

APPROVED MINUTES of the
Regular Meeting of the City Council of the City
of Rye held in City Hall on August 15, 2001 at
8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ROBERTA DOWNING
ROSAMOND LARR
DOUGLAS MCKEAN (arrived at 10:10 P.M.)
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

CAROLYN CUNNINGHAM
ROBERT H. HUTCHINGS

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.

Mayor Otis noted the passing of Marion Kirby, Rye's oldest citizen, who died this month at the age of 108, saying she had lived in Rye all her life, was a great contributor to the community and an amazing chronicler of our history. He said her presence, spirit and affection for Rye will be sorely missed and asked for a moment of silence to commemorate the community's great loss.

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

There were no residents wishing to be heard.

Mayor Otis announced agenda items would be taken in the following order:

5. Public hearing on the Special Use Permit Application by Sprint Spectrum, L.P., to locate a wireless telecommunications facility at 178 Theodore Fremd Avenue

Mayor Otis opened the public hearing on the special use permit application by Sprint Spectrum, L.P. to locate a wireless telecommunications facility at 178 Theodore Fremd Avenue and introduced Mr. Robert Gaudioso from Synder & Snyder who spoke on behalf of his client. Mr. Gaudioso said that the application called for a stealth flagpole on top of the Con Edison operation's building where six antennas would be concealed. He said all notification procedures have been followed, the site plan submitted and that the worst-case cumulative exposure would be only 22.2% of the allowable number. Councilman Stampleman asked if the City has received a final report from the City's consultant, Mr. Monroe. Both Manager Novak and Mr. Gaudioso confirmed that Mr. Monroe, had reviewed the application at the site and had submitted only minor comments in a letter dated May 24, 2001. Mayor Otis said he had spoken to Mr. Monroe that day and he had signed off on the project.

Dr. Zolch, a resident in the area effected, asked several questions concerning the application including how the signal could be described; whether the installation would require FCC monitoring; what the actual exposure in terms of megahertz and megawatts is; and what the actual exposure to people in the area will be. Mr. Gaudioso replied that the beams will be narrow and aimed toward the horizon; that the installation is in total compliance with FCC requirements and does not require monitoring; that the actual exposure, according to a Bell Laboratories Report, is less than 1% of acceptable levels; and that the actual exposure is .11% of acceptable levels. He said that what Sprint is adding, in terms of frequency exposure, is practically negligible. He said with the addition of this tower, frequency coverage will extend roughly over to Harrison, to the center of Rye, and north to United Hospital.

As there were no further comments, Mayor Otis thanked Mr. Gaudioso and closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the special use application by Sprint Spectrum, L.P. to locate a telecommunications facility at 178 Theodore Fremd Avenue.

7. Appeal of Freedom of Information request denial by the Police Commissioner for copies of certain reports, statements, and depositions

Mayor Otis reported that a gentleman named Mr. Passerelli, who was not present at the meeting, had been involved in an automobile accident in April 1998 and that under the Freedom of Information Law he had requested certain information from the Rye Police. While the accident report and photographs were provided, the request was denied for other documents because applicable guidelines of NYS Division of Criminal Justice Services prohibit dissemination of criminal history record

information except to appropriate law enforcement agencies. Mr. Passerelli is appealing to the City Council to reverse the denial. Corporation Counsel Henry Neale concurred with Councilman Stampleman that some, but not all, of the information had been provided and said that this was sufficient and suggested denial of the appeal.

Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to deny the request for the dissemination of additional records, statements and depositions.

8. Discussion and instruction to staff regarding potential modifications to Seasonal Parking Restrictions

Mayor Otis, by way of background information, explained that between May 1st and September 30th there is no parking on the City streets in the "beach" area. He said that this is both a protection, because visitors to Playland and Oakland Beach cannot park on the streets, and a burden, because it prevents residents from either parking themselves on the street or having visitors park without risking tickets. He said that there is a State law on the books which would allow permit parking, but permits cannot be restricted only to residents and that the residents in the area are very split about what should be done. He said the Council is looking for a middle ground to address the issue of when residents have guests and asked the staff to develop a plan.

Councilwoman Downing, a resident of the area, said she liked the restrictions and has solved the problem herself by calling the police and alerting them to the fact that she would be having guests. She said if the restrictions were lifted beach goers would be parking on the street so there would be no way to park anyway. Councilwoman Larr suggested a "resident" symbol on a permit.

Robin Jovanovich urged the Council to go further than just provision for party guests and figure out a way to provide a more encompassing permit. Mrs. Lefkowitz, Oakwood Avenue, urged the Council to adopt the permit system saying that June-September is too long. Peter Larr said he thought there had been a survey of the area in the early 1990s, but that it had been inconclusive.

In conclusion, the Mayor said that more work and research was necessary to come up with a good solution.

12. Resolution transferring \$150,000 from the General Fund to the Capital Projects Fund for funding of the Summit Avenue Sewer Project

City Manager Julia Novak told the Council that a resolution transferring funds from to the Capital Projects Fund for funding the Summit Avenue sewer project was necessary to get the project started. She said that ultimately the area residents will be assessed for the appropriate amount, including interest, so the City will be repaid.

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

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2001 budget as follows: appropriate General Fund balance and increase transfers to Capital Fund; increase Capital Projects Fund Summit Avenue Sewer Project transfers in from General Fund; and increase Capital Projects Fund Summit Avenue Sewer Project appropriations, all in the amount of \$150,000 each.

13. Bids Summit Avenue Sewer Project

In response to a question from Councilwoman Larr, Manager Novak said that as long as bidders meet minimum standards the City is required to select the lowest bidder and that sometimes it gets a quality job; sometimes it does not. She presented the bid tabulation for the Summit Avenue Sewer project.

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

RESOLVED, that Bid #2001-11, Summit Avenue Sewer, is hereby awarded to JPM Contracting, the lowest bidder meeting specifications, in the amount of \$123,456.78, and that the City Council authorize budgeting additional funds in the amount of \$10,000 for contingency purposes and \$6,000 for inspection services in accordance with the recommendation of the City Engineer.

ROLL CALL:

AYES: Mayor Otis, Councilmen Downing, Larr, and Stampleman

NAYS:None

ABSENT: Councilmen Cunningham, Hutchings and McKean

The resolution passed.

The bid tabulation is on the following page.

The following bids were received:

**SUMMIT AVENUE SEWER
Contract No. 2001-11**

NAME OF BIDDER			JPM Contracting		Delvito Contracting Co. Inc.		ELQ Industries	
#	Items	Qty.	Unit	Total	Unit	Total	Unit	Total
77	Maintenance & Protection Traffic	Lump Sum	\$15,356.78	\$15,356.78	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00
08502.5014	Saw Cut Pavement	600 l.f.	\$0.50	\$300.00	\$3.00	\$1,800.00	\$4.50	\$2,700
U5	Unclassified Excavation	50 cu. yd.	\$5.00	\$250.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00
5	Trench Excavation (Earth)	650 cu. yd.	\$35.00	\$22,750.00	\$20.00	\$13,000.00	\$28.00	\$18,200.00
R5	Trench Excavation (Rock)	125 cu. yd.	\$1.00	\$125.00	\$60.00	\$7,500.00	\$200.00	\$25,000.00
91	¾ Crushed Stone	125 cu. yd.	\$15.00	\$1,875.00	\$25.00	\$3,125.00	\$34.00	\$4,250.00
R606.8	8" P.V.C. SDR 35	900 l.f.	\$50.00	\$45,000.00	\$66.00	\$59,400.00	\$65.00	\$58,500.00
R606.4	4" X.H.C.I.P.	140 l.f.	\$10.00	\$1,400.00	\$40.00	\$5,600.00	\$42.00	\$5,880.00
F5	Borrowed Backfill (Earth)	125 cu. yd.	\$10.00	\$1,250.00	\$10.00	\$1,250.00	\$20.00	\$2,500.00
M102	Sewer Manholes	5 ea.	\$5,500.00	\$27,500.00	\$1,500.00	\$7,500.00	\$3,000.00	\$15,000.00
W503.011	Concrete Pavement Replacement	60 sq. yd.	\$10.00	\$600.00	\$60.00	\$3,600.00	\$75.00	\$4,500.00
403.17	Asphalt Concrete Top, Type 6F	45 tons	\$65.00	\$2,925.00	\$80.00	\$3,600.00	\$80.00	\$3,600.00
L83	Sheeting & Shoring	4250 sq. ft.	\$0.10	\$425.00	\$1.00	\$4,250.00	\$0.02	\$85.00
610A	Top Soil & Seeding	450 sq. yd.	\$2.00	\$900.00	\$9.00	\$4,050.00	\$6.00	\$2,700.00
W609.04BB	Concrete Curb	40 l.f.	\$20.00	\$800.00	\$25.00	\$1,000.00	\$25.00	\$1,000.00
17K	Controlled Density Fill	80 cu. yd.	\$25.00	\$2,000.00	\$70.00	\$5,600.00	\$70.00	\$5,600.00
	Contractor's Total			\$123,456.78		\$132,525.00		\$158,765.00
	Engineer's Total			\$123,456.78		\$132,525.00		\$158,765.00
	Exceeds Low Bidder (#)			\$0.00		\$9,068.22		\$35,308.22
	Exceeds Low Bidder (%)			0.0%		7.35%		28.60%

**SUMMIT AVENUE SEWER
Contract No. 2001-11**

NAME OF BIDDER			Bilotta Construction Corp.		Tucci Equipment Rental Corp.	
#	Items	Qty.	Unit	Total	Unit	Total
77	Maintenance & Protection Traffic	Lump Sum	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00
08502.5014	Saw Cut Pavement	600 l.f.	\$3.25	\$1,950.00	\$3.90	\$2,340.00
U5	Unclassified Excavation	50 cu. yd.	\$50.00	\$2,500.00	\$47.52	\$2,376.00
5	Trench Excavation (Earth)	650 cu. yd.	\$15.00	\$9,750.00	\$46.12	\$29,978.00
R5	Trench Excavation (Rock)	125 cu. yd.	\$65.00	\$8,125.00	\$160.00	\$20,000.00
91	¾ Crushed Stone	125 cu. yd.	\$30.00	\$3,750.00	\$56.00	\$7,000.00
R606.8	8" P.V.C. SDR 35	900 l.f.	\$87.50	\$78,750.00	\$57.30	\$51,570.00
R606.4	4" X.H.C.I.P.	140 l.f.	\$60.00	\$8,400.00	\$64.29	\$9,000.60
F5	Borrowed Backfill (Earth)	125 cu. yd.	\$28.00	\$3,500.00	\$36.34	\$4,542.50
M102	Sewer Manholes	5 ea.	\$1,500.00	\$9,000.00	\$1,800.00	\$9,000.00
W503.011	Concrete Pavement Replacement	60 sq. yd.	\$60.00	\$3,600.00	\$48.00	\$2,880.00
403.17	Asphalt Concrete Top, Type 6F	45 tons	\$70.00	\$3,150.00	\$111.81	\$5,031.45
L83	Sheeting & Shoring	4250 sq. ft.	\$2.00	\$8,500.00	\$8.90	\$37,825.00
610A	Top Soil & Seeding	450 sq. yd.	\$4.00	\$1,800.00	\$6.29	\$2,830.50
W609.04BB	Concrete Curb	40 l.f.	\$48.00	\$1,920.00	\$27.95	\$1,118.00
17K	Controlled Density Fill	80 cu. yd.	\$120.00	\$9,600.00	\$90.00	\$7,200.00
	Contractor's Total			\$164,295.00		\$200,692.05
	Engineer's Total			\$164,295.00		\$200,692.05
	Exceeds Low Bidder (#)			\$40,838.22		\$77,235.27
	Exceeds Low Bidder (%)			33.08%		62.56%

14. Bids for Pool Alterations at Rye Golf Club

Mayor Otis said there were no bids received; therefore, he made a motion that no action be taken at this time. He said the specifications would be revised and new bids requested.

ROLL CALL:

AYES: Mayor Otis, Councilmen Downing, Larr, and Stampleman

NAYS: None

ABSENT: Councilmen Cunningham, Hutchings and McKean

The motion passed.

15. Request from Rye Historical Society to use Milton Road from Rye Beach Avenue to Stuyvesant Avenue for an historic walking tour on Saturday, October 13, 2001 with a rain date of Sunday, October 14, 2001, from 9 AM - 4 PM

Mayor Otis said that the Rye Historical Society is developing a historic walking tour of the Milton Point area and has asked the Council for approval to use the City streets for the tour. Fred Cummings, co-president of the Historical Society, told the Council that the tour was being created to give a sense of history of the community and it will focus on the area around the Knapp House and Milton Point during Rye's 18th Century agricultural and maritime era. He said there has already been tremendous interest; that there would be a nominal charge to cover expenses; but that the main purpose is to increase historical awareness.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request from the Rye Historical Society to use City streets for its walking tour of historic "Mill Town" on October 13, 2001, with a rain date of October 14, 2001, to use the Senior Bus to shuttle participants from the end of the tour back to the parking areas at no charge; to use City property to park; and to access City-owned properties, including Milton Burial Grounds, the Marina and, if owned by the City at the time, the Friends Meeting House.

16. Consideration of the requests from residents of Adelaide Street for controlled traffic on Saturday, August 25, 2001, for a *Block Party*, with Sunday, August 26, 2001 as a rain date

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request from residents of Adelaide Street for controlled traffic on Saturday, August 25, 2001 from noon to 11:00 P.M., with a rain date of Saturday, August 26, 2001 for a *Block Party*.

17. Consideration of the request from residents of Grapal Street for controlled traffic on Saturday, September 8, 2001 for a *Block Party*, with a rain date of Sunday, September 9, 2001

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request from residents of Grapal Street for controlled traffic on Saturday, September 8, 2001, with a rain date of Sunday, September 9, 2001 for a *Block Party*.

- 17A. Consideration of the request from residents of Redfield Street for controlled traffic on Saturday, September 8, 2001 for a *Block Party*, with a rain date of Sunday, September 9, 2001

Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request from residents of Redfield Street for controlled traffic on Saturday, September 8, 2001, with a rain date of Sunday, September 9, 2001 for a *Block Party*.

18. Consideration of the request of Westchester Triathlon Committee to use city streets for the 19th Annual Westchester Triathlon on Sunday, September 30, 2001

Mayor Otis explained that the Triathlon Committee had asked to change the date from Sunday, September 30th to Saturday, September 29th. City Manager Novak said this change had been approved by the Police Department as the route does not include the main part of Purchase Street. Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Westchester Triathlon Committee to use City streets on Saturday, September 29, 2001 for the Westchester Triathlon from 7:00 A.M. to 11:00 A.M.

- 18A. Consideration of the request of the Rye Free Reading Room to erect a stage and permit food vendors in conjunction with their use of the Village Green for their Annual Book Sale on September 22, 2001

City Manager Novak asked the Council for input concerning this request as such use of the Village Green is not usually granted. Betty Teoman, Director of the Rye Free Reading Room, told the Council that they would like to have Longford's sell ice cream on the side of the Village Green and have Coughlin's sell hot dogs, probably in the parking lot, between 5:00 and 8:00 P.M. while a local band which includes students, is performing. She said the library would like the stage to be right in front of the Library entrance so only half of it would actually be on the Village Green and made the offer (which was rejected) to put plywood down under that portion of the stage. She said they had explored the option to put everything on the patio but it was not possible. She said she understood permits would be necessary and assured the Council the Library would control the crowds and the waste.

The Mayor made a motion, seconded by Councilman Stampleman to grant the request of the Rye Free Reading Room to erect a stage and permit food vendors between the hours of 5:00 P.M. and 8:00 P.M. on the Village Green on September 22, 2001.

6. Discussion of fences

Mayor Otis informed those in the audience that the discussion of fences in the City's Right of Way was a continuation from last month's meeting. He said that throughout the City the Right of Way does extend beyond the pavement on all roads according to both State and Local Laws, but that there are hundreds of fences and walls which do exist in the rights of way. He said it is important to explore whether or not a permit system, for which there was little support in the past, should be established; what is fair to those whose fences already exist; and what is fair going forward. He said traditionally no one has worried about fences in rights of way unless there is an objection, which is what happened on Byrd Street.

Councilman Stampleman reminded everyone that in the case of the illegal fences on Byrd Street, one has been there for 20+ years and the owner of the "new" fence has offered to move her fence back in line with the neighbor's existing illegal fence. He said that both owners should sign an agreement with the City and perhaps both should pay a fee. He said that he favors establishing a mandatory permit for the construction of all fences; that for those in 100% conformity the process would be simple and the fee small; for those not, a variance would have to be obtained. Both Councilwomen Larr and Downing said that if there was a permit system it was important that everyone comply and there be consistency.

Mayor Otis said he felt there was support for a permit system now and that the staff should develop a proposal for the Council to consider. Councilman Stampleman urged that, going forward, there be no fences in the right of way and that even some existing fences may have to be either moved or torn down.

In relation to the situation on Byrd Street, where there is an outstanding complaint, Councilman Downing proposed, and the Council agreed, that Mrs. Petrocelli, owner of the newly erected illegal fence, remove it within 30 days and either wait to put it up until the Council decides what should be done, or reinstall it two feet back, as she had proposed, and hope that the Council will agree that this set-back is acceptable.

20. Miscellaneous communications and reports

Councilman Stampleman reported that the Recreation Commission has great interest in the new fields and that the Recreation Master Plan's consultant, Mr. Cleary will submit a grant to the Department of Transportation for the trailways.

Councilman McKean arrived at this point in the meeting.

4. Public hearing on the transfer of city-owned property to the Rye Free Reading Room for its proposed addition

Mayor Otis opened the public hearing on the transfer of the city-owned property to the Rye Free Reading Room for its proposed addition and welcomed Jonathan Kraut, attorney for the library, to the podium. Mr. Kraut thanked the Council for five years of support and said that because the adage that a "slow right is better than a fast wrong" was followed, there is now a terrific plan. Mr. Michael Tribe, from Peter Gisolfi Associates, architects, gave a brief overview of the project for the benefit of the audience saying that they had searched long and hard for the appropriate scale; for connectedness with the Rye Y; and to take advantage of the brook views. Mr. Kraut said the final plan, as being proposed, will require a transfer of a small part of the Village Green to the Library and asked the Council to approve the resolution authorizing the City Manager to sell the land to the Library for \$1. The Mayor said he thought the plan looked great from all views and offered his congratulations to everyone. As there were no additional comments, the Mayor closed the public hearing.

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

CITY COUNCIL RESOLUTION
Transfer of City Property to Rye Free Reading Room

WHEREAS, Rye Free Reading Room (hereinafter "RFRR") proposes an expansion to the north side of its existing structure located on the Village Green adjacent to City Hall ("the Application"); and

WHEREAS, the Rye City Board of Architectural Review reviewed the Application during a public meeting; and, in its January 9, 2001 letter to the Planning Commission stated that "Taken together, these design changes have satisfied BAR and Landmarks' concerns with massing and orientation of the Library addition. While many details remain to be designed, based on the January 8 drawings we see no barriers to our ultimate approval."; and

WHEREAS, the Rye City Conservation Commission Advisory Council reviewed the application; and, in its letter presented to the Planning Commission on February 27, 2001 stated that the "building construction will not have any significant adverse environmental effects..." on the area; and

WHEREAS, the Rye City Planning Commission reviewed the Application during a public meeting and granted Modified Preliminary Site Plan Approval on February 27, 2001 for said expansion described by the Application, subject to RFRR

obtaining authorization by the City Council to transfer approximately 1,734.84 square-feet of the Village Green to RFRR and grant any necessary easements; and

WHEREAS, on February 27, 2001, the Planning Commission, as Lead Agency, adopted a Negative Declaration of Environmental Significance under the State Environmental Quality Review Act in connection with the proposed action and circulated the Negative Declaration as required by law; and

WHEREAS, on June 14, 2001 the Rye City Board of Zoning Appeals reviewed the Application during a public meeting and granted all necessary variances in connection with the proposed northerly building expansion; and

WHEREAS, the transfer of approximately 1,734.84 square-feet of the Village Green to RFRR requires authorization by the State Legislature for the alienation of parkland, which authorization was adopted by the State Senate on June 14, 2000 and by the State Assembly on June 15, 2000 and was approved by the Governor on August 23, 2000; and

WHEREAS, a public hearing on the land transfer was held by the City Council on August 15, 2001 and all members of the public wishing to be heard were given the opportunity to be heard; and

WHEREAS, the City Council has, upon the entire record, determined that the lands subject to the request for transfer to RFRR are not needed for public park and recreation purposes; and

WHEREAS, the City Council has, upon the entire record, determined that the lands subject to the request for transfer to RFRR, being without any road frontage and having insufficient size for any building lot or not suitable for commercial development or use, and have no fair market value; and

WHEREAS, the City Council has, upon the entire record, determined that the proposed consideration for transfer of the land is fair and reasonable and constitutes the best terms available; and

WHEREAS, the City Council has, upon the record, found there has been compliance with all of the terms required by the State Legislature authorizing the alienation of parkland

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council hereby authorizes the City Manager, upon receipt of payment in the amount of One Dollar (\$1.00) to execute all deeds and other appropriate legal documents prepared to the satisfaction of Corporation Counsel necessary to transfer, the approximately

1,734.84 square-feet of the Village Green to RFRR as indicated on the property description prepared by Michael W. Finkbeiner, P.L.S. No. 050352-1 dated July 19, 2001; and

BE IT FURTHER RESOLVED, that the Rye City Council hereby authorizes the City Manager to execute all necessary easements on the Village Green prepared to the satisfaction of Corporation Counsel for the maintenance of the RFRR building expansion as indicated on the easement description prepared by Michael W. Finkbeiner, P.L.S. No. 050352-1 dated July 3, 2001; and

BE IT FURTHER RESOLVED, that the Rye City Council hereby authorizes to the satisfaction of the City Engineer the temporary use of the Village Green and other adjacent lands owned by the City for construction staging, including, but not limited to, interim parking areas; and

BE IT FURTHER RESOLVED, that pursuant to Section 29 of General City Law of the State of New York, the Rye City Council hereby amends the Official Map of the City of Rye to the approximately 1,734.84 square-feet of land to be transferred to RFRR is no longer designated as "Parkland"; and

BE IT FURTHER RESOLVED, that the said deeds and easements shall contain a covenant, which shall run with the land and bind RFRR for the benefit of the City of Rye, providing that in the event the land described by the said deed and easement shall cease to be used for library, educational or cultural purposes, the ownership and control of said land shall revert to the City.

ROLL CALL:

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

NAYS:None

ABSENT Councilwoman Cunningham and Councilman Hutchings

9. Resolution endorsing an application for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for the acquisition and preservation of the Friends Meeting House property

Mayor Otis informed the Council that a new resolution was needed from the Council in order to reapply for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act to help fund the land acquisitions proposed for Rye. Councilwoman Downing made a motion, seconded by Councilman Stampleman and unanimously carried, to adopt the following resolution:

WHEREAS, the City of Rye is applying to the New York State Office of Parks, Recreation, and Historic Preservation for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for acquisition and preservation of the Friends Meeting House along Long Island Sound, at sites located within the municipal boundaries of the City of Rye: and,

WHEREAS, as a requirement under the rules of these programs, said municipal corporation must approve and endorse this project.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Rye hereby authorizes and directs the City Manager to file an application for funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act in an amount not to exceed fifty percent (50%) of the appraised value and associated costs, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Rye for acquisition and preservation of the Friends Meeting House along the Long Island Sound.

10. Resolution endorsing an application for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for the acquisition of the Rye Nursery site

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

WHEREAS, the City of Rye is applying to the New York State Office of Parks, Recreation, and Historic Preservation for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for acquisition of the Rye Nursery site, located within the municipal boundaries of the City of Rye: and,

WHEREAS, as a requirement under the rules of these programs, said municipal corporation must approve and endorse this project.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Rye hereby authorizes and directs the City Manager to file an application for funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act in an amount not to exceed fifty percent (50%) of the appraised value and associated costs, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Rye for acquisition of the Rye Nursery site.

10A. Non-agenda item – Motion to Withdraw from further negotiation with Westchester County regarding the Rye Nursery Land acquisition

Councilwoman Downing mentioned the growing concern in the community over having a park in the middle of a neighborhood without having full ownership and control over that park. She said the City was now in default on its contract agreement and are paying penalties equal to \$19,000 per month. She then made a motion, seconded by Councilwoman Larr, as follows:

I hereby move that this Council direct the City Manager to purchase the Rye Nursery property that we are currently under contract to buy; that she be directed to close on this property with the funds that you have already identified, being solely the City of Rye's monies, without ownership interest by the County of Westchester or any other entity; that this purchase be made immediately and pursuant to and in accordance with our Resolution of April 18, 2001 wherein we unanimously voted for the City of Rye to purchase this property, which specifically called for the City to purchase this property, not the City together with the County of Westchester; and that this property be purchased immediately and as a City Park, not a County Park.

Councilwoman Larr read the following letter from Councilman Hutchings, who asked that the contents of the letter be inserted into the minutes.

TO: Fellow members of the Rye City Council

I regret that I cannot attend the August 15 Council meeting. I do, however, want to go on record endorsing Councilwoman Downing's motion to withdraw from further negotiation with Westchester County regarding the Rye Nursery Land acquisition.

I have felt strongly for sometime, and have stated so in Council meetings, that this negotiation with the County has been undesirable and mismanaged. I believe it is not the intent of the citizens of Rye to give away Rye property to another municipal entity for money compensation. The history of our community has resisted such action in the past.

I favor the acquisition of the Rye Nursery property on our terms. Both Mayor Otis and Councilman Stampleman have stated that the City of Rye is financially capable of buying this property on our own. Purchasing the Rye Nursery without another municipal government's involvement is the course of action we should pursue.

I appeal to my fellow members of this Council to vote in favor of Councilwoman Downing's motion to withdraw from further land acquisition negotiations

with Westchester County. Such negotiations, if continued, will mandate “strings” undesirable to the citizens of Rye.

Bob Hutchings,
Rye City Councilman

Mayor Otis said that there was a procedural issue with the motion as there is a 24-hour notice requirement for a subject not on the agenda. Councilman McKean noted that Councilman Hutchings was aware of the motion prior to the meeting as the letter was dated early enough to conform. He said that, nevertheless, he would like to respond and did so saying that the Intermunicipal Agreement (IMA) gives full control of the property, including scheduling, to the City of Rye and that the park will be a “City” park, not a “County” park. He said the falsities and scare tactics being used are simply not true and he is shocked in everyone’s interest in wanting to turn down the County money and having to pay more taxes themselves. He said it is true that the City can buy the property but it will have to take that money from other places and will either have to skimp on the recommendations of the Capital Improvement Program or raise taxes. He reiterated that the City has used outside funds before (i.e. to increase the Nature Center land in 1964) and he will be happy to continue answering questions from now until November 6th. Councilman Stampleman agreed that the City has the plenty of money from a liquidity point of view to buy the property if it is reimbursed. He said a permanent investment of \$1,775,000 would take away from funds earmarked for other things or taxes will need to be raised and he prefers not to do that. Councilman McKean said we were now in a waiting process and asked what the harm was in waiting to vote on the motion until the County Board of Legislators meets again on August 20th to see what they decide.

Councilwoman Downing said that the beauty of government is that people can disagree and that there is nothing she has said that should be considered a scare tactic. She said that those opposing an idea should not be made to look foolish and that she honestly thinks buying the property with the City’s money is the correct path to take. She said, further, that the Council did not unanimously give its approval to proceed with the IMA; that the vote was only 4-3 in favor of going ahead with the acquisition plan as detailed in the IMA. She said that the unanimous vote after the 4-3 vote in favor of proceeding with the IMA was to have the Mayor go back to the County to see if further amendments to the IMA could be made. Councilwoman Larr said purchasing the property without County assistance could mean only about \$40 per family, but Councilman McKean estimated the cost to be as much as \$500 per household. Councilwoman Downing did not wish to withdraw her motion, which had been moved and seconded, so the Mayor asked the Clerk to call the roll.

ROLL CALL:

AYES: Councilwomen Downing and Larr

NAYS: Mayor Otis, Councilmen McKean and Stampleman

ABSENT: Councilwoman Cunningham and Councilman Hutchings

The motion failed to carry by a vote of 3 to 2.

11. Resolution endorsing an application for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for property acquisition to consolidate Beaver Swamp Brook Parcels

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

WHEREAS, the City of Rye is applying to the New York State Office of Parks, Recreation, and Historic Preservation for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for acquisition of property along the Beaver Swamp Brook, at a site located within the municipal boundaries of the City of Rye: and,

WHEREAS, as a requirement under the rules of these programs, said municipal corporation must approve and endorse this project.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Rye hereby authorizes and directs the City Manager to file an application for funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act in an amount not to exceed fifty percent (50%) of the appraised value and associated costs, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Rye for acquisition of property along the Beaver Swamp Brook.

19. Draft unapproved minutes of the regular meeting of the City Council held June 13, 2001, the special meetings held June 27, 2001 and July 10, 2001, the regular meeting held July 18, 2001, and the special meetings held July 30, 2001 and August 7, 2001

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the June 13, 2001 Regular Meeting and the June 27, 2001 Special Meeting as amended.

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the July 10, 2001 Special Meeting as amended.

Councilwoman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the July 18, 2001 Regular Meeting as amended.

Councilwoman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the July 30, 2001 Special Meeting as amended.

Councilwoman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adopt the minutes of the August 7, 2001 Special Meeting as submitted.

21. Old Business

There was no old business discussed.

22. New Business

There was no new business discussed.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn to executive session at 10:45 P.M. to discuss a contractual matter.

The Council reconvened at 11:52 P.M.

23. Adjournment

There being no further business to discuss, Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn the meeting at 11:53 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk