

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 19, 2008 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:05 p.m. Councilwoman Gamache made a motion, seconded by Councilman Sack and unanimously carried, to adjourn into Executive Session for a discussion relative to collective negotiations pursuant to article fourteen of the civil service law and also the potential purchase of real estate at 7:06 p.m. Councilman Cunningham made a motion, seconded by Councilwoman Gamache to close the attorney/client meeting at 8:07 p.m. The Council reconvened at 8:10 p.m.

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

Mayor Otis acknowledged that Mr. and Mrs. Emanuel were in attendance and conveyed the concerns and best wishes of the entire Council to them and their daughter Jamie as she recovered from her accident.

Kate Emanuel, 12 Sharon Lane, said she wanted to thank the emergency responders including Detective Chittenden and Officer Wood from the Rye Police Department, Chief Hogben of the Fire Department and the Port Chester EMS, who came to the scene of her daughter's accident. She read a letter on behalf of school parents concerned about traffic safety and said she understood the Council was considering recommendations of the Safe Routes to School Committee but wanted a designated

crossing area with a crossing guard at Old Post Road and Boston Post Road now. *Lloyd Emanuel, 12 Sharon Lane*, said the Council has the power to act and wanted to know what their plan was to enact emergency measures. He suggested a one-week action of police pulling over drivers violating the cell phone law. *Andrea Weld, 35 North Street*, said there are no signs at the Boston Post/Old Post Road intersection letting people know children are crossing there and suggested putting yellow crossing signs at the location immediately. *Christine Ackert, 12 Marlene Court*, said there was a need for more of a police presence on Boston Post Road pulling over people who speed. She agreed with the request for crosswalks and suggested the use of retractable speed bumps. *Jim Amico, 350 Midland Avenue*, said he believes there is a real problem with enforcement for speeding violations, as well as for mothers on cell phones. He urged that something must be done now and the City should not wait to receive grants.

Mayor Otis reiterated the concern of the Council and other volunteer groups such as the Traffic & Transportation Committee, Trailways Committee, Safe Routes to Schools Committee and Activate America Committee, with the issue of traffic safety especially in the area of the High School and Middle School noting that they have made this area one of their highest priorities. He cautioned that in the past, experts had advised against putting a crosswalk at the Old Post Road and Boston Post Road intersection because it is a four-lane road. He said that the current plan for a road diet, which the Council will be reviewing again at its April 2nd meeting when the next stage of plans will be presented, would reduce the road to two lanes and allow for a crosswalk at the location. The Mayor cautioned that the project would have to be designed and put out to bid but suggested the City should move ahead with the project prior to receiving grant money.

Steven Tuch, 4 Boulder Road, discussed his concerns about the sections of Forest Avenue that do not have sidewalks, especially the area near Eve Lane where children cut through to get to Midland School. *Joy Reidenberg, 1 Stoneycrest Road*, echoed the concern about Forest Avenue and suggested the Council consider adding a bike lane when the road is resurfaced. She suggested adding bike racks at the underpass area of the train station so more people could bike to the station.

Mayor Otis said that there was not enough width on Forest Avenue for both a pedestrian buffer and a bike lane but the Council was considering a suggestion to widen Forest Avenue when it is repaved to put a walking strip in the right-of-way. Councilman Cunningham suggested people go to the City website and review the Temporary Traffic Safety & Trails Committee's report which listed this issue as the number one concern of parents in the area.

Mayor Otis suggested taking agenda item 6 out of order.

4. Continuation of public hearing on a local law amending Chapter 133, Noise, Sections 133-8(E) (Construction Work restricted to certain hours and days) and Section 133-9 (Penalties for offenses) of the Code of the City of Rye

Mayor Otis said that based on comments from the last meeting, Kristen Wilson, Esq., of the Corporation Counsel's Office had revised the draft local law. Ms. Wilson said that the primary changes in the draft were the application of the 72 hour stop work order to all construction violations and the range of fines for first and subsequent violations. Mayor Otis said that the City Council would be holding a workshop on March 26th that would include a discussion of noise issues and, therefore, the public hearing would be held open until the April 2nd meeting. He asked if there were any questions or comments from the Council on the new draft. Comments included:

- A request for a report from staff on issues that arise from implementing a stop-work order as opposed to a fine.
- A clarification of what is meant by the term "construction work" as it relates to interior and exterior work.

Mitch Palais, 70 Grace Church Street, suggested that the Council consider adopting the policy followed in New York City, where building permits are only valid during the week, with weekend variances issued only for three days under special circumstances. Councilman Ball said the Council must be sensitive to the fact that some residents can only work on their homes on the weekends and asked if there should be a distinction between commercial and residential work. Councilman Pratt said he liked the simplicity of the New York City idea and asked that staff research the New York City Code and review the work permit idea in terms of enforcement.

5. Presentation regarding Edith Read to Marshlands Conservancy Stewardship Effort and upcoming RTV presentation

Former Councilwoman Carolyn Cunningham introduced *Jeff Main, former Curator at the Edith Read Wildlife Sanctuary and currently Senior Curator in the Conservation Division of the Westchester County Department of Parks and Recreation, Jason Klein, current Curator of the Edith Read Wildlife Sanctuary, Jillian Liner, Director of Bird Conservation of Audubon New York, Allison Beale, of the Marshlands Conservancy and Beth Herr, of Ward Pound Ridge Reservation*. The presenters explained that as a result of a federal study of the Long Island Sound in the 1980's, a Long Island Sound Stewardship Working Group was formed in order to facilitate conservation. It has been determined that there are two Important Bird Areas (IBA's) in the Rye area, one at the Edith Read Wildlife Sanctuary and the other at the Marshland's Conservancy. The Committee is working with RTV on a program that will introduce their plan for conservation programs by identifying priorities, threats and recommendations for the two areas. They encouraged the City to become active partners.

6. Resolution of support for SRTS

Mayor Otis said that this agenda item was a ministerial act to approve applying for a grant to the Safe Routes to School Program (SRTS). This is a result of the cooperative work of the City, the Temporary Trails and Traffic Safety Committee and the

Activate America program. Councilman Cunningham said the grant would provide funding for crosswalks, infrastructure work and enforcement. Councilwoman Gamache offered that Helen Gates who was writing the grant said it would be utilized partly for engineering and partly for behavioral changes and education and encouraged anyone interested in participating in the process as it goes forward to contact either Helen Gates or Greg Howells at the YMCA. *Andrea Weld*, asked what the time frame was for work on the Boston Post Road. Mayor Otis said the Diet project would be done this year and the school corridor could possibly be done before the grant was received. Councilman Pratt added that the Council had previously split the Post Road project into three sections allowing the Council to prioritize.

Resident comment included: *Elizabeth Zahm, 7 Ridgewood Drive*, who offered her thanks to Police Officer Gomez for seeing children safely across the Boston Post Road at Central Avenue; *Kristen Jautz, 20 Old Post Road*, who suggested that a sidewalk was needed on Old Post Road and that the City should put a police officer at the intersection of Old Post Road and Boston Post Road every morning the way it is done at the entrance to Rye Neck High School and *William Myers, 14 Preston Street*, who noted the lack of sidewalks on the side of Oakland Beach Avenue going to Disbrow Park and disrepair of sidewalks on the opposite side. Both Mayor Otis and Councilman Sack acknowledged this to be a “hot spot” but said there were right-of-way issues that needed to be considered.

Mayor Otis made a motion, seconded by Councilman Pratt, to adopt the following resolution:

WHEREAS, the City of Rye has consistently explored traffic and pedestrian safety improvements through improved engineering, infrastructure and physical improvements in and around the school campus sites; and

WHEREAS, the City of Rye has partnered with The Rye YMCA and the Activate America program to explore increasing the walking and biking connections within the City of Rye; and

WHEREAS, the City of Rye has retained a professional engineering firm to study and recommend improvements to the school campus facilities in the City in 2000, updated in 2007; and

WHEREAS, the City of Rye appointed a multi-disciplinary Temporary Trails and Traffic Safety Committee in 2007 which further prioritized the specific improvements and programs which will lead to an enhanced pedestrian experience in the City of Rye; and

WHEREAS, all of these community efforts have contributed to the submission of a request for funding utilizing the Safe Routes to School program; now therefore be it

RESOLVED, that the City Council does, herein, support the efforts of the City of Rye and its affiliated partners who have contributed to this initiative; and be it

FURTHER RESOLVED, that the projects submitted for funding will enable our community to move forward in achieving the goals of providing safe roadways for school children, promoting a healthier environment through decreased traffic, and to encourage walking and biking as alternatives to driving.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYS: None

ABSENT: None

7. Approval for filling vacancy for Assistant Building Inspector

City Manager Paul Shew stated that the position of Assistant Building Inspector was vacant because Maureen Eckman had left to take a position in another municipality closer to her home. He said that the position would be filled by canvassing civil service lists.

Councilman Pratt made a motion, seconded by Councilwoman Gamache, to adopt the following resolution:

RESOLVED, the City Council hereby authorizes the City Manager to fill the vacant position of Assistant Building Inspector.

ROLL CALL:

AYES: Mayor Otis, Councilmen Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYS: None

ABSENT: None

8. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #103.8, "Use of Mobile Notebook Computers"

Mayor Otis said that the proposed revisions in agenda items 8, 9, 10, 11 and 13 were ministerial primarily resulting from changes in technology. Councilmen Ball and Pratt concurred that all items had been properly vetted, that the Council have done their homework and are now ready to vote.

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the revision of the Rules and Regulations of the City of

Rye Police Department, General Order #103.8, “Use of Mobile Notebook Computers” as submitted.

9. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #118.01, “X Cards CAD and Records Management System”

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the revision of the Rules and Regulations of the City of Rye Police Department, General Order #118.01, “X Cards CAD and Records Management System” as submitted.

10. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #118.9, “Employee Personal History Form.”

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the revision of the Rules and Regulations of the City of Rye Police Department, General Order #118.9, “Employee Personal History Form” as submitted.

11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #119.4, “Guardian Calling”

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the revision of the Rules and Regulations of the City of Rye Police Department, General Order #119.4, “Guardian Calling” as submitted.

12. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #113.19, “Confrontation Situations”

Councilman Pratt pointed out that the City of Rye had already been working on this change, which should safeguard police officers, prior to the tragic incident in White Plains earlier this year where an off-duty police officer was killed.

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the revision of the Rules and Regulations of the City of Rye Police Department, General Order #113.19, “Confrontation Situations” as submitted.

13. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #104.04, “Annual Inspection of Uniforms and Equipment”

Councilman Pratt made a motion, seconded by Councilman Cunningham and unanimously carried, to adopt the revision of the Rules and Regulations of the City of Rye Police Department, General Order #104.04, “Annual Inspection of Uniforms and Equipment” as submitted.

14. Three appointments to the Board of Assessment Review, by the City Council, to fill out terms expiring on September 30th 2009, 2011 and 2012

This item was deferred to the April 2nd meeting. At the request of Councilman Sack, Mayor Otis gave an overview of the responsibilities of the Board of Assessment Review and encouraged anyone who might be interested in serving on the Board to contact him.

15. Two appointments to the Finance Committee, by the City Council

Mayor Otis made a motion, unanimously approved, to appoint Laura Leach to the Finance Committee for a three-year term expiring on January 1, 2011.

16. Bid award for street materials
Roll Call

City Manager Shew presented the recommendations for Street Materials (Bid #1-08). Councilman Cunningham remarked that each year the number of companies submitting bids seemed to be getting smaller.

Councilman Cunningham made a motion, seconded by Councilman Pratt, to adopt the following motion:

RESOLVED, that Bid #1-08, Street Materials, is hereby awarded to RCA Asphalt for crushed stone (3/4 and 1 ½) delivered; to Putnam Materials for graded processed stone and sub-base (recycled concrete); to Peckham Materials Corp. for binder course Types 3 and 4, shim course Type 5, top course Types 6F and 7F, and asphaltic concrete curb mix; and to Dakota Supply Corp. for class “A” Concrete and controlled backfill (“K-Krete”) as the bidders offering the lowest price without adding transportation costs.

ROLL CALL

AYES: Mayor Otis, Councilmen Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYS: None

ABSENT None

The tabulation for this bid is listed on the following page.

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NAME OF BIDDER		Canal Asphalt		Peckham Materials Corporation		Dakota Supply Corp.	
#	Items	PER TON		PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾”	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
	Crushed Stone 1 ½”	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
304.02	Graded Processed Stone	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
304.6	Sub-Base (recycled concrete)	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
		PER C.Y.		PER C.Y.		PER C.Y.	
#	Items	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
403.13	Binder Course Type 3 3.5%	56.64/69.50*	No Bid	59.50/63.45*	No Bid	No Bid	No Bid
403.14	Binder Course Type 4 4.0%	57.38/70.24*	No Bid	59.50/63.45*	No Bid	No Bid	No Bid
403.15	Shim Course Type 5 8.25%	71.17/84.03*	No Bid	62.50/66.45*	No Bid	No Bid	No Bid
403.17	Top Course Type 6F 6.4%	65.73/78.59*	No Bid	59.50/63.45*	No Bid	No Bid	No Bid
403.18	Top Course Type 7F 7.0%	66.82/79.68*	No Bid	62.50/66.45*	No Bid	No Bid	No Bid
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid	No Bid	64.50/68.45*	No Bid	No Bid	No Bid
		PER C.Y.		PER C.Y.		PER C.Y.	
		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	No Bid	103.00
08502.95	Controlled backfill (“K-Krete)	No Bid	No Bid	No Bid	No Bid	No Bid	77.10

*Mileage adjustment as per bid specifications.

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NAME OF BIDDER		Putnam Materials		RCA Asphalt	
#	Items	PER TON		PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone ¾”	15.50/57.25*	26.00	No Bid	24.60
	Crushed Stone 1 ½”	15.50/57.25*	26.00	No Bid	24.60
304.02	Graded Processed Stone	12.00/53.75*	22.50	No Bid	24.60
304.6	Sub-Base (recycled concrete)	7.00/18.87*	15.35	No Bid	No Bid
		PER C.Y.		PER C.Y.	
#	Items	F.O.B.	Delivered	F.O.B.	Delivered
403.13	Binder Course Type 3 3.5%	No Bid	No Bid	60.00/72.50*	No Bid
403.14	Binder Course Type 4 4.0%	No Bid	No Bid	60.00/72.50*	No Bid
403.15	Shim Course Type 5 8.25%	No Bid	No Bid	80.00/92.50*	No Bid
403.17	Top Course Type 6F 6.4%	No Bid	No Bid	62.00/74.50*	No Bid
403.18	Top Course Type 7F 7.0%	No Bid	No Bid	65.00/77.50*	No Bid
714.06	Asphaltic Concrete Curb Mix 7.5%	No Bid	No Bid	80.00/92.50*	No Bid
		PER C.Y.		PER C.Y.	
		F.O.B.	Delivered	F.O.B.	Delivered
502.2	Class “A” Concrete	No Bid	No Bid	No Bid	No Bid
08502.95	Controlled backfill (“K-Krete)	No Bid	No Bid	No Bid	No Bid

*Mileage adjustment as per bid specifications.

17. Schedule regular meeting of the City Council held annually at the Square House for May 7, 2008

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to schedule the ceremonial portion of the regular meeting of the City Council at the Square House for May 7, 2008.

18. Miscellaneous communications and reports

Councilman Cunningham said that in light of the discussion earlier in the evening regarding traffic safety he wanted to remind everyone about two upcoming City Council meetings: the next regular meeting scheduled for April 2nd, which will include a discussion of the Boston Post Road Diet and the annual joint meeting with the Board of Education scheduled for April 12th.

Councilwoman Parker said that she had received an email from Ashley Craig regarding her question about putting recycling bins in the Central Business District and would like a report on the plan.

19. Old Business

Councilman Cunningham asked for a status update on removal of the Central Avenue Bridge Deck. Assistant City Manager Scott Pickup advised that it has been completed as of Monday, March 17th.

20. New Business

There was no new business to be discussed.

21. Draft unapproved minutes of the regular meeting of the City Council held March 5, 2008

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held on March 5, 2008 as submitted.

22. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk