

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on June 11, 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 7:00 p.m. Mayor Otis made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn to executive session at 7:01 p.m. to discuss attorney/client matters and personnel. Councilman Sack made a motion, seconded by Councilwoman Gamache to close the executive session at 8:08 p.m. No decisions were made. 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

*John Carolin*, came to discuss a lower rate for seniors at the Rye Golf Club. He said he had had discussions with members of both the Rye Recreation Commission and the Rye Seniors organization and come up with a proposal for Council consideration. Seniors of an age to be determined by the Rye Golf Commission and Rye Recreation Commission would be allowed to play golf on a certain day of the week, also to be determined, for a fee of \$25 per round plus a \$15 cart fee. He said that since the program would be run by the Recreation Department it would not require the Golf Commission to set up a new membership category. Councilman Sack, liaison to the Golf Commission, said that a reduced rate for seniors is not a new idea, and the Commission has not been in favor of the idea because they must make their budget. He questioned what the role of the Recreation Commission would be and suggested they could poll the seniors to determine if there really is an interest in the plan in order to help the Golf

Commission determine what their shortfall would be. Mayor Otis suggested that since the Golf Commission created a new limited membership category that is just being implemented this year, the Council should determine how many are utilizing the new category before suggesting any changes. Other members of the Council concurred with this idea. Councilman Ball said that it didn't sound as if Mr. Carolin's plan had been shared with the Golf Commission. He added that maybe the Commission would be amenable to a change that did not require creating a new classification of membership and would not require increasing charges to other members. Councilman Cunningham said that he supported a senior program but thought it should include pool use as well as golf. Mayor Otis said that the Golf Commission and Recreation Commission should discuss the proposal.

*Joe Murphy, 75 Franklin Avenue*, came to submit his resignation as Chair of the Conservation Commission/Advisory Council. He said he has served on the CCAC for over ten years and as Chair for the last seven years and is proud of the accomplishments of the Commission over the years in connection with various environmental issues that have benefited the City. He urged the Council to adopt the position of Environmental Coordinator. Mayor Otis, a past Chair of the CCAC, thanked Mr. Murphy for the outstanding job he has done for the citizens of Rye.

*Greg MacKenzie*, came to speak about flooding issues and an article he had read in the newspaper. At times referring to the newspaper article, he said he believed:

- the proposed work on the Theodore Fremd Avenue and Elm Place walls would result in more water backing up into Locust Avenue;
- an engineer that he had hired to look at the road near the YMCA after their construction project told him the Bowman Dam was not good and Mr. MacKenzie believes it is a liability;
- the sluice gate was not a good idea and more work should be done on the upper lake to clean it out and maintain it;
- the Highland Avenue drainage project is piping water back into the brook;
- the communities the City buys or rents land from for flood mitigation should have to contribute to projects relating to flooding.

Mayor Otis said that in response to comments made at a previous Council meeting, he had asked David Weiss of Chas. Sells Engineers, Inc. to come to this meeting and discuss the stability of the Bowman Avenue Spillway ("dam") and the Theodore Fremd Avenue and Elm Place wall repair projects and any downstream impacts. Mr. Weiss said that the stability of the dam had been assessed according to Department of Environmental Conservation (DEC) guidelines for dams and it had been determined that the existing condition satisfied those guidelines. The decision not to raise the dam was made not because of stability issues but because it was determined that raising the dam would cause more flooding upstream. Mr. Weiss also said that the repair of the Theodore Fremd Avenue wall would be designed to reduce the velocity of the water in order to protect the wall from failing again. He said replacing the wall would not increase the amount of water and should not have a downstream impact. Councilman Pratt said that the Council wants an open discussion and must be flexible and sensitive to public concern but not everyone will be satisfied. He cautioned Mr. MacKenzie that newspaper

reporters cut stories to fit the amount of space they have and do not always report what the person being interviewed was trying to convey. Mayor Otis responded to some of Mr. MacKenzie's other concerns by saying the City is still working on obtaining funding for the sluice gate because the goal is to decrease flooding, that he was not happy that the City was required to pay taxes on property bought from other communities for mitigation purposes and finally that the Highland Avenue drainage project had been requested by the neighborhood and the water had always gone into the brook.

*Alison Martin, Pine Lane*, said that the flooding discussions seem to be concentrated on up stream issues not tidal water, which is also important. Mayor Otis said unfortunately tides cannot be controlled but the goal of upstream work was to retain water and provide benefits downstream. *Richard Filippi, 13 Lowen Court*, suggested that the City staff should codify their experiences in dealing with the 2007 floods and create a flood handbook. Mayor Otis suggested that the Resident Emergency Guide issued in 2002 should be updated and reissued.

*Bob Schubert, Forest Avenue*, again came to address the Council on watercourse issues in connection with his pond. He said that after the last meeting he spent time with City Planner Christian Miller but does not believe Mr. Miller has anything to offer to solve his problem. He read from sections of the City Code and claimed that the City has not followed the law and should intervene to solve his problem. Mayor Otis said that the section of the law that Mr. Schubert quotes does not apply to his problem and reiterated the Council's view that the City has followed the law and the Council does not have the power to mediate between neighbors.

(The Mayor called a five-minute recess at this time. Mr. Schubert asked the City Clerk to record an apology to the citizens of Rye whose business was delayed by his case.)

4. Approval of the election of a new member to the Rye Fire Department

Mayor Otis along with Councilman Ball noted that Richard Coshal was following in his father's footsteps in becoming a volunteer fireman.

Mayor Otis made a motion, unanimously carried, to adopt the following resolution:

**RESOLVED**, that the Council of the City of Rye hereby approves the election of Richard Coshal into membership in the Poningoe Hook & Ladder Company, approved at the May 2008 meeting of the Board of Fire Wardens.

5. Discussion of next steps regarding the September 11th Memorial Gazebo Project

Mayor Otis said that at the last meeting, the September 11<sup>th</sup> Committee had indicated to the Council that they were interested in changing their proposed memorial from a bridge to a gazebo. The Council asked the Board of Architectural Review and Landmarks Committee for

their comments and both boards had commented positively. The Mayor added that as the September 11<sup>th</sup> Committee proceeds to have drawings made, the Landmarks Committee has offered to help them research the old gazebo that had been on the Village Green in order for it to be an exact replica and would offer input on the best location. He also said that the completed drawings would come back to the Council for referral. Councilman Cunningham offered his thanks to the BAR and Landmarks Committee for their quick response.

6. Staff report on the need for a local law for off-street parking at multiple family dwellings (Elizabeth Street)

City Manager Paul Shew said that the Traffic & Transportation Committee has come up with several recommendations based on numerous meetings held with residents of the Elizabeth Street area and City staff. If the Council thinks that any of the recommendations have merit they could be drafted into local law. Mayor Otis said he believed that winter parking restrictions should be addressed sooner than indicated in the memo, similar to the manner in which the problem was addressed in the past for the residents of Davis Avenue who live at Manursing Lodge. Councilman Cunningham said he concurred with the analysis and recommendations of the Traffic & Transportation Committee. He said he would like additional information regarding seasonal parking. The general consensus of the Council was that staff should move ahead to the next step on the items in the memo.

7. Authorization to fill the position of Superintendent of Rye Recreation

Mayor Otis said that the reason for this agenda item was the retirement of Bill Rodriguez after many years of outstanding service to the City of Rye. City Manager Paul Shew said he would pass along the Council's comments to Mr. Rodriguez and would be coordinating with the Recreation Commission to fill the position.

Mayor Otis made a motion, seconded by Councilman Ball to adopt the following Resolution:

**RESOLVED**, the City Council  
hereby authorizes the City Manager to fill  
the position of Superintendent of Recreation.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,  
Pratt and Sack  
NAYS: None  
ABSENT: None

8. Bid Award for Annual street resurfacing  
Roll Call

City Manager Paul Shew said this contract had gone out for competitive bid. Councilman Cunningham noted that the Boston Post Road resurfacing project would be done from this and noted the increase in asphalt costs as a result of higher oil prices. In connection with the Boston Post Road project Councilman Pratt noted that the Council had recently received several emails both pro and con from Greenhaven residents regarding the proposed “diet”. He wanted to respond in particular to an email that had referred to the project as a “beauracratric boondoggle.” Mr. Pratt stressed that the project had been under consideration for over a year and the public had been afforded an opportunity to speak and that the project was not the result of a political debt. He said the project should be beneficial but can be reevaluated if it proves to be negative. Other Council Members reiterated that the project had been well studied and that many of the questions posed in the series of emails had previously been asked and answered. Councilman Sack suggested that staff prepare an FAQ page on road diet issues.

Councilman Ball made a motion, seconded by Councilman Sack to adopt the following Resolution:

**RESOLVED**, that **Contract #2008-01** for Annual Street Resurfacing One is hereby awarded in the amount of \$934,295.00 to Peckham Road Corp, Inc., the low bidder whose bid meets the specifications.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker, Pratt and Sack  
**NAYS:** None  
**ABSENT:** None

**CONTRACT #2008-01**

**Annual Street Resurfacing**

<b>Contractor</b>	<b>Contractor's Bid</b>	<b>Engineer's Check</b>	<b>Dollar Amount Above Low Bid</b>	<b>% Above Low Bidder</b>	<b>Position</b>
Peckham Road Corp.	\$934,295.00	<b>\$934,295.00</b>	\$0.00	\$0.00%	1
Bilotta Construction	\$963,352.50	<b>\$964,702.50</b>	\$30,407.50	3.25%	2
ELQ Industries Inc.	\$978,000.00	<b>\$978,000.00</b>	\$43,705.00	4.68%	3

9. Miscellaneous communications and reports

Councilman Cunningham asked what is the actual qualification of the Bowman Avenue Dam and has it been registered with the DEC? Assistant City Manager Scott Pickup said that the City's application for the sluice gate triggered various questions from the DEC, which is changing its dam monitoring program and it now has an ID number but no specific Vin number like bridges receive.

10. Old Business

Councilman Cunningham reported that he had attended a Board of Education work session on June 5<sup>th</sup> on safety issues at the High School and Middle School campus. He said that no plan of action was reached by the Board for implementation prior to September and he supports the City's recommendation for those areas the City can control. Mayor Otis asked if the Council should offer its own suggestion to the Board of Education based on the Brian Dempsey's Plans A and B that were discussed at the joint meeting with the Board in April and asked for them to be recirculated in the Council's Friday packets. Councilman Pratt said that the Board of Education will hold a work session in July and the City should send them a packet recapping the City's suggestions including staff comments and the minutes of the joint meeting.

11. New Business. (June 18 Work Session)

Mayor Otis said the City Council will hold a work session on Wednesday June 18<sup>th</sup> at 7:00 p.m. focusing on pedestrian safety issues including Forest Avenue from Apawamis Avenue to Grace Church Street and Oakland Beach Avenue particularly in the area where the sidewalks drift off near the brook. Councilman Sack added that the discussion would also include a discussion of the issue of rocks in the right-of-ways.

12. Draft unapproved minutes of the regular meeting of the City Council held May 28, 2008

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on May 28, 2008, as amended.

13. 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 10:00 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk