, Inc.:

Binder Course Type 3	\$ 37.13	per cu. yd.
Binder Course Type 4	\$ 37.13	per cu. yd.
Shim Course Type 5	\$ 38.13	per cu. yd.
Top Course Type 6F	\$ 37.13	per cu. yd.
Top Course Type 7F	\$ 38.13	per cu. yd.

RCA Asphalt:

Asphaltic Concrete Curb	\$ 41.99	per cu. yd.
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ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to approve the minutes of the regular meeting of the City Council held May 3, 2000, as amended.

17. Miscellaneous communications and reports

A. Councilman Stampleman informed the council that the Rye Recreation Commission will tour the Rye Scenic Trailway System (proposed in the Recreation Master Plan) on Sunday, May 21<sup>st</sup> at 9:00 A.M. starting at City Hall.

B. Councilman McKean commended the Rye Police Department for the professional way an officer handled a situation with one of his colleagues who was photographing churches along the Boston Post Road.

C. Councilwoman Cunningham acknowledged the notice from Westchester County Executive Andrew Spano of public meetings scheduled for May 31, 2000 to review preliminary results of the Airport Noise Monitor Locations Study. She informed the council that she plans to attend the meeting on the relocating of the noise monitors, as well as the meeting on the ongoing look at the Master Plan for the airport. She apprised the council that the county is attempting to dissuade the FAA from requiring further building on the reservoir side of the airport.

D. Councilwoman Downing informed the council that the condition of the Sound is appalling. She said the raw sewerage was quite evident and could be the reason why plants and animal life are dying. Councilwoman Cunningham said the source of this current contamination probably emanated from the Larchmont overflow.

E. Councilwoman Downing apprised the council that the YMCA (Y) presented plans for its proposed addition to the Board of Architectural Review. She asked if the council wished to see these plans. One of the Y's concerns is the proposed bridge from the Y into the Village Green and whether or not there would be a need to transfer land. She stated since the building is quite large, it would be interesting to see a master scale. She also voiced her concern about the proposed huge impervious surface for the parking lot.

Councilwoman Downing acknowledged the April 7, 1999 letter from Dr. Cedric S. Raine, who expressed concern about the adverse impact that the proposed Y addition will have on his property, located at 32 Orchard Street.

A council discussion ensued on the pros and cons of storm water quality at this particular location within the Blind Brook Watershed. The engineering reports have recommended against storm water retention on this location on the issue of water quality. It is the Y consultant's recommendation to have subsurface first flush storm water treatment systems whose primary function is water quality with some limited storm water detention. Given these circumstances, the consultant maintains that impervious surfacing is appropriate.

18. Old Business

A. Councilman McKean asked the status of his request to investigate the miscalculation in parking spaces at the Rye Golf Club.

Interim City Manager Bradbury said it was his understanding that the calculation of parking spaces was not based on a survey; it was based on certain schematics for the first site plan. There were incremental changes made throughout the process and the city was made aware of these changes.

A council discussion focused on the possibility of reducing the amount of berm to permit additional parking spaces near the pool, concerns about not meeting the Memorial Day deadline for the pool landscaping construction, and resolving some of the parking problems when the season begins.

B. Councilman McKean expressed concern about the ever present standing water in the pedestrian tunnel area under the Metro North railroad tracks. This presents a problem because of the potential West Nile Virus.

Interim City Manager Bradbury contacted Metro North about this situation which is still unresolved.

C. Mayor Otis announced that the second meeting on the Rye Brook Master Plan is scheduled for Thursday, May 18, 2000. Since he will be out of town, the Mayor asked if any council member would be interested in attending this meeting.

19. New Business

There was no new business discussed.

Councilman Stampleman left the meeting at 9:00 P.M.

8. Consideration of request to provide funding for a computerized model of the Village Green

On behalf of the Planning Commission, Councilman McKean requested funding for a computerized model of the Village Green. This would include two panoramas to study the impact of all the proposed projects around the Village Green from two perspectives. The total cost of this project would be \$12,500. He described the computerized model in detail. This would not include a walk-through at this point.

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

**RESOLVED**, that the City Council hereby authorizes the City Comptroller to transfer \$12,500 from the Contingency Fund to the Department of Planning's budget to provide funding for a computerized model of the Village Green.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

20. Adjournment

Mayor Otis made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn to executive session at 9:35 P.M. to discuss a personnel issue.

The Council reconvened at 10:45 P.M.

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 10:50 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk