

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City
Hall on February 28, 2001 at 8:00 P.M.

PRESENT:

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

ABSENT:

ROBERTA DOWNING

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

The Mayor asked the City Manager to report on contingency plans for the impending Bee-Line Bus strike. She said that Route #76 (the minibus) will not be affected as it is a different line. Route #61 will be affected and citizens can call 813-7777 for information.

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

Mayor Otis recognized Police Officers Tim Chittenden (President of the Rye Police Association) and Mike Larkin (Vice President) who addressed the Council concerning the Police Benevolent Association (PBA) contract. Officer Chittenden said that a memorandum of understanding was reached with the City and approved by the Council last October, but that four changes have since been made which have not been resolved. The changes involve health insurance for retirees, starting salary, sick leave incentive and employee committees. Officer Larkin said that he felt there is an "anti-PBA" sentiment. He said that the Police force works hard to keep the Rye community the safe place it is; that the PBA doesn't ask for much, but what they ask for is important to their membership; and that resolving the contract issues is important so that morale can be kept high. Officer Chittenden said that

now he has seen a copy of the agreement, he has discovered these four issues need to be addressed. He understands that there is a meeting scheduled for Friday which he hopes will result in everything being worked out.

Mayor Otis thanked all the Police Association members for coming and said that the Council is very supportive of what the Police Department does. He said that there is a need to clarify what the contract says, in the same way the other agreements have been clarified, and said he was hopeful a resolution can be reached during Friday's meeting. Officer Chittenden said that he had been trying to schedule a meeting for some time but had been rebuffed. Mayor Otis said that it was his understanding that several meetings scheduled for January were not able to take place, but that Friday's meeting had been set by the respective lawyers. Manager Novak said that the meeting had been scheduled since mid-February when she put it on her calendar and that she is confident the issues can be straightened at the meeting. She said the process followed with the police employees was no different from the process followed with the other bargaining units who were sent strike and replace contracts and who then called with questions, sat down with her and worked out the issues. She said that hopefully this is what will happen Friday. In response to a question from Councilman Stampleman, she said all the issues with the other bargaining units have been resolved.

Councilman Stampleman said that he was surprised that no one had appeared before the Council to discuss the cell tower proposed by Nextel for Disbrow Park. Mayor Otis replied that Nextel had done some exploration of the site but that as of now there is no application. He also stated that Disbrow Park is not a preferred location and the decision to move ahead is entirely up to the City because it is their property.

4. Public discussion of the following proposed amendments to Chapter 191, Vehicles and Traffic, establishing additional traffic and parking restrictions in the vicinity of Milton School

Mayor Otis reported that the proposals to amend Chapter 191 of the City Code being considered are a result of the joint City/School Traffic Study. He asked City Manager Novak to provide some additional background. She said that the study had made recommendations for all the schools but that the most major involved Milton School. She said that Brian Dempsey, the Consultant who prepared the report, had been most responsive to all citizens; that all neighbors had been fully notified; and that everyone seemed to be very supportive of the proposed changes.

Mr. Dempsey reported that the recommendations are to modify traffic flow and solve some of the parking problems on Hewlett and Fairway Avenues. He said that the proposal to build a stairway up to the school entrance level was being deferred. He said that the only downside of implementing the recommendations is that parents will have to park farther away and that suggestions, such as more car pooling, were already being discussed.

During the discussion that followed, Councilman McKean suggested making the sidewalk on Hewlett in front on the school as wide as possible and urged that deliveries be made during off hours.

Lorraine Levinson, Co-President of the Milton PTO, said it was important not to encourage more traffic. Councilman Hutchings said parents should be encouraged to drop off their children rather than escort them into school and linger. In response to a letter from a Hewlett Avenue resident, Mayor Otis said that the new restrictions would be for school days only; that the number of new signs would be minimized as much as possible; and that parents would be urged not to block driveways. In response to a question from Dolores Eyster, the timetable for implementation will be as soon as the signs can be installed and the parents notified.

There being no further discussion, Mayor Otis thanked everyone for a terrific job on the whole project, saying it was an excellent example of cooperation between the school, city and staff.

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

RESOLVED that Section 191-6, Vehicles and Traffic, One-Way, be amended to extend the designation of Hewlett Avenue as one-way east from Milton Road to Forest Avenue from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m. when school is in session, and be it further

RESOLVED, that Section 191-12, Vehicles and Traffic, Full Stop, be amended to designate Fairway Avenue at Hewlett Avenue a stop intersection, and be it further

RESOLVED, that Section 191-19.1, Vehicles and Traffic, Parking Prohibited Certain Hours, be amended to prohibit parking on the west side of Fairway Avenue from Hewlett Avenue to Valleyview Avenue and on the west side of Hewlett Avenue between the crosswalks extending from the fire lane driveway entrance from Robert Crisfield Place to the fire lane driveway exit from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m. when school is in session, and be it further

RESOLVED, that Section 191.21, Vehicles and Traffic, Parking, Standing or Stopping, to prohibit parking, standing or stopping on the east side of Hewlett Avenue between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m. when school is in session.

5. Proposed resolution in support of EPA's Reassessment of PCBs in the Hudson River and the Evaluation of Potential Remedial Actions

Mayor Otis reported that the Council had received a request from the Village of Croton-on-Hudson to reiterate its support for the clean-up of the Hudson River in light of the newly released Feasibility Study/Proposed Plan for the Hudson River PCBs Superfund Site which recommends dredging the river. Councilwoman Cunningham said that her support of this important project remains

as strong as it was when she recommended the Council pass a resolution of support in 1998 and she is pleased that the project is moving forward.

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

WHEREAS, the health and beauty of the Hudson River is critical to the economic vitality of our community and the Hudson River is a treasured asset; and

WHEREAS, the Hudson River has been designated an American Heritage River, and the Valley as a National Heritage Area; and

WHEREAS, nearly 200 miles of the Hudson River - from Hudson Falls to New York City - are a federal Superfund site due to the polychlorinated biphenyl (PCB) contamination; and

WHEREAS, PCBs are the most significant contaminant limiting full use and enjoyment of the Hudson River; and

WHEREAS, PCBs were banned in 1976 because of a variety of known and suspected impacts on humans and wildlife; and

WHEREAS, PCBs remain in the Hudson River exposing humans and wildlife to their effects; and

WHEREAS, an estimated \$40 million annually has been lost over the last twenty years because of the closure of Hudson River commercial fisheries and restrictions on recreationally caught fish. As a result, the Hudson Valley has lost an important cultural heritage and way of life and the economic vitality of the Hudson River region continues to be hampered by the limitations on recreational use of the River and the stigma of PCB contamination; and

WHEREAS, U.S. Environmental Protection Agency (EPA) Superfund officials determined in February 1997 that PCB "hot spots" in the sediment of the upper Hudson are the "dominant source" of PCB contamination to the River, and that microbial breakdown will not rid the River of PCBs; and

WHEREAS, the EPA's Hudson River Reassessment has determined that without remediation, present levels of contamination will continue indefinitely; now, therefore, be it

RESOLVED that the City of Rye hereby expresses support for the findings of the proposed remediation plan in the Hudson River Reassessment being conducted by

the U.S. EPA under the Superfund, and urges EPA to complete the Reassessment and issue a Record of Decision (ROD) without delay, including the evaluation and timely implementation of remedial actions, which include environmental dredging, that can most effectively restore the Hudson River, as well as the evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs. Further, the City of Rye urges that the U.S. EPA fully consider public opinion and complete the Hudson River Assessment as expeditiously as possible.

6. Bids Milton Firehouse Additions and Renovations Sitework

Mayor Otis introduced the next six agenda items by saying how pleased he was to be able to present bid recommendations for the renovation of the Milton Point Fire House and asked the City Manager to elaborate further.

Manager Novak said that the total of the bids for the project came to \$2,489,191. She said that although this exceeds the original expected amount by a little over \$700,000, the estimate from the contractor when all the additional items were added (800 more square feet, flood barrier and flood proofing, exterior additions) was over \$3 million, so everyone is pleased with the actual total as bid. She said that \$800,000 has been transferred as a contingency amount. She welcomed the three Fire Chiefs, all of whom are in support of the project, and Richard Mecca who has helped guide the project. She then turned the floor over to City Engineer George Mottarella who answered questions from the Council. In response to an inquiry from Councilman Stampleman, Mr. Mottarella reported that all awardees had been thoroughly checked out; that all have excellent recommendations; and that two winners have provided successful service to the City of Rye in the past. He said that the low bidders were all within a 5-6% differential, so he was very comfortable with the awards. In response to Councilman Hutchings' inquiry about when the project might start, Mr. Mottarella said that he anticipated the end of March and that the completion date would be approximately a year later.

Chief Roode said that during that time the department operations will be consolidated at the Locust Avenue Fire House where one piece of equipment will be stored while the other will be kept either in a DPW building or in temporary shelter behind the Milton Point Fire House. He said they have plans in place to make sure Milton Point is covered, even during the 4th of July and during storms.

The Mayor thanked everyone for the good effort and the completion of a fine process and asked that the Council approve the bids on an individual basis.

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

RESOLVED, that Contract #2001-01, Milton Firehouse Renovation Site Work be and is hereby awarded to Delvito Contracting Co., Inc., the lowest bidder meeting specifications in the amount of \$149,450.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

7. Bids Milton Firehouse Additions and Renovations General Construction

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

RESOLVED, that Contract #2001-02, Milton Firehouse Renovation General Construction be and is hereby awarded to Wm. Manfredi Construction Corp., the lowest bidder meeting specifications in the amount of \$1,577,000.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

8. Bids Milton Firehouse Additions and Renovations Electrical

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

RESOLVED, that Contract #2001-03, Milton Firehouse Renovation Electric be and is hereby awarded to Maywood Electric Co., Inc., the lowest bidder meeting specifications in the amount of \$235,634.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

9. Bids Milton Firehouse Additions and Renovations Plumbing

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

RESOLVED, that Contract #2001-04, Milton Firehouse Renovation Plumbing be and is hereby awarded to Westcon Plumbing & Mechanical Corp., the lowest bidder meeting specifications in the amount of \$179,500.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

10. Bids Milton Firehouse Additions and Renovations Heating, Ventilating, Air Conditioning

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

RESOLVED, that Contract #2001-05, Milton Firehouse Renovation Heating, Ventilating, Air Conditioning (HVAC) be and is hereby awarded to Keyspan Home Energy Services, the lowest bidder meeting specifications in the amount of \$279,107.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

11. Bids Milton Firehouse Additions and Renovations Sprinkler System

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

RESOLVED, that Contract #2001-06, Milton Firehouse Renovation Sprinklers, be and is hereby awarded to D & S Fire Protection Systems, the lowest bidder meeting specifications in the amount of \$68,500.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Downing

The resolution passed.

12. One appointment to the Rye Town Park Commission to fill the term ending January 1, 2002, by the City Council

The Mayor reported that Doug McKean, who had made a phenomenal contribution to the Rye Town Park Commission for two years and three months during which there have been many successes, was stepping down officially even though he will continue to act in an advisory capacity.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried to appoint Richard Runes, who will be asked to resign from the Board of Ethics, to the Rye Town Park Commission to complete Councilman McKean's term.

13. One appointment to the Commission on Human Rights for a three-year term; three appointments to fill terms ending January 1, 2002; and one appointment to fill the term ending January 1, 2003, by the Mayor

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried to approve five appointments to the Human Rights Commission as follows: Susan Ciselsky to fill a three-year term ending January 1, 2004; Lindsey Friedman, Peter Larr and Jane Mickatavage to fill terms ending January 1, 2002; and G. Patrick McGunagle to fill a term ending January 1, 2003. Councilwoman Larr recused herself from voting.

Prior to approving appointments to the Rye Town Park Commission and the Commission on Human Rights, Mayor Otis asked the Council to consider whether an individual should serve on more than one Commission, Committee or Board at one time. He said that he would like to propose Peter Larr, already a member of the Planning Commission, to serve on the Commission on Human Rights and to propose Richard Runes, already on the Board of Ethics, to serve as a member of the Rye Town Park Commission. He said that the only other situation where a citizen participates on more than one committee involves a member of the Traffic and Transportation Committee who also serves as an elected member of the Rye Golf Club Commission. Councilman McKean said, and the Council agreed, that while there was no policy that limited membership to only area, it should be the normal practice so that as many citizens as possible could be involved in helping City government. He added, however, that in the case of Mr. Larr who would not be serving on two "land-use" committees, an exception could be made. In the case of Mr. Runes, the Council agreed that members of the Board of Ethics should not serve on any other committee. The Mayor indicated he would nominate Warren Ross for the position left vacant by Mr. Runes.

14. Resolution proclaiming April 28, 2001 as Rye Lacrosse Day

Mayor Otis asked the Council to review a proclamation designating April 28, 2001 as the second annual Rye Lacrosse Day.

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

*WHEREAS, lacrosse is the oldest game of the North American continent,
and*

*WHEREAS, lacrosse by reason of culture and tradition has become a
very popular recreational and competitive sport, and*

*WHEREAS, today's youngsters learn skills, fundamental techniques, and
sportsmanship from playing this game, and*

*WHEREAS, the City of Rye recognizes everyone who is committed to
assist or participate in lacrosse, the fastest sport on foot, and*

*WHEREAS, this year marks the second annual Lacrosse Day event
testing the speed, reflexes, team play, and competitive spirit of our talented
lacrosse players in Rye,*

*NOW, THEREFORE BE IT RESOLVED, the Rye City Council pauses
in its deliberations to proclaim April 28, 2001 as Rye Lacrosse Day in the City of
Rye, and to wish the best of luck to all those who participate and support this
great event.*

Signed and sealed this 28th day of February, 2001.

SEAL

*Steven Otis
Mayor*

15. Resolution commending and congratulating Rye Cub Scouts for their dedication to the principles of scouting and their advancement to the next phase of scouting

Mayor Otis asked the Council to review the proclamation commending and congratulating Rye Cub Scouts for their dedication to the principles of scouting and their advancement to the next phase of scouting during a ceremony to be held on March 7, 2001.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr to approve the following proclamation:

*WHEREAS, the City Council of the City of Rye is proud to
recognize the Cub Scouts as an organization which contributes
significantly to the quality of life in our community, and*

***WHEREAS,** scouting influences a boy's character development and involves parents and other interested adults during this formative period, and*

***WHEREAS,** the goal of scouting is to instill value, encourage leadership, and develop good citizens, and*

***WHEREAS,** Ben Alimena, Jake Berkowsky, Matthew Breitel, Daniel Conway, Harrison Ehrlich, Karl Michael Forsman, Austin Fultz, Kevin Kennedy, Danny Klemens, A. J. Liguori, Jack Morningstar, Jack Moran and Matthew O'Sullivan have faithfully fulfilled the requirements of Cub Scouts and now advance to the next phase of scouting,*

***NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Rye hereby commends and congratulates these boys for their dedication to the principles of scouting and wishes them much success in all their future endeavors.*

Signed and sealed this 7th day of March, 2001.

SEAL

*Steven Otis
Mayor*

16. Draft unapproved minutes of the regular meeting of the City Council held February 7, 2001

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held February 7, 2001 as amended.

17. Miscellaneous communications and reports

Councilman Hutchings reported that he was disturbed to have read in the Rye Record that a resident of Blind Brook Lodge had not been able to get a report from Nextel concerning the results of their review of the antenna located on the building. He said Nextel assured the Council they would measure the effects and urged the City to contact Nextel to make sure the findings are reported. Mayor Otis said he too was concerned and had already contacted Mr. Monroe, the consultant for the Nextel application. He also urged the Blind Brook Lodge Board to follow-up as well.

Councilman Stampleman congratulated the Rye Record for the many informative articles appearing in their last edition.

Councilwoman Cunningham reported that the Rye Golf Club Commission had entered the names of those who contributed to the restoration of Whitby chapel into their minutes and suggested the City Council do the same. Mayor Otis suggested this action be taken at the next meeting.

Councilman Hutchings displayed a publication from the RCTV staff describing how to act on television and thanked the staff for a job well done.

Councilman McKean reported that plans for the library addition are moving forward; everyone seems to be happy with the progress; and that the stage is set for the public hearing before the Planning Commission. Councilman Stampleman added that the preliminary site plan approval had been given.

Councilman Stampleman reported on the Annual Meeting of the Rye Free Reading Room. He said that book borrowing was up over 10% and borrowing from other branches in the system was up from 2,000 to 11,000.

Councilwoman Cunningham called attention to the mailing from N.O.I.S.E. (National Organization to Insure a Sound-Controlled Environment) which is concerned with airport issues. She said she realizes from the list the City Manager prepared that the City already belongs to many organizations, but that she may be recommending membership in this group at some later date, especially as the Terminal Capacity Agreement at Westchester County Airport which limits the number of commercial flights, and which everyone worked hard to get extended, will expire in 2004 and information from N.O.I.S.E could be helpful. Councilman Stampleman suggested that the City Manager evaluate organizations the City does belong to, just to make sure they are not simply historically entrenched.

Councilman Stampleman reported on the Recreation Commission saying that they have received a \$50,000 Community Development Block Grant from the Westchester County Department of Planning to improve Gagliardo Field. He also reported that the Southeast Consortium which looks after the needs of children with disabilities may, in the future, not be able to provide adequate care as the law now requires that children with disabilities be more integrated. He said this ruling may have a financial impact on the City in future years. He reported that the Recreation Department spent less while serving more people and concluded by reporting that the Seniors have been testing a drop-in program at the McDonald Building.

Councilman Stampleman mentioned that he had heard that President Bush may be recommending elimination of funds for Project Impact and that if this was the case, we should write to register our desire to have the funds retained. Mayor Otis said he would contact Representative Lowey as well as Congressman Boehlert from Utica and agreed that we should contact other cities throughout the country which might be affected. City Manager Novak said that this was also a possible project for the National League of Cities.

Councilman McKean reported that the Planning Commission is unsure about the steps the County is taking to insure an orderly July 4th celebration and would like to follow-up on the matter. The Mayor said he would contact George Latimer. He also reported that the Parking Working Group has met and reviewed a lot of raw data and will start to deal with recommendations at their next meeting.

Councilman Stampleman said he read that the Rye City School District might be asking the City to give up some lands to the schools and said he didn't think this was a good idea. Mayor Otis replied that he considered this idea just one of many which epitomized the school's thinking "outside the box."

Councilman Stampleman mentioned he understood that the City could not store the records for the Commission on Human Rights and said he thought that it should. Manager Novak said she would look into it, but said space was an issue and that maintaining the records for the Chairman, over and above the historic record of the Commission's minutes, was setting a precedent.

18. Old Business

Councilman McKean said he was concerned that the publication submitted by Shenorock Shore Club suggesting renovation to the Town Dock did not more clearly identify what the report was and who had commissioned it. He said he appreciated the hard work and that it was an interesting report but hoped Shenorock would redo the cover to indicate more clearly (for future reference) what the report was, who had done it, and why.

Mayor Otis said that the Council needs to schedule a workshop on Trailways and Sidewalks and suggested that the subject be divided into two parts: where to locate them and what kind. Councilman Cunningham said she agreed and suggested that the first part (where to locate them) be put on the agenda for March 7.

Councilman Hutchings asked for an update on the Boston Post Road Retaining Wall project, saying he hoped work would begin soon. Manager Novak said that they had received the final specifications from Con Edison; that bids would go out soon; and that, indeed, work would begin in the spring.

19. New Business

Councilman Stampleman reminded the Council that the annual site visit to the Recreation Department is scheduled for March 24 and said he hoped everyone would be able to attend.

Councilwoman Cunningham said that she was pleased to get the information about the Hudson River Valley Greenway organization and said she thought the Council should participate in their programs, especially as they include projects such as trailways, open space and wetland or flood planning.

Councilwoman Cunningham said she found the recycling information from City Engineer Mottarella interesting and wondered if he would be willing to address the Council on the subject in greater detail. Manager Novak suggested that prior to having Mr. Mottarella address the Council in person, the Council could submit any questions they might have and she will see that she gets the answers.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to executive session at 9:40 P.M. to discuss a land acquisition matter and a contractual matter.

The Council reconvened at 11:00 P.M.

20. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting at 11:01 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk