

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in the Square House and City Hall on May 2, 2001 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
CAROLYN CUNNINGHAM  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
DOUGLAS MCKEAN (at the Square House session only)  
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 welcomed everyone to the annual traditional meeting, acknowledging members of the Boards and Commission, past officials, and city staff. He specifically mentioned regards sent by former Councilman Ted Rogers and Board of Assessment Review member, Gerry Seitz who could not be present. He then made the following comments:

“We again join together at this annual meeting to renew our connection to each other and our past. Here in the original home of our City Council meetings we gather to reflect upon our work together to keep Rye the great community that it is.

"Since we met here a year ago we have passed a number of new milestones that now are a part of our history. A year ago we introduced our new City Manager, Julia Novak, who began her service a few weeks later in June of last year. Since our last Square House meeting a number of important projects became tangible. Whitby Castle has opened and the new Golf Building is now near

completion, the restaurant at Rye Town Park was completely refurbished and is now a popular local establishment enhancing that great park, and construction on the Milton Point Firehouse has now begun. The City is now moving closer to completing important parkland acquisitions that will benefit the community.

"All of these efforts were the result of the same careful planning that has marked our community for generations. On behalf of the entire City Council, welcome to this Square House Meeting, one way we celebrate the rich history of Rye and how much our past helps guide our future."

Mayor Otis then introduced City Manager, Julia Novak who told the assembly that she was excited about all the accomplishments of the past year and that she and her family were still every bit as happy to be a part of Rye as they were when they first arrived. She then introduced the City Staff, many of whom are new

Joseph Carlucci	DPW General Foreman
William Connors	Police Commissioner
Chantal Detlefs	City Naturalist
Michael Genito	City Comptroller
James Kenny	RCTV Coordinator
Christian Miller	City Planner
Susan A. Morison	City Clerk
George Mottarella	City Engineer
J. Henry Neale, Jr.	Corporation Counsel
Charles Peretz	Assistant to the City Manager
William Rodriguez	Superintendent of Recreation
Julie Schmitter	Assistant to the City Manager
Vincenzo Tamburro	Building Inspector
Noreen Whitty	City Assessor

The Mayor welcomed Former Mayors Warren Ross and John Carey. Mayor Ross congratulated the Council on their efforts to increase open space saying that this kind of foresight is what keeps Rye a beautiful place to live. Mayor Carey described his experiences with rule CPLR 3222 which is an easy way to solve legal problems and suggested that everyone should seek simpler solutions.

The Mayor recognized former Council Members Edward Collins, Marcia Kapilow, Joseph Latwin, Myron Weinberg and George Latimer, now Westchester County Legislator, who remarked on how nice it is to see the continuation of good government and what a great feeling it is to be part of the process.

The Mayor greeted the following members of Rye City Boards, Commissions and Committees:

- Judy Studebaker, Chairman, Zoning Board of Appeals, who thanked her wonderful hardworking members.

- Peter Larr, Vice Chair, the Planning Commission, who said it had been an interesting and satisfying year of reaching consensus on many divergent issues.
- George Pratt, Finance Committee, who said it had been an exciting year and introduced Fred Dunn, a new member.
- Nick Hodnett, Chairman, the Conservation Commission, who introduced fellow member Dennis Buckley, said they welcomed new members, and invited everyone to the Strawberry Festival on May 20, 2001.
- Richard Runes, member, the Rye Town Park Commission, who congratulated the Council on refraining from partisan politics.
- Doug Carey, Recreation Commission, who said on behalf of Chairman Steven Meyers how excited everyone was to be working on implementing the Master Plan.
- Nancy Stampleman, member, the Landmarks Advisory Committee, who said that in addition to helping to preserve old buildings (such as the Square House), they honor those who help to do so and invited everyone to come in two weeks to see who gets this year's award.
- Bill Scully, Rye Golf Club Commission.

The Mayor introduced the loyal members of the press who faithfully cover council meetings: Robin Jovanovich from the Rye Record; Alexandra Barnes from the Sound Shore News; and Chris Hansen from The Item.

Last but not least, the Mayor recognized John Rossini, a Rye resident who comes to all meetings.

The Mayor thanked everyone for attending this special meeting and said that the open meeting would continue across the Village Green in City Hall.

The meeting reconvened at 8:35 P.M.

3. Presentation of the Government Finance Officers Association's Award of Financial Reporting Achievement for 1999 to the City Comptroller

Mayor Otis said that presenting the Government Finance Officers Association's Award of Financial Reporting Achievement for 1999 to the City Comptroller was becoming an annual event. He thanked Comptroller Michael Genito for all that he has done for the City over and above financial reporting, providing good advice and financial analysis on a host of matters. He said that the City was lucky to have him.

Mr. Genito accepted the award for the City of Rye saying that it honors the City's commitment to open, honest, full disclosure and said that the real credit goes to the Council, the City Manager and to all the City employees.

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

Mary-Louise Murray-Johnson, Ridgewood Drive, addressed the Council with her concerns about the trash which abounds in Rye. She said she agreed entirely with the Letter to the Editor in the Rye Record, written by James Alban-Davies which deplored the prevalence of litter in his part of Rye and said her neighborhood suffers from the same blight. She asked who is responsible and if DPW has an official "picker." She said that Rye is a beautiful place and urged that the City adopt an official policy so we can keep our streets as beautiful as our trees.

James Alban-Davies asked the Council if 1) they are aware of the problem, 2) do they share the same concern and 3) do they have ideas of how to solve it.

Mayor Otis replied that the Council is very aware of the problem and in fact has increased the Central Business District (CBD) budget two times to address the issue. He also said that the Council had taken a "beautification" tour last weekend to visit trash "hot spots" and are especially aware of areas such as Kirby Mill and, as Peter Larr mentioned, at the entrances to the City (such as Midland and I95) and the County streets. He promised that the Council will look at other ways to increase the budget and make more effort to sensitize people to the problem. Mr. Alban-Davies said that he wasn't suggesting more money, but was seeking solutions, such as, perhaps, using police to pick up trash for 10 minutes during each patrol, cultivating individual helpers, instilling more community pride, etc.

Councilwoman Cunningham agreed with the concerns. She said that trash always seems particularly bad in the Spring and suggested neighborhood groups have a "Spring Clean-up". She said the City needs more individuals like the man who cleans up the Post Road daily. Councilman Hutchings urged individual responsibility, saying it was going to be hard to curb the trash-throwers entirely. Councilwoman Larr urged more trash receptacles, especially in some of the problem areas sited on the Council's tour. Manager Novak said it was already being done and suggested increased annual events (an "Earth Day" Clean-up for example). The Mayor concurred and invited everyone to Rye Town Park for the 6<sup>th</sup> Annual Rye Dog Owners Clean-up event on Saturday, May 5 from 9-11:30 AM. Robin Jovanovich from the Rye Record, suggested that the CBD, particularly Starbuck's, needs to set an example. Manager Novak said that the Rye Merchants Group was already talking about this problem and trying to find solutions. The Mayor reiterated that the issue is of great concern and the Council will endeavor to find solutions.

Mayor Otis mentioned several upcoming events which will be available for Rye citizens. American Yacht Club is inviting people to visit the land being offered by the Club as a park in return for the Town Dock every Saturday and Sunday in May from 12-5 P.M. beginning May 12. The Traffic and Transportation Committee is sponsoring a Bicycle Rodeo at the Middle School from 11:00 AM -

2:00 P.M. on Saturday, May 12. The West Point Band will be performing a free concert at the High School auditorium on Sunday, May 13 at 3:00 P.M.

5. Consideration of proposed local law amending Chapter 76, Dogs, of the Code of the City of Rye by adding Section 76-6, Removal of feces left by dogs, and Section 76-7, Penalties for violation of Section 76-6

Mayor Otis asked the Council to consider a revised draft of the proposed local law adding a section requiring the removal of feces left by dogs and establishing penalties for violations. The revised draft eliminates criminal penalties for violations. The Council considered various wordings for the new section in an effort to make it as simple and clear as possible. Councilman Hutchings suggested revisions to other sections of the law be considered, such as the acceptable length of the leash, but the Council agreed to concentrate only on the proposed new section.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to schedule a public hearing on Wednesday, May 16, 2001 to consider the proposed amendments to the City Code, Section 76-6, Dogs, by adding Section 76-6, Removal of feces left by dogs, and Section 76-7, Penalties for Violation of Section 76-6.

6. Consideration of proposed resolution supporting the extension of the 1991 Property Tax Stabilization and Relief Act

Mayor Otis asked the council to consider a resolution supporting the extension of the 1991 Property Tax Stabilization and Relief Act which collects an additional 1% sales tax and redistributes it back to the communities. Over the years both the amount collected and the amount returned has grown considerably and the County wishes to extend the time of the tax for another two years. Councilman Stampleman noted that the population figures listed for Rye by the County are smaller than the actual number and asked the City Manager to check into this with the county, especially if the amount received by the City of Rye is based on a per capita number.

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

**WHEREAS**, cities, towns and villages in Westchester County are severely restricted in their revenue base, with real property tax as their main source of revenue constantly rising and putting a disproportionate burden on the property tax owner; and

**WHEREAS**, the County Executive and the Board of Legislators advocated and approved the distribution of sales tax revenue to the cities, towns, villages and

school districts, in accordance with Chapter 272 of the Laws of 1991; now, therefore, be it

**RESOLVED**, that the City of Rye hereby requests our State representatives to support a two-year extension on Article 29, Section 1262-b of the tax law, entitled 1991 Property Tax Stabilization and Relief Act, which said law presently has a sunset provision of May 31, 2002; and be it further

**RESOLVED**, that by copy of this resolution we urge our representatives to support the extension of the 1991 Property Tax Stabilization and Relief Act until such time as New York State Aid to Local Governments is restored.

7. Proposed resolution officially modifying the Election Districts Map

The Mayor said that although the City Council has approved the division of District 2 into Election Districts 2 and 15, a formal resolution adopting the new metes and bounds which describe the new boundaries is required. He said the revised Election District Map for the City of Rye also needs to be approved formally. In response to a question from Councilwoman Cunningham, the City Clerk said that the district containing The Osborn has fewer voters so that there is room to grow and that the people in the new district will continue to vote in the same place.

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

**WHEREAS**, Section 4-100 (4) of the State Election Law must be realigned when the total number of registrants exceeds the maximum number permitted by this section by at least fifty registered voters, and

**WHEREAS** Election District No. 2 contains more than the number of registered voters permitted, now therefore be it

**RESOLVED**, that Election District No. 2 of the City of Rye be and the same is hereby divided into two districts which shall be designated Election District No. 2 and Election District No. 15, and the boundaries of such revised and new districts shall be a follows:

**Election District No. 2 (new)**

Beginning at the intersection of the center of Beaver Swamp Brook and the center of Osborn Road, thence southeasterly along the center of Osborn Road to the center of Boston Post Road; thence northeasterly along the center of Boston Post Road to the center of Playland Parkway thence southeasterly along

the center of Playland Parkway to the center of Blind Brook; thence northeasterly along the center of Blind Brook to the center of Boston Post Road; thence northwesterly along the center of Boston Post Road to the center of Old Post Road; thence northwesterly along the center of Old Post Road to the center of North Street; thence northeasterly to the Town of Harrison-City of Rye line; thence southwesterly along the Town of Harrison-City of Rye line to the Metro North Railroad; thence easterly along the Metro North Railroad to the center of Beaver Swamp Brook; thence southwesterly along the center of Beaver Swamp Brook, also Town of Harrison-City of Rye line, to the place of beginning

**Election District No. 15 (new)**

Beginning at the intersection of the Town of Harrison-City of Rye line and the center of North Street, thence southwesterly along the center of North Street to the center of Old Post Road; thence southeasterly along Old Post Road to the center of Boston Post Road; thence northeasterly along the center of Boston Post Road to the center of Orchard Avenue; thence northwesterly along the center of Orchard Avenue to the center of Walnut Street; thence southwesterly along the center of Walnut Street to the center of Central Avenue; thence northwesterly along the center of Central Avenue to the center of the Metro North Railroad; thence easterly along the center of the Metro North Railroad to the center of Locust Avenue; thence northwesterly along the center of Locust Avenue to the Town of Harrison-City of Rye line; thence southwesterly along the Town of Harrison-City of Rye line to the place of beginning.

and be it further

**RESOLVED**, that this resolution shall be considered effective April 1, 2001, and be it further

**RESOLVED**, that the City Council adopts the proposed election district map which is attached hereto, effective April 1, 2001 (see next page).

8. **Bids for Street Materials**

Mayor Otis asked the City Manager to discuss the bids for street materials. She said the following bids had been received, that the results were straightforward and self explanatory, and she recommended the Council accept the recommendations of the City Engineer.

The bid tabulation is on page 8.

The following bids were received:

**STREET MATERIALS**

**Bid #4-01**

NAME OF BIDDER		John Gozo Contractors, Inc.		Peckham Materials Corp.		RCA Asphalt LLC		Canal Asphalt, Inc.	
SECURITY		Bid Bond		Certified Check \$100.00		Certified Check \$100.00		Bid Bond	
#	Items	PER TON		PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾	No Bid	\$16.92	No Bid	\$16.65	\$23.00	No Bid	\$20.00	No Bid
	Crushed Stone 1 ½	No Bid	\$17.92	No Bid	\$16.65	\$22.00	No Bid	\$19.00	No Bid
	Graded Processed Stone NYS 304.03	No Bid	\$16.42	No Bid	\$15.90	No Bid	No Bid	No Bid	No Bid
		PER CU YD		PER CU YD		PER CU YD		PER CU YD	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Road Sand	No Bid	\$14.42	No Bid	No Bid	No Bid	No Bid	\$18.00	No Bid
		PER NET TON		PER NET TON		PER NET TON		PER NET TON	
#	Items	F.O.B. Bidder's Plant		F.O.B. Bidder's Plant		F.O.B. Bidder's Plant		F.O.B. Bidder's Plant	
403.13	Binder Course Type 3 3.5%	No Bid		\$35.00/37.13*		\$35.90/41.39*		\$39.00	
403.14	Binder Course Type 4 4.0%	No Bid		\$35.00/37.13*		\$35.90/41.39*		\$39.00	
403.15	Shim Course Type 5 8.25%	No Bid		\$36.00/38.13*		\$35.90/41.39*		\$42.00	
403.17	Top Course Type 6F 6.4%	No Bid		\$35.00/37.13*		\$35.90/41.39*		\$40.00	
403.19	Top Course Type 7F 7.0%	No Bid		\$36.00/38.13*		\$35.90/41.39*		\$41.00	
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid		\$47.50/49.63*		\$39.50/44.99*		No Bid	
		PER CU YD		PER CU YD		PER CU YD		PER CU YD	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
502.2	Class "A" Concrete	No Bid		No Bid		No Bid		No Bid	

\* Mileage adjustment as per bid specifications.



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

**RESOLVED**, that Bid #4-01 "Street Materials" be and is hereby awarded as follows to the following companies, being the lowest bidder meeting specifications:

John Gozo, Jr. Contractors:

Road Sand	\$14.42 per Cu. Yd (Delivered)
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Peckham Materials, Inc.:

¾Crushed Stone	\$16.65 per ton (Delivered)
1 ¼Crushed Stone	\$16.65 per ton (Delivered)
Graded Processed Stone NYS304.02	\$15.90 per ton (Delivered)
Binder Course Type 3	\$37.13* per Cu. Yd. (FOB)*
Binder Course Type 4	\$37.13* per Cu. Yd. (FOB)*
Binder Course Type 5	\$38.13* per Cu. Yd. (FOB)*
Top Course Type 6F	\$37.13* per Cu. Yd. (FOB)*
Top Course type 7F	\$38.13* per Cu. Yd. (FOB)*

\*Mileage adjustment as per bid specifications.

RCA Asphalt:

Asphaltic Concrete Curb	\$44.99* per Cu. Yd (FOB)*
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\*Mileage adjustment as per bid specifications.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** Councilmen Downing and McKean

The resolution passed.

9. Miscellaneous communications and reports

Councilman Stampleman reported that Architect Rex Gedney had made a presentation of the plans for the Damiano Center to the Senior Citizens Group and they seemed pleased.

10. Old Business

Councilman Stampleman said that the Council had had a tour of the Knapp House given by the Rye Historical Society, and asked what the next steps should be for the Society to make a budget request to the City. Mayor Otis said it had been a very good presentation and suggested that the Society make a formal request to the City stating what they would like. He said the Council wants to be supportive but suggested the Society submit more details about their budget (how it is developed and spent) so the City can see more clearly how it might be helpful. Manager Novak added that the City would be reluctant to just add support for another organization. It would need to see more detail in terms of how much they were requesting and why.

Councilman Stampleman asked what provisions had been taken to avoid parking gridlock at Whitby Castle now that it was open. Manager Novak said that Restaurant Associates is providing valet parking. Councilwoman Cunningham said the City has yet to see a worst-case scenario where there is a large function, many diners, swimmers and golfers all at once, and that the holidays will be the big test.

11. New Business

There was no new business brought before the Council.

12. Draft unapproved minutes of the regular meeting of the City Council held April 18, 2001.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 18, 2001 as amended.

13. Adjournment

There being no further business to discuss, Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 9:25 P.M.

Respectfully submitted,

Susan A. Morison  
City Clerk