

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 18, 2001 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 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.

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

Doug Carey, 131 Purchase Street, introduced a group of youngsters from Leaders of Tomorrow, an educational enrichment organization started in 1992. They invited the Council and the public to attend Summerfest 2001, their 8th Annual "Field Day of Fun for Kids of All Ages" which will take place on Sunday, August 5th from 3:00 P.M.-6:00 P.M. at Gagliardo Park. Taking part in the presentation of the invitation were: Ariel Martinez, 9 Nursery Lane; Ellis Robinson, Nursery Lane; Bryan and Justin Witt, 6 Nursery Lane; and Al Garcia, 46 High Street, who personally challenged the Mayor to a pie eating contest.

John Carey, Forest Avenue, asked several questions of the Council in hopes of clarifying his rights as a resident under the 1942 Agreement between the City and Town of Rye. He likened the new signs at the Town Dock to the allegory of the camel with his nose in the tent. He said that signs barring everyone from the dock after dark makes no exception for residents, and even though it says "in

compliance with local laws", there is no local law in the City of Rye that forbids entry into parks after dark. He inquired, "was there an after-dark rule prior to 1942 at which time residents were guaranteed the same rights they always had at the Town Dock"? If there is no documentation asking leave to put up the signs with their present wording, would these signs survive scrutiny under New York's CPLR Article 78? Should it not have been the Council who approved the wording on the signs? In conclusion, he asked the Council to keep in mind that the City and Town have both guaranteed the right of City residents to enjoy the same access to the dock as they had prior to 1942, and he urged the Council to "shove the camel's nose out of the tent."

Mr. and Mrs. Jeffrey G. Sarnoff, 27 Byrd Lane, addressed the Council concerning their fence which they have been told is on the City's land and should be removed. They said the fence has been there since they bought the house in 1978; that everyone in the neighborhood seems happy with it; that there has never been any prior indication, even when the City was doing work on the street, it was unacceptable; that to move it back 10 feet would severely cut up their property as they have known it; and that it does not appear to be causing any obstruction. They asked the City to make an exception and let them keep it, saying they were more than willing to sign an agreement with the City to leave it until there is a problem. The City Manager said that there are a variety of reasons the City has a right-of-way (such as the need for a sidewalk, utility poles, etc.) and on a street without sidewalks, it is hard to determine exactly where that right-of-way is. She said that license agreements have been created in the past and the Mayor agreed that this fence is not the only one that exists within a City right-of-way. Councilmen Hutchings and Cunningham agreed they would like to know exactly where City property ends in this case.

Mrs. Robert Petrocelli, also of Byrd Lane, said hers was the wicked new fence which was put up recently and caused the problem in the neighborhood. She said she was unaware of the fence policy and had noticed other fences in Rye which appear to be as close to the road as hers and was informed by the fence company that there would be no problem unless someone complained. She said she was here to beg the Council to let her keep her fence if she moved it back 2 ½ feet so that it was on a similar line with the Sarnoff's fence.

Councilman McKean said that the City does have a fence ordinance and the fence company should have known about it, but that this situation points to the need for a mandatory fence permit with a simple application and nominal charge. Corporation Counsel Henry Neale said that all houses with pre-existing fences in the City's right-of-way would show the fence as a survey exception during the title report, so you would know you have an illegal fence, but that license agreements would not necessarily show up during the purchase procedures or on the assessor's report, and he recommended the City develop a more accurate tracking system for properties with license agreements.

Councilman Sampleman made a motion, seconded by Councilwoman Larr and unanimously carried, that the Council consider taking Mrs. Petrocelli's offer to move her fence back 2 ½ feet, that both the Petrocellis' and the Sarnoffs' sign agreements with the City; that the staff provide additional feedback about how other municipalities handle such issues, including having permits; and that this matter be placed on agenda for the next regular meeting of the City Council on August 15th.

Bruce Coe, 287 Rye Beach Avenue, inquired if an environmental study had been done on the Rye Nursery Property; if it was available to the public; and would the public be asked to comment. He said he lives right on the edge of the property with the private road and hoped the only entrance would be off Milton Road. Mayor Otis said the study has not yet been done but assured Mr. Coe that there will be extensive neighbor outreach and opportunity for input.

Mary Louise Murray-Johnson, Ridgewood Drive, said that it did not appear that the sound barrier along the Thruway was completed, as there is a space not filled in. She said the barrier certainly helps, but she would like to see it finished. The Mayor said he would call the Thruway Authority. Councilman McKean pointed out that the Authority is also working on resurfacing the road so that the "flat tire" sound goes away.

Mayor Otis said that the American Yacht Club had asked him to announce that the parcel of land which would be a park in the event of a land swap would again be open to the public, this time on a daily basis.

Councilwoman Larr, speaking on behalf of the many residents who had complained over the weekend, asked about the reason for the terrible traffic problems in the Playland area. Mayor Otis said that Playland had booked an outing for 11,000 State Correction Officers which is far too large a number, especially on a beautiful Saturday when many others wish to go to Playland as well. The County was caught by surprise and had way too few police on duty to handle the traffic. He said that County Representative George Latimer was writing a letter asking that this group not be invited back, at least not on a Saturday and that Playland be told that they cannot use Rye Town Park for back-up parking area as such a practice is both unauthorized and unacceptable. The Mayor said that July 4th had been pretty good, but that this was a big set-back.

Councilman Stampleman said that a skate board park has now been opened on the Rye High School tennis courts. He said the hours were Tuesday, Thursday and Friday until dusk.

4. Recognition of the Rye Garden Club's contribution to the beautification of the intersection of Milton Road and Rye Beach Avenue

Mayor Otis thanked the Rye Garden Club for making possible the improvements at the intersection of Milton Road and Rye Beach Avenue saying that the plantings were a most welcome change from the previous concrete look. Councilwoman Larr said that the plantings were not yet complete and that the garden club also anticipated including a "folly", or centerpiece to the site, possibly one of the historic millstones which will have to be moved from the Village Green, so it will be even more beautiful and historic as well.

5. Report of the Commission on Human Rights

Mayor Otis introduced Fred Pinochet, a member of the Commission on Human Rights, who, along with Greg Propper, who was standing in for Richard Propper, the Commission's Chairman, who was not able to be present. Mr. Pinochet reported that the Commission was working on affordable housing in cooperation with the City Council and Rye Interfaith Council; on T.V. shows dealing with human rights issues; on coordinating with the Westchester County Commission on Human Rights; and on preparing the permanent plaque for City Hall listing everyone who has received the Human Rights award. He said that the real reason for coming before the Council was to honor one of their committee who was reaching out to new heights. He invited Lindsay Friedman and the other members of the Commission who were present to join him at the podium as Mayor Otis presented a proclamation to Lindsay and thanked her on behalf of the City Council for her many contributions to the City during her high school years. Greg Propper then read the following proclamation from the City Council:

PROCLAMATION

***WHEREAS**, the strength of the City of Rye, as it looks to the future with confidence, caring and dignity, is derived from the commitment and intelligence of its dedicated citizenry; and*

***WHEREAS**, Lindsay Friedman has devoted her caring and acumen to expanding the voice of the youth of the City of Rye through her dedicated service as the first student representative on the Rye Commission on Human Rights, where she always contributed to all discussions and willingly assisted in helping and executing all programs for the local television station to educate the community about issues of concern; and*

***WHEREAS**, Lindsay has also served her community and school in a variety of ways, including helping the less fortunate by participating in Project Life, S.U.S.T.A.I.N., Habitat for Humanity and Impact; by serving on the Student Council and as an officer in the Model United Nations; by serving as President of Campus Connection which welcomes new students to Rye, and as President of SADD (Students Against Drunk Driving), and*

***WHEREAS**, she has been recognized for her skills, talent, and dedicated volunteerism by being the recipient of the 2001 Deane H. Flood Memorial Scholarship and the 2001 Janice Pierce Award, and was named Westchester County's Outstanding Student Volunteer in November 2000, and to the National Honor Society in October, 2000*

NOW, THEREFORE BE IT RESOLVED, the Rye City Council pauses in its deliberations to express its great appreciation and respect for the many contributions made by Lindsay Friedman to Rye High School, the City of Rye, and to the Rye Commission on Human Rights and to wish her well as she begins her college experience.

Signed and sealed this 18th day of July, 2001.

SEAL

*Steven Otis
Mayor*

The following agenda items were taken out of order:

12. Authorization for the City Manager to enter into an Agreement with the Rye Historical Society for archival storage at the Knapp House

The Mayor turned the floor over to the City Manager who said that the City has a request from the Rye Historical Society to assist with equipping their new archival center at the Knapp House. The Historical Society has been protecting and caring for City items and records which were left in the Square House in 1965 when the City moved across the Village Green and asked the Council to approve an agreement which would recognize that the Historical Society has provided archival maintenance and should be entitled to support to help establish the new storage space.

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

RESOLVED, that the City Council authorize the City Manager to enter into an Agreement with the Rye Historical Society for archival storage at the Knapp House.

13. Resolution authorizing the transfer of \$20,000 from the Square House Improvement Capital Improvement Project Fund to the General Fund and authorizing the use of those funds by the Rye Historical Society for the archival space development and construction at the Knapp House

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

RESOLVED, that \$20,000 be transferred from the Square House Improvement Capital Improvement Project Fund to the General Fund to be used by the Rye Historical Society for the archival space development and construction at the Knapp House.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

Fred Cummings, Co-President of the Rye Historical Society, thanked the Council and said a lot of work had gone into creating the new archive storage and they were delighted that it was almost ready to open. He said that the documents would not be stored in individual fire proof boxes, but that the room was properly protected and the storage of the collection as a whole will meet standards set by the American Association of Museums. He assured Councilman Stampleman if there was a particularly valuable item the Society would consider special storage. He said the archive center would be open in October and invited everyone to come and visit.

10. Resolution scheduling a public hearing on the transfer of city-owned property to the Rye Free Reading Room for its proposed addition

Mayor Otis introduced Martin Edelman, 55 Hillside Road and President of the Board of the Rye Free Reading Room, who said that after many months of planning for a proposed addition they were ready to ask the Council to conduct a public hearing on the transfer of city-owned land to the Rye Free Reading Room. The Mayor told Mr. Edelman and Jonathan Kraut, Attorney for the RFRR, that no further presentation was necessary as everyone was very familiar with the current plans. Councilman

McKean said the plans were such an improvement over earlier plans he was looking forward to voting on the plans. The City Manager pointed out that at least five votes will be necessary to authorize the land transfer. Mr. Edelman said they would be prepared to give a full presentation if there were people in the audience who might be interested. The Council agreed to "sell" the property for \$1.00.

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

WHEREAS, the Planning Commission, City Council, Board of Architectural Review, and the Landmarks Advisory Committee have fully discussed the proposal from the Rye Free Reading Room for a proposed addition; and

WHEREAS, the Planning Commission has offered preliminary approval for the addition upon condition of the City Council transferring the land necessary to accommodate the addition, and

WHEREAS, it is now desired to call a public hearing on such proposed approval, 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 August 15, 2001 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 the transfer of city owned property for the Rye
Free Reading Room's proposed addition**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 15th day of August, 2001 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the transfer of city owned property for the Rye Free Reading Room's proposed addition.

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

Dated: July 25, 2001

Susan A. Morison
City Clerk

Mr. Edelman thanked the Council and commented on the unique partnership existing between the City of Rye and the RFRR. He said that they have received great community support for the completion of their fundraising efforts, but indicated that they would be asking the Council to consider including \$275,000 in the 2002 budget for the renovation of the exterior of the existing building so the library will have more money to complete the addition.

19. Consideration of request of the Rye Free Reading Room to use the Village Green on Saturday, September 22, 2001 from 7:00 a.m. through 10:00 p.m. for their 34th Annual Book Sale followed by an evening family music event and on Saturday, September 15, 2001 from 2:00 to 4:30 p.m. for a Tai Chi Chuan Program

Mayor Otis invited Betty Teoman, Director of the Rye Free Reading Room, to describe the request for use of the Village Green. Ms. Teoman said that in addition to the annual book sale, this year they would like to include a family music evening on the Green later in the day, and that they would also like to use the Green for a Tai Chi Chuan Program on the preceding Saturday. She said it would be the last book sale for a while because of the planned construction of the library addition.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to grant approval for the Rye Free Reading Room to use the Village Green on Saturday, September 22, 2001 from 7:00 A.M. through 10:00 P.M. for their 34th Annual Book Sale followed by an evening family music event and on Saturday, September 15, 2001 from 2:00 to 4:30 P.M. for a Tai Chi Chuan Program.

6. Public hearing on the Special Use Permit Application by Sprint Spectrum, L.P., to locate a wireless telecommunications facility at 511 Theodore Fremd Avenue

Mayor Otis reported that the public hearing on the Special Use Permit Application by Sprint Spectrum, L.P. to locate a wireless telecommunications facility at 511 Theodore Fremd Avenue would have to be re-scheduled because the facility is actually located at 178 Theodore Fremd and the public hearing will have to be re-noticed as follows:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on a special permit application by Sprint Spectrum,
L.P. to locate a telecommunications facility at 178 Theodore Fremd Avenue**

PLEASE TAKE NOTICE that, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), the Rye City Council has scheduled a public hearing for Wednesday evening 8:00 P.M., August 15, 2001 in the Council Room of the Rye City Hall on the following matter:

Sprint Spectrum, LP, has applied for a special permit approval for the purpose of installing a wireless telecommunications facility on a property located at 178 Theodore Fremd Avenue. The property is known on the Rye City Tax Map as Sheet 146.10, Block 1, Lot 70, and is located in the B-6 General Business District, a "C" City of Rye Parking District, and appears to be located in the "C" Flood Insurance Rate Zones. All information pertaining to this matter is available at the City Clerk's Office in Rye City Hall. Contact Susan Morison, City Clerk (967-7371) if you require assistance in reviewing this matter. Any person interested or affected will be given an opportunity to be heard.

July, 19, 2001

City Clerk

7. Review of the proposed amendment to the license agreement by and between the Rye Town Park Commission and Starfish Grill, Inc. to operate *Seaside Johnnies* year-round and allow a full liquor license

Mayor Otis reported he had brought the suggestions made by the Council regarding the agreement between the Rye Town Park Commission and *Seaside Johnnies* to the Commission and that they had adopted most, but not all of the suggestions. He said he had received excellent input on further changes from Corporation Counsel Neale and recommended these changes be adopted as part of any agreement approved by the Council. Councilman McKean said he wanted the process to move ahead but was not willing to accept the new agreement as currently drafted because it does not include any increase in the monthly rental fee and he thought rejecting the agreement would send a message to the Commission. He made a motion to deny the agreement as currently drafted. Councilwoman Downing, who seconded the motion, agreed that the agreement still needed changes as did Councilman Stampleman who wanted to see an earlier cut-off for the sale of hard liquor and a requirement that they pay the monthly fee regardless of whether or not they are open. The Mayor said the Commission had accepted the request to accept credit cards, but felt strongly that there should be no increase in the monthly fee, especially as *Seaside Johnnies* had agreed to bear the cost of winterizing the building and be responsible for snow and garbage removal. He said he doubted the Commission would change its mind and pointed out that if there is no license agreement, there is no liquor license. The Mayor suggested a compromise that the Council accept the agreement with some additional changes for one year and revisit the monthly fee issue again then, based on the success of the first year. Councilman Stampleman still felt this was the time to keep negotiating and would not be in favor of signing this agreement. Councilwoman Downing said the rent as it stands is a give-away.

Councilman McKean withdrew his original motion. Mayor Otis made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

RESOLVED, that the Rye City Council approve the draft of the license agreement with the following changes:

1) that the words "if the Licensee is open for business during the months at issue" be removed from the section of the document referring to rent for the off season,

2) that the words "for the first year of this license agreement amendment to be renegotiated at the end of that first year, winter 2002" be added, and

3) that the drafting changes outlined in the memorandum by the Corporation Counsel be included for use by the Town of Rye Attorney.

ROLL CALL

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

NAYS: Councilmen Downing and Stampleman

ABSENT: None

The resolution passed by a vote of 5 to 2.

8. Resolution declaring City Council Intent to be Lead Agency in connection with the Recreation Bond Referendum and referral of Coastal Assessment Form to Planning Commission for advisory recommendation

Mayor Otis asked the City Manager and City Planner to provide some background to the Council on the matter of declaring itself lead agency in connection with the Recreation Bond Referendum. City Planner, Christian Miller, referred to the Full Environmental Assessment Form, the LWRP Coastal Assessment Form and Application for Determination of LWRP Consistency. He said these forms will need to be completed before a bond referendum can be offered for the trailways, new ball fields and improvements to the Damiano Center set as priorities in the Recreation Master Plan. He said that under law, the Council needs to declare its intent to be the lead agency. At the end of 30 days, the City Council will be in a position to make a determination of environmental significance and whether an environmental impact statement should be prepared. He asked that the Council review the packet and let him know if there are additions, changes and comments. Councilwoman Cunningham said there appeared to be some inconsistencies and she would meet with Mr. Miller later. Mr. Miller said that once the changes are made he will circulate the document to all involved agencies.

Jonathan Kraut, representing several property owners near portions of land located in the vicinity of some of the parcels scheduled for improvement, including Disbrow Park near where he lives, said the SEQRA review requires the Council to take a hard look and carefully examine potential adverse environmental impacts. He said this is the most significant project the City has undertaken in a long time; that the project is a Type 1 designation which usually means an Environmental Impact Statement; and that they may need more than a conceptual plan to make an informed decision. He suggested that it might be better to deal with the issues separately as the long form Environmental Assessment Form may not be suited to deal with so many issues at once. He said he was concerned that if the Council declares itself lead agency now it would be difficult to separate the portions later. Councilman McKean said the projects were being considered all together because the City is trying to do a lot of things but agreed it is important to structure the process to adequately study all facets. City Manager Novak said the City has made a decision to consider these issues as a package. Corporation Counsel Neale pointed out that the motion tonight was to have the Council declare its intent to serve as lead agency but, though highly unlikely, some other involved agency could come forward to declare lead agency status. He also said the SEQRA process could lead the City to decide not to do various parts of the project. Councilman Stampleman, along with Dave Meyers, Chairman of the Rye Recreation Commission, reiterated that the RFP specifically calls for involvement and input from the neighbors.

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

RESOLVED, that the City Council review the Full EAF and Coastal Assessment Form in connection with the Recreation Bond Referendum; declare its Intent to be Lead Agency under SEQRA; refer the Coastal Assessment Form to the Planning Commission for advisory recommendation; circulate the EAF to involved agencies; and at its discretion refer the EAF to interested agencies and boards if it so chooses.

9. Resolution authorizing the transfer of \$59,000 from the Fee in Lieu of Parkland Fund to the Capital Projects Fund to provide funds for a professional services agreement with a landscape architect firm to develop schematic designs for playing fields consistent with the Recreation Master Plan

At the request of Mayor Otis, City Manager Novak explained that the City had received about four responses to a request for services for a professional services agreement with a landscape

architectural firm; that the Fields Subcommittee of the Recreation Commission has narrowed the choices down to two; and she is requesting that the Council authorize use of the money being held in a Fee in Lieu of Parkland Fund for the consultant. She said the amount being transferred is enough to pay for whichever firm is chosen but by transferring the full amount out now, the fund will be completely used.

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

WHEREAS, the City will engage the services of a landscape architectural firm for the Recreation Master Plan project; and

WHEREAS, sufficient funds exist with the Fee in Lieu of Parkland Trust Fund to fund such services; now, therefore, be it

RESOLVED, that the City comptroller is authorized to transfer \$59,000 from the Fee in Lieu of Parkland Trust Fund to the Capital Projects Fund - Recreation Master Plan Project 507105.

10. Resolution scheduling a public hearing on the transfer of city-owned property to the Rye Free Reading Room for its proposed addition

This agenda item was moved to earlier in the meeting. (See page 6.)

11. Resolution authorizing the City Comptroller to record \$3,100,000 in the General Fund as Due from the Capital Projects Fund; approving the transfer of \$69,000 from the General Fund Contingent Account to the Capital Projects Fund known as Land Acquisition to facilitate closings on the Rye Nursery, Friends Meeting House and Anderson properties; and the transfer of \$30,000 from the General Fund Contingent Account to the Building and Vehicle Maintenance Internal Service Fund known as Parks Building Maintenance to pay 2001 county and school district taxes on the properties to be acquired

At the request of Mayor Otis, City Manager Novak said that, assuming the City closes on the various properties included in the Land Acquisition project this summer well before much of the outside funding can be received, the City will need to have funds with which to pay for the properties at the time of closing as well as various closing costs. She said that the Council was being asked to authorize transfer of the full \$3,100,000 now in case it is needed. Any amounts received after closing would be repaid as soon as they are received so that the City does not lose any more interest than absolutely necessary.

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

WHEREAS, the City intends to purchase three parcels of land for the preservation of open space and for recreational purposes; and

WHEREAS, the purchase price of the three parcels is \$3.1 million, substantially funded from sources other than the City; and

WHEREAS, the funds from outside sources are anticipated to arrive sometime after the various closing dates; and

WHEREAS, the estimated closing costs are \$69,000; and

WHEREAS, the City will be required to pay 2001 county and school district property taxes of approximately \$30,000; now, therefore, be it

RESOLVED, that the City Comptroller is authorized to make the necessary funds available at closing from the General Fund; and be it further

RESOLVED, that the use of such funds will be recorded as follows:

- \$3,100,000 will be recorded in the General Fund as Due from Capital Projects Fund;
- \$69,000 of the General fund contingent Account will be used to fund the closing costs and recorded as an operating transfer from the General fund to the Capital Projects Fund known as "Land Acquisition"; and,
- the General fund Contingent Account will be used to fund the 2001 property taxes and recorded as an operating transfer from the General Fund to the Building and Vehicle Maintenance fund in the cost center known as "Parks Building Maintenance."

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

Mayor Otis reported on the progress he has made with the County concerning the language changes which the Council had requested be made to the Intermunicipal Agreement. He said the County will add the word "development" to Section 2.0; will delete the word "operation" from the last sentence in Section 2.0; will separate Section 2.0 into separate sentences which should clarify the meaning of the phrase "all to the satisfaction of the County"; and will amend Section 3.1 to make it clearer. He said the County Attorney is working on language which will add a default clause for the

City of Rye in Section 6.3. He said the Board of Legislators will meet on July 23rd and the Board of Acquisitions on July 26th and that the closing date for the Rye Nursery Property has been set for July 31st or August 1st.

Councilwoman Downing asked that the approach for the other two purchases (the Friends Meeting House and the Anderson property) included in the land acquisition package be treated independently. She said the Council should give serious consideration to financing these two portions without outside assistance and indicated the total amount would be less than \$500,000. Councilmen Larr and Hutchings both said that enough people are already concerned and the Council should not authorize receipt of additional County funds. The Mayor said that the Anderson property would have no County participation and that the amount requested for the Friends Meeting House property was only \$137,500. Councilman Stampleman suggested the Council wait to hear what the terms would be and the Mayor reiterated that the County really doesn't want to be involved. Councilman McKean said the more the City received, the more it has available to spend on other un-reimbursable expenses.

12. Authorization for the City Manager to enter into an Agreement with the Rye Historical Society for archival storage at the Knapp House

This agenda item was moved to earlier in the meeting. (See page 5.)

13. Resolution authorizing the transfer of \$20,000 from the Square House Improvement Capital Improvement Project Fund to the General Fund and authorizing the use of those funds by the Rye Historical Society for the archival space development and construction at the Knapp House

This agenda item was moved to earlier in the meeting. (See page 6.)

14. Acceptance of grants to the Rye Nature Center in the amount of \$1,000 from the Junior Section of the Women's Club of Rye for the reestablishment of beehives and \$400.00 from The Women's Association of the Rye Presbyterian Church for the Homeless Program and approval of an amendment to the 2001 Rye Nature Center Special Revenue Fund budget in like amounts

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

RESOLVED, that the Mayor and City Council accept grants to the Rye Nature Center in the amount of \$1,000 from the Junior Section of the Women's Club of Rye for the reestablishment of beehives and

\$400.00 from the Women's Association of the Rye Presbyterian Church for the Homeless Program and approve an amendment to the 2001 Rye Nature Center Special Revenue Fund Budget.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

15. Review of Financial Goals and Policy Statements by the City Council

At the request of the Mayor, the City Manager presented the Financial Goals and Policy Statements for developing the FY 2002 Budget for review by the Council. She said that the only significant change is a rewrite of the Capital Asset policy to comply with GASB 34 (the Governmental Accounting Standards Board), and a name change to a bank listed as a depository of City moneys in Appendix D. Councilman Stampleman suggested that the new name for The Chase Manhattan Bank should be J.P. Morgan Chase Bank. Councilwoman Larr questioned specifying interest rates for bonds. Councilman Stampleman said as bonds fluctuate with the market, this is not a problem.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to adopt the Financial Goals and Policy Statements subject to correcting the names of the banks serving as depositories.

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion passed.

Gregory McLoughlin, a member of the Finance Committee, suggested that the Hong Kong/Shanghai Bank, which now had a presence in Rye, should also be added as a depository. He also suggested that the City might specify that it should not invest in tax exempt securities. Councilman

Stampleman suggested that the Finance Committee review these additional suggestions and, if changes are merited, they be brought back to the Council for consideration.

16. Adoption of 2001/2002 tax levy for the Rye Neck Union Free School District

Mayor Otis stated that the warrant for school taxes for the Rye Neck Union Free School District needs to be passed even though the appeal on the equalization rate in tax apportionment remains outstanding. Corporation Counsel Neale said he would provide a complete report on this matter at a later date.

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

WARRANT FOR SCHOOL TAXES
RYE NECK UNION FREE SCHOOL DISTRICT

TO: Michael A. Genito, Comptroller of the City of Rye

WHEREAS, the lawful authorities of the Rye Neck Union Free School District have fixed the amount of taxes to be raised for said district for the fiscal year beginning July 1, 2001 and ending June 30, 2002, in the amount of \$17,993,314.00 and have duly apportioned to the parts of said district lying within the City of Rye the amount of \$5,752,292.00 and they have established a tax rate in the amount of \$410.728 per \$1,000 of assessed value, for the levy of the aforesaid School District taxes for the parts of said district lying within the City of Rye.

NOW, THEREFORE, in pursuance with the relevant provisions of the City Charter, you are hereby commanded to collect the taxes in the amount of \$5,752,292.00 from the part of Rye Neck Union Free School District lying within said City, at the rate of \$410.728 per \$1,000 of assessed value as fixed by the City Council.

IN WITNESS WHEREOF, the Council of the City of Rye has caused this warrant to be signed by its Mayor and the corporate seal of the City to be affixed hereto this 20th day of July, 2001.

MAYOR, CITY OF RYE

Attest:

Susan A. Morison
City Clerk

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution was adopted.

17. Consideration of revised request from residents of Elmwood and Oakwood Avenues for controlled traffic on Saturday, August 4, 2001 for a *Block Party* on Elmwood Avenue, with a rain date of Sunday, August 5, 2001

Councilman McKean made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the revised request from residents of Elmwood and Oakwood Avenues for controlled traffic on Saturday, August 4, 2001 for a *Block Party* on Elmwood Avenue, with a rain date of Sunday, August 5, 2001.

18. Consideration of the request from residents of Overlook Place North and Hayward Place for controlled traffic on the evening of Saturday, September 8, 2001 for a *Block Party*, with a rain date of Sunday, September 9

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request from residents of Overlook Place North and Hayward Place for controlled traffic on the evening of Saturday, September 8, 2001 for a *Block Party*, with a rain date of Sunday, September 9.

19. Consideration of request of the Rye Free Reading Room to use the Village Green on Saturday, September 22, 2001 from 7:00 a.m. through 10:00 p.m. for their 34th Annual Book Sale followed by an evening family music event and on Saturday, September 15, 2001 from 2:00 to 4:30 p.m. for a Tai Chi Chuan Program

This agenda item was moved to earlier in the meeting. (See page 8.)

20. Bids for Sidewalk Repairs

The bid tabulation is on the following page.

The following bids were received:

SIDEWALK REPAIRS

Contract No. 2001-08

Name of Bidder			Melrose Development		N. Picco & Sons		Xavier Contracting LLC		ELQ Industries Inc.	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total	Unit	Total
C105	Concrete Sidewalk	850 SY	\$58.00	\$49,300.00	\$65.00	\$55,250.00	\$77.00	\$65,450.00	\$81.00	\$68,850.00
C105D	Concrete Driveway Aprons	130 SY	\$60.00	\$7,800.00	\$75.00	\$9,750.00	\$135.00	\$17,550.00	\$130.00	\$16,900.00
C105-SR	Concrete Sidewalk Ramp	5 Each	\$800.00	\$4,000.00	\$3,000.00	\$15,000.00	\$2,000.00	\$10,000.00	\$2,200.00	\$11,000.00
	Contractor's Total			\$61,100.00		\$80,000.00		\$93,000.00		\$96,750.00
	Engineer's Total			\$61,100.00		\$80,000.00		\$93,000.00		\$96,750.00
	Position			1		2		3		4
	% Difference			0%		31%		52.5%		58.6%

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

RESOLVED, that Contract No. 2001-08, Sidewalk Repairs, is hereby awarded to Melrose Development Corp., the lowest bidder meeting specifications, in the amount of \$61,100.00.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

City Manager Novak said that repairs to sidewalks are done on a complaint basis. She said only 15 complaints have been received, so she urged citizens who see sidewalks in need of repair to call. She said the City will look for sidewalks in need of repair when they are in the area, but they rely on other people's eyes. She stated property owners are responsible for 100% of the cost of repairing the sidewalk; handicapped ramps and sidewalks damaged by city-owned trees are paid for by the City.

21. Bids for Annual Street Resurfacing

City Manager Novak said residents on the streets scheduled for repaving have been notified and the information is also on the City's website. The bid tabulation is on the following page.

The following bids were received:

ANNUAL STREET RESURFACING
Contract No. 2001-07

Name of Bidder			ELQ Industries Inc.		Melrose Development		Columbus Construction Corp.	
#	Item	Qty	Unit	Total	Unit	Total	Unit	Total
45L	Remove & Replace Base Course	200 SY	\$61.00	\$12,200.00	\$37.00	\$7,400.00	\$60.00	12,000.00
48	Milling of Asphalt	3,000 SY	\$3.00	\$9,000.00	\$6.75	\$20,250.00	\$4.00	\$12,000.00
83SB	Precoated Non-Woven Fabric (Petrotrac)	2,000 SF	\$1.00	\$2,000.00	\$1.25	\$2,500.00	\$2.00	\$4,000.00
403.17	Asphalt Concrete Top Type 6F	4000 Ton	\$49.49	\$197,960.00	\$51.00	\$204,000.00	\$53.60	\$214,400.00
45 SX	Binder Course	250 Ton	\$49.49	\$12,372.50	\$60.00	\$15,000.00	\$53.60	\$13,400.00
44	Asphalt Concrete Shim Type 5	230 Ton	\$49.49	\$11,382.70	\$55.00	\$12,650.00	\$53.60	\$12,328.00
W604.07	Adjust Manhole Frame	60 Each	\$285.00	\$17,100.00	\$150.00	\$9,000.00	\$300.00	\$18,000.00
I 102S	Remove & Replace Catch Basin	5 Each	\$450.00	\$2,250.00	\$2,000.00	\$10,000.00	\$1,500.00	\$7,500.00
C 105 SR	Sidewalk Ramp	5 Each	\$1,750.00	\$8,750.00	\$800.00	\$4,000.00	\$1,500.00	\$7,500.00
A97	Remove & Replace Concrete Curb	200 LF	\$25.00	\$5,000.00	\$14.00	\$2,800.00	\$25.00	\$5,000.00
77	Maint. & Prot. Traffic	LS	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00	\$20,000.00	\$20,000.00
	Contractor's Total			\$283,015.20		\$295,100.00		\$326,128.00
	Engineer's Total			\$283,015.20		\$295,100.00		\$326,128.00
	Position			1		2		3
	% Difference			0%		4.3%		15.2%

Name of Bidder			Bilotta Construction Corp.		Xavier Contracting LLC	
#	Item	Qty	Unit	Total	Unit	Total
45L	Remove & Replace Base Course	200 SY	\$85.00	\$17,000.00	\$20.00	\$4,000.00
48	Milling of Asphalt	3,000 SY	\$3.60	\$10,800.00	\$5.00	\$15,000.00
83SB	Precoated Non-Woven Fabric (Petrotrac)	2,000 SF	\$2.00	\$4,000.00	\$3.00	\$6,000.00
403.17	Asphalt Concrete Top Type 6F	4000 Ton	\$57.75	\$231,000.00	\$65.00	\$260,000.00
45 SX	Binder Course	250 Ton	\$57.75	\$14,437.50	\$65.00	\$16,250.00
44	Asphalt Concrete Shim Type 5	230 Ton	\$62.00	\$14,260.00	\$65.00	\$14,950.00
W604.07	Adjust Manhole Frame	60 Each	\$275.00	\$16,500.00	\$400.00	\$24,000.00
I 102S	Remove & Replace Catch Basin	5 Each	\$2,000.00	\$10,000.00	\$500.00	\$2,500.00
C 105 SR	Sidewalk Ramp	5 Each	\$960.00	\$4,800.00	\$2,000.00	\$10,000.00
A97	Remove & Replace Concrete Curb	200 LF	\$27.00	\$5,400.00	\$35.00	\$7,000.00
77	Maint. & Prot. Traffic	LS	\$11,500.00	\$11,500.00	\$9,300.00	\$9,300.00
	Contractor's Total			\$339,697.50		\$369,000.00
	Engineer's Total			\$339,697.50		\$369,000.00
	Position			4		5
	% Difference			20%		30.4%

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

RESOLVED, that Contract No. 2001-07, Annual Street Resurfacing, is hereby awarded to ELQ Industries, Inc., the lowest bidder meeting specifications, in the amount of \$283,015.20.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

22. Bids for Automotive Parts and Machine Shop Services

The bid tabulation is as follows:

**Automotive Parts & Machine Shop Services
Bid No. 6-01**

NAME OF BIDDER	Mendel's Truck & Auto Parts	Tri-City Auto Parts
SECURITY	Certified Check	Certified Check

Category 1 Passenger Cars and Light Truck Parts

	Items	Percentage	Percentage
C1	Brake Shoes & Linings	64	65
C1	Brake Parts	64	65
C1	Bearings	60	56
C1	Brass Fittings	42	No Bid
C1	Carburetors	No Bid	40
C1	All Clutch Assemblies	55	55
C1	Exhaust Parts	60	57
C1	Electric Switches & Wiring	58	60
C1	New Fuel Pumps	58	55
C1	Gaskets & Gasket Sets	60	54

C1	Headlights	70	71
C1	Hose Clamps	62	65
C1	Hoses & Belts	64	65
C1	Ignition Equipment	58	60
C1	Mirrors & Lamps	55	55
C1	Shock Absorbers	53	55
C1	Seals	60	55
C1	Water Pumps	54	57
C1	Filters	61	63
C1	Windshield Wiper Products	57	57
C1	Chassis Front End Parts	54	55
C1	Batteries	40	44
C1	Starters and Alternators	51	57
C1	Bolts, Nuts, Washers, Etc.	42	45

Category 2 Heavy Duty Truck Parts - 21,000 to 45,000 GVU

C2	Brake Parts	55	50
C2	Starters & Alternators	51	50
C2	Exhaust Parts	60	50
C2	PTO Clutch Assemblies	55	50

Category 3 Machine Shop Services

	Items	Amount	Amount
C3	Flywheels Cut to 12"	25.00	20.00
C3	Flywheels Cut to 12" or Over	34.00	30.00
C3	Driveshafts Rebuilt	20.00 per end	15.00
C3	King Pins Fitted	35.00 per pair	75.00
C3	King Pins w/I Beams	70.00	150.00
C3	Brake Bands Relined	20.00/hr	Time & Mat'l
C3	Brake Shoes Relined	8.00 ea	Time & Mat'l
C3	V-8 Heads Rebuilt	90.00	65.00
C3	6 Cylinder Heads Rebuilt	80.00	80.00
C3	4 Cylinder Heads Rebuilt	70.00	65.00
C3	4 OHC Heads Rebuilt	100.00	100.00 & up
C3	Pistons Changed Over and Cleaned	8.00	10.00
C3	Axles Bearings and Related	15.00 ea.	10.00
C3	Press Work (per bearing)	15.00 ea.	10.00
C3	Heavy Duty Brake Drums 16" & Up (price cut per inch)	5.00	4.00
C3	Passenger Car & Light Duty Truck up to 14" Drums	12.00	7.50
C3	Rotors	12.00	9.50
C3	Unltd. Shop Work (per hour)	35.00	25.00

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

RESOLVED, that Bid #6-01 for Automotive Parts and Machine Shop Services is hereby awarded to Tri-City Automotive Parts and Mendel's Truck & Auto Parts as follows:

Tri-City Automotive Parts

Category 1

Group 1	Brake Shoes & Linings
Group 1A	Brake Parts
Group 4	Carburetors
Group 5	All Clutch Assemblies
Group 10	Headlights
Group 11	Hose Clamps
Group 12	Hoses & Belts
Group 13	Ignition Equipment
Group 14	Shock Absorbers
Group 15	Shock Absorbers
Group 17	Water Pumps
Group 18	Filters
Group 19	Windshield Wiper Products
Group 20	Chassis Front End Parts
Group 21	Batteries
Group 22	Starter & Alternators
Group 23	Bolts, Nuts, Washers, Etc.

Category 3

Flywheel Cut to 12"
Flywheel Cut to 12" and Over
Driveshafts Rebuilt
Brake Bands Relined
V-8 Heads Rebuilt
6-Cyl. Heads Rebuilt
4-Cyl. Heads Rebuilt
4-Cyl. OHC Heads
Axles Bearing and Related
Press Work (per bearing)
Heavy Duty Break Drums 16" & Up
(price cut per inch)
Passenger Car & Light Duty Truck up
to 14" Drums
Rotors
Unltd. Shop Work (per hour)

Mendel's Truck & Auto Parts

Category 1

Group 2	Bearings
---------	----------

Group 3	Brass Fittings
Group 5	All Clutch Assemblies
Group 6	Exhaust Parts
Group 8	New Fuel Pumps
Group 9	Gaskets & Gasket Sets
Group 14	Mirrors & Lamps
Group 16	Seals
Group 19	Windshield Wiper Products

Category 2

Group 1	Brake Parts
Group 2	Starter & Alternators
Group 3	Exhaust Parts
Group 4	PTO Clutch Assemblies

Category 3

King Pins Fitted
Kind Pins w/I Bean
Brake Bands Relined
Brake Shoes Relined
6 Cylinder Heads Rebuilt
4 OHC Head Rebuilt
Pistons changed over & cleaned

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

23. Draft unapproved minutes of the regular meeting of the City Council held June 13, 2001 and the special meeting held June 27, 2001

Because several members of the City Council did not have their minutes with them, this agenda item was deferred until the next regular meeting of the City Council on August 15th. In the meantime, Council members can e-mail their changes to the City Clerk so that they can be made in advance and read into the public record during the meeting prior to approval by the Council.

24. Miscellaneous communications and reports

Councilman McKean asked what would happen if someone hit a fence installed in the City's right-of-way. Counsel Neale said that person would probably sue the City and the owner, just as they might if they hit a telephone pole.

25. Old Business

Councilwoman Cunningham referred to Westchester County's Endangered Species Act and recommends, along with the Conservation Commission/Advisory Council, that the Rye Nature Center should join the program to help throughout the County. Mayor Otis requested that Councilwoman Cunningham circulate the relevant material with a proposed resolution so that this subject can be an agenda item at the August 15th meeting of the City Council.

26. New Business

Councilwoman Downing suggested that the Council join urging Governor Pataki to veto S.5279-A, a bill which would amend 207-c of the General Municipal Law to change the standard by which law enforcement personnel obtain disability benefits that are paid by their municipality. The Council agreed and Mayor Otis suggested that the Council's wishes be expressed in the form of a resolution rather than in a letter.

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

WHEREAS, S.5279-A amends bill 207-c of the General Municipal Law to change the standard by which law enforcement personnel obtain disability benefits that are paid by their municipal employer, and

WHEREAS, the proposed standard would result in a payment of 207-c benefits in situations in which such benefits are currently not granted, and

WHEREAS, this bill is a direct financial exposure for municipalities with police departments, and

WHEREAS, this bill, if enacted, will make 207-c benefit awards retroactive, given its effective date and there will be a reopening of prior claims, even in cases in

which benefits were denied as the result of a procedure negotiated between a municipal employer and the union representing its law enforcement personnel, and

WHEREAS, the lucrative benefits 207-c would allow should not be casually awarded and would expand an unfunded mandate, therefore, be it

RESOLVED, the City of Rye is in strong opposition to S.5279 and strongly recommends that the Governor veto this bill.

Councilwoman Cunningham and Councilman Hutchings informed the Council that neither of them will be able to attend the August 15th meeting of the City Council. As all other members will be in attendance, a super majority will be present for the transfer of land to the library so the meeting will not have to be rescheduled.

Councilman McKean requested that post-packet information be sent to the Council at least 24 hours before the meeting, if possible, unless there is an emergency.

Councilman Stampleman made a motion, seconded by Councilman McKean and unanimously carried, to adjourn to Executive Session to discuss a legal contract.

The Council reconvened at 11:54 P.M.

27. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilman Stampleman and unanimously carried, to adjourn the meeting at 11:55 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk