

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 16, 2008 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER
GEORGE S. PRATT (returned to meeting at 9:40 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 6:30 p.m. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn to executive session at 6:35 p.m. to discuss attorney/client matters, litigation strategy and personnel. Mayor Otis made a motion, seconded by Councilwoman Parker to close the executive session at 8:00 p.m. The Council reconvened at 8:05 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, 66 Milton Road, said that he had met with Councilman Sack and the Recreation Commission regarding his proposal that would create a new Recreation Department Program that would allow seniors to play golf and use the pool at Rye Golf Club for a reduced rate. He read a statement that included the following points:

- The program must recognize the financials being managed by the Golf Club Commission and attempt to work within them.
- The Golf Commission introduced a “Social Membership” for the 2008 season with a \$75 membership charge, which included greens fees of \$50 plus cart and limited pool use.
- The Golf Commission has never been in favor of a Senior discount and it became necessary to look to another resource, the Recreation Commission.

- The Recreation Commission proposal would create a Recreation Department program for Rye Seniors with greens fees not to exceed \$25 and a comparable low price for pool use to begin with the 2009 season. The days and times for this program would be determined through discussion with the Golf Commission.
- The qualifying age can be set high enough to have little or no impact on the current membership of the club and the fees could be collected and dispensed by the Recreation Department by agreement of the Golf Commission.
- This presents an opportunity for less affluent seniors of Rye to enjoy the Club, which was bought for all citizens of Rye.

Mayor Otis clarified that the proposal has not yet been shared by the Recreation Commission with the Golf Club Commission. He also asked if there were funds available in the Recreation Commission budget to pay for the proposed program? Mr. Carolin said that would have to be worked out. Councilman Sack said that he believed the Recreation Commission would consider putting together a program based on Mr. Carolin's proposal for presentation to the Golf Commission and would like to see the process played out. The Mayor asked for membership figures for the "Social Membership" introduced this year.

Joseph Murphy, 75 Franklin Avenue, said he had come in his capacity as Senior Advocate to speak on behalf of Robert Schubert. He said he believed there was damage done to a wetland that victimized neighbors on adjoining properties and urged the City Council to go into Executive Session and review the situation again. Mayor Otis said that the City Council and City staff have deliberated a great deal on this issue and determined that the remedy for Mr. Schubert's issue is between neighbors not with the City. *Robert Schubert, Forest Avenue*, said he wants the City to act to address his problem. He said he apologizes to anyone who thinks he is taking up their time but no one has called him to complain. He said he will go away if the Council does what he wants.

Henry King, 76 Coolidge Avenue, asked about an upcoming conference call on the Beaver Swamp matter. He said he has recently walked the swamp with Assemblyman Adam Bradley and the new head of the DEC, who were non-committal. Deputy Corporation Counsel Kristen Wilson, Esq. said the City had received a copy of the final engineering report on the original remediation project and would be forwarding it to Laura Tessier and the City's hydrological consultant for their review in order to perform our "due diligence". Councilman Cunningham asked why Assemblyman Bradley had been there and was told that it was at the request of a Harrison Citizens Committee headed by Joan Walsh.

Sis D'Angelo, 90 Wappanocca Avenue, asked if the Peck Avenue Pump Station was working and if it was in any way connected to Wappanocca Avenue because her property had never had sewer back-ups in her home prior to 2007? City Manager Shew said that the Pump Station is working but is not completed yet. He said additional work was contemplated to improve the turning access at the intersection. Assistant City Manager Scott Pickup said that if the station passes the Health Department inspection scheduled for next week, the old abandoned area will be filled in and the project will be fully functional. (It was later determined that the pump station was not connected to Wappanocca Avenue.)

Carolina Johnson, 40 Mendota Avenue and Holly Kennedy, 105 Mendota Avenue, came to urge the City Council to immediately authorize funding for the Sluice Gate project at the Bowman Avenue Dam from the City's General Fund, calling it the City's number one flood mitigation priority. They said that since the revised project budget is \$1 million and Assemblyman George Latimer has secured \$400,000 in funding from the New York State Empire Fund for flood mitigation in Rye, the City's share would be for the additional \$600,000 to keep the project going. The design for the project is complete and they would like the City to authorize the start of the project before the current construction season is over. The City can be reimbursed by the County later if they approve the funds. Ms. Johnson added that the Village of Rye Brook is moving forward with approvals for another housing development project at the corner of Anderson Hill Road and King Street and gave the Council a copy of a Rye Brook Planning Board Resolution endorsing the project. Mayor Otis said that the number one prerequisite to actually doing work on the project would be to receive approval from the New York State Department of Environmental Conservation (DEC), which has not happened yet. He said the City is working with the County on obtaining funds and they will probably act on the City's application by early fall. He added that the \$1 million figure was used in negotiations for FEMA and SEMO funding but all the work relating to the sluice gate project will probably total about \$2 million. The sluice gate project is only one of several flood mitigation projects being considered and since the City will have to cover a percentage of the cost of those projects it is important to secure other peoples money to cover the costs not required of the City where it is possible. The Mayor added that the City Council does not have the authority by Council vote to borrow money of unlimited nature. He explained that there are different categories of borrowing covered under the State Finance Law as well as the City Charter: (1) an amount of money that can be borrowed by City Council vote; (2) an amount of money that can be borrowed by permissive referendum; and, (3) a bond issue. The Mayor said he anticipated that there would have to be a bond issue to pay for a variety of flood projects that voters would have to approve. He also said that he believed the City would get approval from the County prior to receiving approval from the DEC. Councilman Ball said that the City has had to fund projects with its own money when there was no other choice, including the removal of the Central Avenue Bridge deck, and will have to keep an open mind as it relates to this project but \$600,000 is a fairly significant amount of money in the City's budget. *Bernard Althoff, 34 Mendota Avenue*, asked if the \$600,000 would be in the 2009 capital budget? Mayor Otis said that he hoped the City would receive approval of County funding before the Council had to vote on the 2009 budget.

Gregg Draddy, along with Stephen Hudlicht and Carl Frederich, residents of LaSalle Avenue, inquired if the LaSalle Avenue sewer project would be put back into the capital budget project list for 2009. He said it had been in the Capital Improvement Plan from 2001 through 2007 and removed in 2008. Councilman Cunningham said that he believed it had never been taken out of the capital projects list and was still authorized.

Rich Verille, Chair of the Rye Golf Club Commission, said the Golf Club has come a long way in the last five years, exceeding expectations. Membership numbers are up and business at Whitby Castle now exceeds what RA did in the five years they ran the Castle. He said he believes the percentage of unhappy members is probably .001 and takes exception to the way the Golf Commission is treated at Council Meetings. He said the Commission does everything the Council asks of them and questioned if everything they provide is passed along to the Council. He said he understands the job of the Council liaison is to report back to the Council what is

going on at Commission meetings but believes the liaison comes to meetings with his own agenda. Mayor Otis said the role of the liaison was also to bring issues that people have raised to the Council back to the Commission and he believes that the Council respects the work of the Commission. Councilman Cunningham said the Council is trying to find out how things are going at the Whitby because the Council approved the transfer from RA to Whitby and need to determine how the model is working. He said the Golf Club has a \$6 million budget that requires Council oversight. City Manager Shew said that the Council has been promised a full-year report on the operations of the Castle that is being worked on for distribution later this month. Councilman Ball said that he believed there has been a breakdown in communications between the Commission and the Council that he hopes will improve, but does not feel the Commission has been treated as outcasts. He commended Mr. Verille and the Golf Commission for initiating the Social Membership Category this year. Councilman Sack, the Golf Commission liaison, said that he does not believe Council Members have a personal agenda but represent everyone who lives in Rye, not just members of the Club, and he tries to raise issues before they come up in public. He added that questions do not necessarily equal criticism.

4. Bid award for the continuation of the Boston Post Road Diet (striping) for the City of Rye
Department of Public Works
Roll Call

City Planner Christian Miller gave an overview of the process leading up to the awarding of the bid to restripe the Boston Post road, which will reduce the area from Eldredge Court to the Mamaroneck line from four lanes to two. He said the process began over a year ago and has been discussed by the Council on many occasions and the plans have been reviewed by two consultant engineers and the Traffic & Transportation Committee. Mr. Miller said that staff and the consultants are hesitant to implement the "Diet" in the area between Old Post Road and Eldredge Court due to a back up of traffic that occurs when cars cue up on the Post Road to get into Osborn School at drop off and pick up time which essentially closes down one lane, therefore, that section of the Boston Post Road will be maintained as it is. *Robert Kaplan, 107 Greenhaven Road*, said he is concerned that when the road is reduced to two lanes there will be nowhere for people to pass and it will cause people to tailgate. He asked that the Council consider adding passing lanes. He added that the response to an email sent out to Greenhaven neighbors regarding the diet proposal came back three to one against the proposal. Councilwoman Gamache, who also lives in Greenhaven, said that the information in the email Mr. Kaplan referred to did not represent the facts of the matter, which has been discussed and received good support from the public. Councilman Cunningham expressed concern about a study that indicated that 85% of the traffic was traveling 12 to 15 miles above the speed limit in this area of the Post Road and questioned if an improved road would cause drivers to go faster. Assistant City Manager Scott Pickup said that the traffic study could be done again after the road improvements are completed. (Councilman Pratt, who had left the Executive Session to participate in a conference call, returned to the meeting during this discussion.)

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

RESOLVED, that **Contract #2008-06** for
Boston Post Road Restriping is hereby awarded in

the amount of \$29,950.00 to Safety Marking Inc.,
the low bidder whose bid meets the specifications.

**CONTRACT #2008-05
RESTRIPING BOSTON POST RD.**

Position	Bidder	Contractors Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder
1	Safety Marking Inc.	\$29,950.00	\$29,950.00	\$0.00	0.00%
2	Highway Safety Systems	\$44,950.00	\$44,950.00	\$20,000.00	66.78%

ROLL CALL:

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

NAYS: None

ABSENT: None

5. Resolution to transfer \$32,000 from contingency to Public Works for the continuation of the Boston Post Road Diet (striping)
Roll Call

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

WHEREAS, City staff has determined that approximately \$32,000 in additional funds will be required to complete project 551075 Boston Post Road Resurfacing (the "Boston Post Road Diet" project, and,

WHEREAS, sufficient funds do exist in the General Fund Contingent Account, now therefore be it

RESOLVED, that \$32,000 be transferred from the General Fund Contingent Account to Capital Project 55107 Boston Post Road Resurfacing.

ROLL CALL:

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

NAYS: None

ABSENT: None

(Agenda items 11, 15, 16, 17 and 18 were taken out of order.)

6. Resolution to transfer \$20,000 from Contingency to Engineering for the Pilot Project cost for the Rye High School/Middle School Pedestrian Improvements
Roll Call

Councilman Cunningham said there has been a great deal of discussion and interest in traffic and pedestrian safety around the City's public schools. The discussion tonight deals with the results of engineering work around the High School/Middle School and the Council will be voting on recommendations for dealing with the major intersections around Apawamis Avenue, Parsons Street and Boston Post Road, so that, hopefully, improvements to sidewalks and crosswalks can be in place prior to school opening in September. Assistant City Manager Pickup added that the School District is on board to have the projects completed before September. In reply to a question about how the cost will be shared with the School District, he said it should be a 50/50 split. Councilman Cunningham asked about the proposed sidewalk on Parsons Street near Milton Road. *Brian Dempsey, Chair of the Traffic and Transportation Committee*, said that the plan was to continue the sidewalk on the school side of Parsons Street from the Post Road all the way to Milton Road connecting the last piece of sidewalk to encourage walking in that area. Mayor Otis asked if there was any resolution to the drop off issues on campus. Assistant City Manager Pickup said that the School Board is evaluating options proposed by the Traffic & Transportation Committee in order to determine their impact before implementing permanent improvements. Mr. Dempsey added that they are attempting to clean up the drop off to make it more efficient. Mr. Pickup added that this work would not impact the submissions in the Safe Routes to School grant.

Mayor Otis made a motion, seconded by Councilwoman Gamache to adopt the following Resolution:

WHEREAS, City staff has determined that approximately \$20,000 in additional funds will be required to fund a pilot program of pedestrian improvements at the Rye High School/Middle School site, and,

WHEREAS, such funds will be expended from project 554113 2008 Annual Sidewalk/Curb Program, and,

WHEREAS, sufficient funds do exist in the General Fund Contingent Account, now therefore be it

RESOLVED, that \$20,000 be transferred from the General Fund Contingent Account to Capital Project 554113 2008 Annual Sidewalk/Curb Program.

ROLL CALL:

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

NAYS: None

ABSENT: None

(Agenda Item 20 was taken out of order.)

7. Consideration of draft revision of the "City of Rye Hurricane/Coastal Storm Emergency Response Plan"

Mayor Otis said that the changes proposed were nonsubstantive, and involved updating terminology and the addition of the new NIMS (National Incident Management System) requirements of the Federal Government. City Manager Shew said that staff had taken courses last year to become NIMS compliant. He added that this was an update of the 1997 plan, which was a good plan.

Councilman Ball made a motion, seconded by Councilman Pratt and unanimously carried to adopt the following Resolution:

RESOLVED, that the proposed revisions to the “City of Rye Hurricane/Coastal Storm Emergency Response Plan” are hereby adopted.

- 7A. Resolution authorizing Corporation Counsel to seek an injunction halting construction project on Bowman Avenue in the Village of Rye Brook
Roll Call

Mayor Otis said that based on an attorney/client discussion held with Corporation Counsel Kevin J. Plunkett, Esq. in Executive Session, he was adding this agenda item to authorize legal staff to seek an injunction to halt a development project on a property on Bowman Avenue in Rye Brook.

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

RESOLVED, that Corporation Counsel Kevin J. Plunkett, Esq. and his law firm DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP are hereby authorized to renew the City’s efforts to seek an injunction to halt the development of the Bowman Avenue Development Project proposed in Rye Brook.

ROLL CALL:

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

NAYS: None

ABSENT: None

8. Resolution to establish a new Demolition Permit Fee Schedule
Roll Call

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

WHEREAS, the existing demolition fee schedule does not distinguish between the types of structures that are being demolished and requires the same fee for all demolition projects regardless of the work and supervision involved by the City staff; and

WHEREAS, the City Council finds that the costs associated with demolishing structures varies depending on the size of the structure and whether there are various electrical and plumbing connections involved; and

WHEREAS, the cost incurred by the City from overseeing the demolition of large commercial and residential structures is greater than small non-residential/non-commercial accessory structures; and

WHEREAS, the cost incurred by the City from overseeing the demolition of accessory structures with electrical wiring or plumbing is greater than the demolition of accessory structures without any wiring or plumbing; and

WHEREAS, City of Rye City Code (the "City Code") § 68-12 "Fees" requires the City Council to annually set the fees for the Building Department;

NOW, THEREFORE BE IT RESOLVED that the demolition permit fee schedule shall be as follows:

Fee Category	Fee Description*	Fee**
I	Demolition of commercial and residential structures – both principal and accessory.	\$ 2,000
II	Demolition of in-ground pools, tennis courts, detached garages, etc.	\$ 750
III	Demotion of sheds, above-ground pool decks, arbors, gazebos, etc.	\$ 200

*The Fee Description is not intended to be an exhaustive list of structures that fall into each category. If the proposed demolition does not fall within a Fee Description above, the Building Department will determine what Fee Category is applicable depending on the size of the structure and the electrical, plumbing or other work that is involved with the demolition.

**If there is a demolition project that includes work that falls into one or more Fee Categories listed above, the applicant will only be responsible for paying the fee associated with the higher category. For the purposes of this fee schedule, Fee Category I is the highest category.

ROLL CALL:

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

NAYS: None

ABSENT: None

9. Resolution to approve the updated Rye Golf Club nomination and election process

City Manager Shew said that there has been a great deal of work on this matter over time and improvements have been made at the request of the Council. Councilman Sack said that the Council has seen various incarnations of these rules over the past year and the Golf Commission has made additional changes as a result of discussions he held with them. He tried to be guided by the principles of participation, transparency, accountability and access. Although he had originally believed that the Nominating Committee should be done away with, after learning that no one who wants to run for Golf Commission is denied the opportunity, he withdrew that suggestion. He said he was pleased that the Commission had reinstated the House Committee as a standing committee. His only disagreement with the Commission remains Section 1b of the Nominations section because it does not limit the number of terms a commission member may serve and recommends that this be changed to limit the terms of Golf Commission members to two terms. Councilman Cunningham said that Councilman Sack had picked up on what he had been saying and was pleased that significant progress has been made to provide a version that creates transparency and provides for strong representation. He said he thinks that increasing the length of Commission terms from two years to three will be beneficial. He commended the Golf Commission for their effort and believes the result will improve the running of the Golf Club.

Councilman Sack made a motion, seconded by Councilman Pratt to amend the proposed rules to include term limits of two terms for members of the Golf Commission. A discussion ensued regarding the proposed amendment including the following points:

- The Golf Commission should be given the opportunity to comment on the proposed amendment before it is voted on.
- No other City Boards have term limits.
- Term limits should be imposed on all City Boards.
- Term limits would encourage “new blood” to serve on boards.
- Some Board members are encouraged to stay on because of their expertise.
- Members of social organizations are sometimes less likely to run against incumbents and terms limits might encourage new people to run.
- People vote for familiar names.
- Before voting, the impact of term limits should be more fully considered.

Councilman Sack said that he did not want to force a vote and was willing to vote on the draft as presented and put over a discussion of term limits to the next Council Meeting.

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

RESOLVED, that the City Council hereby adopts the proposed Rules of the Rye Golf Club pertaining to Nominations, Elections and Voting Eligibility, as written.

**Rye Golf Club
Nominations, Elections and Voting Eligibility**

1) Commission

- a) The Rye Golf Club Commission will consist of nine Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) For Commission members elected in 2008 and the following years, and except as set forth in the transitional provisions of Paragraph 5 herein, the term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- d) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below eight members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain eight Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain eight Commission members until the next regular election.

2) Nominating Committee and Nominations

- a) For each election, a Nominating Committee shall be formed and comprised of three Club members in good standing, comprised as follows:
 - i) One club member appointed by the Commission (this member shall not be a current Commission member); and
 - ii) One current Commission member who is not standing for re-election shall be appointed by the Commission Chairperson. This member will serve as chairperson of the Nominating Committee; and
 - iii) One club member elected by the membership in the previous regular election.
- b) The Nominating Committee will review all submissions for Commission candidacy and Nominating Committee candidacy as described in Paragraph 2(e). The Nominating Committee shall provide a ballot with at least one more candidate than the number of members being elected. If the Nominating Committee receives fewer submissions by the submission deadline date than the number of members that will be elected, the

Nominating Committee shall provide a ballot with at least as many candidates as the number of Commission members to be elected.

- c) No member of the Nominating Committee shall be eligible for election as a candidate for the Commission for the regular election that the Nominating Committee member is providing nominations.
- d) The term of each Nominating Committee member shall be for one year, commencing January 1 of the year following the regular election. There is no limit to the number of terms a Nominating Committee member may serve.
- e) Nominations
 - i) The Nominating Committee shall not be required to include more than the minimum number of candidates as provided in Paragraph 2(b);
 - ii) A proposed candidate for election to the Commission or Nominating Committee shall be an adult member in good standing. The Golf Club Member Handbook shall indicate membership categories and members entitled to be considered for candidacy.
 - iii) A Club member may request to be considered as a candidate for election to the Commission or the Nominating Committee in the next regular election by submitting a written request to the Nominating Committee chairperson on or after January 1 and prior to May 15 of such year. Any such request must be submitted in person to the membership office during regular business hours in a sealed envelope addressed to the "Nominating Committee Chairperson" indicating whether such person wishes to be considered as a candidate for the Commission or the Nominating Committee and such other information as a member may wish to provide the Nominating Committee for its consideration. The Nominating Committee may in its sole discretion select or reject any such submissions or select one or more other eligible Club members, subject to the minimum candidate requirements set forth in Paragraph 2(b). The proposed slate of candidates shall be posted on the Club website by July 1.
 - iv) Any eligible member submitting a valid request for consideration as a candidate that is not selected by the Nominating Committee may be included as a candidate on the ballot by fulfilling each of the following requirements:
 - (1) Completing a petition for candidacy form available from the Club Manager for the period July 1 to July 20 of such year;
 - (2) Receiving and submitting signatures of fifty (50) eligible voting members in support of the petition for candidacy (see Golf Club Member Handbook for eligible voting members).
 - (3) Submitting a complete petition form in accordance with the instructions supplied therewith to the Club Manager prior to July 21.

The Club Manager shall verify the status of members signing in support of such petition. Any submitted petition form not complying with the foregoing requirements shall not be considered and such member shall not be included on the ballot.

- v) The final ballot form will be posted on the Club website at least one week prior to the start of the annual election.

3) Election

- a) Voting will take place over a three-week period.
- b) Ballots are sent by regular US Mail to each eligible voting member at the address indicated on the member's most recent accepted Club membership application, or such current address validly registered with the Club's membership office.
- c) Ballots must be returned to the City Clerk in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
 - i) Ballots are not received in the envelope provided; or
 - ii) The envelope is not sealed; or
 - iii) The envelope is received by the City Clerk or if returned by mail, postmarked by the US Postal Service after the deadline date or time; or
 - iv) The ballot is altered or changed; or
 - v) The ballot is otherwise not completed or received in accordance with the directions provided with the voting material.
- d) Valid ballots shall be tallied for each Commission candidate and Nominating Committee candidate by the City Clerk and or his/her designees. The City Clerk shall submit a list of election results to the City Council for approval no later than November.

4) Voting eligibility

- a) A ballot shall be provided for each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive a ballot and vote in an election, the voting member must be a member in good standing at the time ballots are mailed.
- c) No Club member shall be entitled to vote more than once in an election.

5) Special Commission Election Transition Procedures to Establish Three Year Terms. Upon expiration of the current terms of members of the Commission expiring as of the

end of 2007 and 2008, terms of Commission members beginning in 2008 and 2009 shall be determined as follows:

- a) 2008 Election – Four Commission Members.
 - i) The three candidates for Commission member receiving the highest number of votes shall be elected for three year terms
 - ii) The candidate for Commission member that receiving the fourth highest number of votes shall be elected for a two year term.

- b) 2009 election – Five Commission Members.
 - i) The three candidates for Commission member receiving the highest number of votes shall be elected for three year;
 - ii) The two candidates for Commission member receiving the fourth and fifth highest number of votes shall be elected to one year terms.

**Rye Golf Club
Commission Responsibilities**

1) The Commission.

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.

- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.

- c) *Responsibilities.* The Commission shall:
- i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
 - ii) review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
 - iii) select a Commission Chairperson; and
 - iv) decide such matters as may be properly brought before the Commission for a decision.
- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
 - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
 - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
 - iv) to serve as an ex-officio member on each Committee of the Commission;
 - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson during the absence of the Chairperson; and
 - vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be

constituted from time to time pursuant to Section 1(d)(ii) above.

- c) *Nominating Committee.* The Nominating Committee shall not be considered a Standing Committee or Ad Hoc Committee and shall be subject solely to the rules set forth in the **Rye Golf Club Nominations, Elections and Voting Eligibility** Section 2 concerning Nominating Committee and Nominations.

- d) *Committee Members and Chairpersons.*
 - i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.

 - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.

 - iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.

 - iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.

 - v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.

ROLL CALL:

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

NAYS: None

ABSENT: None

10. Manager's Report on obstructions in the right of way

Mayor Otis said the issue of rocks in the right-of-ways has been discussed off and on for many years. The real issue is the safety issue. He believes the City must do a better job of educating the public about the safety issue and should appeal to residents to remove the rocks on

their own. Councilman Ball said any education program should be directed to architects and contractors as well as residents. Councilman Sack said the Traffic & Transportation Committee has said that rocks in the right-of-ways are not safe and if people do not voluntarily comply, the rocks should be removed. Councilman Pratt disagreed that people will voluntarily remove the rocks. Councilwoman Parker said she was hesitant to do anything other than educate because removal was a complicated and expensive proposition. City Manager Shew suggested that due to the legislative calendar still before the Council at this meeting, the Council should come back to the discussion of rocks at a later time. The Council decided to table the discussion to a later meeting.

11. Discussion on the request from the Rye Nature Center to construct a Nature Playground

City Manager Paul Shew said that the Friends of the Rye Nature Center have a two-fold request. They want to demolish and reconstruct one building on the property and to build and donate to the City a new playground. He said they acknowledge that they must follow all City rules and also follow New York State prevailing wage rate requirements. Russ Johnson, Executive Director of the Nature Center, and Mary Julian, President of the Friends organization, explained the proposed playground project as a natural playground that will allow children to engage in nature play by pretending to be the different animals that live on the Nature Center site. The group is working with an Environmental Designer who has a great deal of experience in this type of design. It is hoped that the playground will attract more people to the Nature Center. The cost could be \$50,000 to \$100,000 depending on the design, which will depend on how much money the Friends can raise. They are also looking for grant money and hope to have drawings available for review at their fundraiser in October in order for the playground to be constructed by Spring. Council Members who had toured the site of the proposed playground voiced their approval.

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

RESOLVED, that the City Council supports the request of the Friends of the Rye Nature Center to construct a Nature Playground at the Rye Nature Center and authorizes them to proceed with the next steps in the process.

ROLL CALL:

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

12. Letter of support for the Bridge replacement at the Rye Nature Center

City Manager Paul Shew said that assistant City Manager Scott Pickup had been looking for funding opportunities for replacing the bridge at the entrance to the Rye Nature Center and the letter would go to the State Department of Transportation in support of the project.

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to adopt the following Resolution:

RESOLVED, that the City Council will send a letter to the New York State Department of Transportation in support of the project to replace the bridge at the Rye Nature Center.

13. Resolution to transfer \$275,000 from the unreserved Fund Balance to contingency to fund upcoming projects
Roll Call

City Manager Paul Shew said that the reason for this transfer of funds is to cover several projects that the Council has approved but not funded, including the anticipated cost of surveying Forest Avenue and Oakland Beach Avenue.

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

WHEREAS, City staff has determined that the amounts required for various expenditures during fiscal 2008 will exceed the amounts originally budgeted for such expenditures, now therefore be it

RESOLVED, that the General Fund Contingent Account be increased in the amount of \$275,000 with an appropriation of undesignated fund balance.

ROLL CALL:

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

NAYS: None

ABSENT: None

14. Resolution to transfer \$38,000 from Contingency to Engineering for services provided by Chas. Sells Engineers for work completed on the lower pond
Roll Call

City Manager Paul Shew said that this transfer was to cover engineering costs incurred specifically related to City of Rye projects on the lower pond. Councilman Sack questioned the “math” of the numbers provided by the Finance Department on the agenda sheet for this item. (It was later determined that all figures were correct as supplied.)

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

WHEREAS, Chas. H. Sells, Inc. was retained by the City to complete engineering services in regard to the lower pond adjacent to the Bowman Avenue Spillway at the cost of \$38,000, and,

WHEREAS, sufficient funds do not exist in project 585402 Bowman Ave Spillway, and,

WHEREAS, sufficient funds do exist in the General Fund Contingent Account, now therefore be it

RESOLVED, that \$38,000 be transferred from the General Fund Contingent Account to Capital Project 585402 Bowman Avenue Spillway.

ROLL CALL:

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

NAYS: None

ABSENT: None

15. Resolution to accept the 2008 New York State Division of Criminal Justice Services grant award of \$5,500 for Police radios
Roll Call

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

WHEREAS, the City has been awarded a grant from the State of New York Division of Criminal Justice Services (DCJS) in the amount of \$5,500 for the purchase of police radios, and,

WHEREAS, the fiscal 2008 adopted budget did not anticipate the award of this grant, now therefore be it

RESOLVED, that the City of Rye accepts the 2008 DCJS Police Radio grant, and be it further

RESOLVED, THAT THE FISCAL 2008 General Fund budget be amended by increasing Police Patrol Estimated Revenues – State Aid, and increasing Police Patrol Appropriations – Equipment, each in the amount of \$5,500.

ROLL CALL:

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

NAYS: None

ABSENT: None

16. Resolution authorizing the City Manager to enter into an indemnification agreement with the Town of Harrison and the Village of Harrison for the use of the Town of Harrison Police Department Pistol Range

Acting Police Commissioner Joseph Verille said that for many years the Rye Police Department has been using the Harrison outdoor range for rifle and shotgun practice and the Harrison Police Department uses the City's indoor range for pistol practice.

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

WHEREAS, the Rye Police Department desires to use the Town of Harrison Police Department Pistol Range, and

WHEREAS, the Town of Harrison and Village of Harrison require from any municipality requesting use of its Pistol Range proper insurance naming the Town of Harrison and Village of Harrison as additional insureds and a fully executed Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison, now, therefore, be it

RESOLVED, that an Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison be executed, and be it further

RESOLVED, that the City Council of the City of Rye authorize the City Manager to execute the attached Indemnification Agreement, and to deliver same to the Town Attorney of the Town of Harrison, and be it further

RESOLVED, that a copy of this Resolution be forwarded to the town Attorney of the Town of Harrison with a fully executed copy of the Indemnification Agreement, and be it further

RESOLVED, that this Resolution shall take effect upon the City of Rye's receiving a similar Resolution and Indemnification Agreement from the Town of Harrison for the use of the City of Rye's Pistol Range.

ROLL CALL:

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

NAYS: None

ABSENT: None

17. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department

City Manager Paul Shew said that the proposed revision was provided to the PBA for their review in June and no comments have been received. Acting Commissioner Verille said that this was a new policy creating guidelines for use of the Mobile License Plate Reader that the Department purchased. Members of the Police Department will receive in house training in the New York State Police Information System (NYSPIN) on how to proceed if a license plate check reports a vehicle as stolen. He said the system could also be used for Amber Alerts and scofflaws.

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

RESOLVED, that the City Council hereby approves the proposed revision of the Rules and Regulation of the City of Rye Police Department, new General Order #106.8, "Use of the Mobile License Plate Reader (LPR)"

ROLL CALL:

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

18. Acceptance of donation to the Rye Police Department in the amount of \$3,275 from Robert Shapiro on behalf of the Shapiro – Viertel Foundation

Roll Call

City Manager Shew said that the donation was from a private charity.

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

RESOLVED, that the City Council hereby accepts the donation of \$3,275.00 to the Rye Police Department from the Shapiro – Viertel Foundation.

ROLL CALL:

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

19. Authorization for City Manager to execute an Inter-municipal Agreement with the County of Westchester authorizing the operation of a transfer station at Public Works for organic waste.

City Manager Paul Shew said that this Agreement is for woodchip disposal and is essentially a renewal of the same Agreement the City has entered into with the County of Westchester in the past. Deputy Corporation Counsel Kristen Wilson added that the County has also requested that a SEQRA determination be included in the Resolution authorizing the Agreement.

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

RESOLVED, that the City Manager is hereby authorized to execute an Inter-municipal Agreement with the County of Westchester authorizing the operation of a transfer station at Public Works for organic waste and that it is, hereby, further,

RESOLVED, that the City declares that this action is a Type II action under the State Environmental Quality Review Act (“SEQRA”) and no further environmental review is necessary.

ROLL CALL:

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

20. Three appointments to the Conservation Commission/Advisory Council to fill three year or partial terms

Mayor Otis made a motion, unanimously carried to appoint Richard Filippi to a three-year term on the Conservation Commission/Advisory Council.

21. Designation of the Chair of the Conservation Commission/Advisory Council by the Mayor

This agenda item was not acted upon.

22. Bid award for Automotive and Machine Shop services for the City of Rye Department of Public Works
Roll Call

City Manager Shew provided the Council with a bid tab and recommended that the bid be awarded to the lowest bidder. The bid tab is as follows:

Automotive Parts & Machine Shop Services
Bid No. 5-08

NAME OF BIDDER	Mendel's Truck & Auto Parts d/b/a Midland Truck & Auto	Tri-City Auto Parts
SECURITY		

Category 1 Passenger Cars and Light Truck Parts

	Items	Percentage	Percentage
C1	Brake Shoes & Linings	45	50
C1	Brake Parts	45	50
C1	Bearings	45	50
C1	Brass Fittings	60	30
C1	Carburetors	35	40
C1	All Clutch Assemblies	50	45
C1	Exhaust Parts	42	40
C1	Electric Switches & Wiring	45	50
C1	New Fuel Pumps	42	40
C1	Gaskets & Gasket Sets	42	40
C1	Headlights	45	50
C1	Hose Clamps	45	50
C1	Hoses & Belts	45	50
C1	Ignition Equipment	45	50
C1	Mirrors & Lamps	42	40
C1	Shock Absorbers	45	50
C1	Seals	40	45
C1	Water Pumps	45	50
C1	Filters	40	45
C1	Windshield Wiper Products	45	50
C1	Chassis Front End Parts	41	40
C1	Batteries	35	40
C1	Starters and Alternators	35	50
C1	Bolts, Nuts, Washers, Etc.	32	30

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

C2	Brake Parts	35	30
C2	Starters & Alternators	35	30
C2	Exhaust Parts	40	30
C2	PTO Clutch Assemblies	40	30

Category 3 Machine Shop Services

	Items	Amount	Amount
C3	Flywheels Cut to 12"	45.00	50.00
C3	Flywheels Cut to 12" or Over	60.00	65.00
C3	Driveshafts Rebuilt	65.00	75.00
C3	King Pins Fitted	90.00	100.00
C3	King Pins w/I Beams	200.00	250.00
C3	Brake Bands Relined	Time & material \$35.00 per hour	Time and Material
C3	Brake Shoes Relined	120.00 each	150.00
C3	V-8 Heads Rebuilt	160.00	195.00
C3	6 Cylinder Heads Rebuilt	140.00	150.00
C3	4 Cylinder Heads Rebuilt	115.00	125.00

C3	4 OHC Heads Rebuilt	250.00	300.00
C3	Pistons Changed Over and Cleaned	12.00	18.00
C3	Axles Bearings and Related	40.00	45.00
C3	Press Work (per bearing)	45.00	50.00
C3	Heavy Duty Brake Drums 16" & Up (price cut per inch)	12.00 per inch	15.00 per inch
C3	Passenger Car & Light Duty Truck up to 14" Drums	35.00	40.00
C3	Rotors	32.00	35.00
C3	Unltd. Shop Work (per hour)	105.00 per hour	125.00 per hour

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

RESOLVED, that Bid #5-08 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 2 Bearings
- Group 4 Carburetors
- Group 7 Electric Switches & Wiring
- Group 10 Headlights
- Group 11 Hose Clamps
- Group 12 Hoses & Belts
- Group 13 Ignition Equipment
- Group 15 Shock Absorbers
- Group 16 Seals
- Group 17 Water Pumps
- Group 18 Filters
- Group 19 Windshield Wiper Products
- Group 21 Batteries
- Group 22 Starter & Alternators

Mendel's Truck/Auto Parts

Category 1

- 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 20 Chassis Front End Parts
- Group 23 Bolts, Nuts, Washers, Etc.

Category 2

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

Category 3

Flywheels Cut to 12"
Flywheels Cut to 12" or Over
Driveshafts Rebuilt
King Pins Fitted
King Pins w/I Beams
Brake Bands Relined
Brake Shoes Relines
V-8 Heads Rebuilt
6 Cylinder Heads Rebuilt
4 Cylinder Heads Rebuilt
4 OHC Head Rebuilt
Pistons Changed Over & Cleaned
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)

ROLL CALL:

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

23. Bid award for a Service Contract for Solid Waste Containers for the City of Rye Department of Public Works
Roll Call

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

The bid tab is on following page.

CONTRACT 2008-02

SOLID WASTE CONTAINER SERVICE CONTAINER

				Rogan Brothers		CRP Sanitation		Suburban Carting		
#	Item No.	Items	Quantity	Unit	Total	Unit	Total	Unit	Total	
1	1	20 Cubic Yard Container For Street Sweepings	20	PULLS	\$120.00	\$2,400.00	\$174.00	\$3,480.00	\$195.00	\$3,900.00
2	2	Price per Ton for Disposal of Material From ITEM 1	400	TON	\$75.00	\$30,000.00	\$84.98	\$33,992.00	\$85.00	\$34,000.00
3	3	30 CY Container for Garbage	45	PULLS	\$175.00	\$7,875.00	\$125.00	\$5,625.00	\$520.00	\$23,400.00
Contractor's Total					\$40,275.00		\$43,097.00		\$61,300.00	
Engineer's Total					\$40,275.00		\$43,097.00		\$61,300.00	
Position					1		2		3	
% Above Low Bidder					0.00%		7.01%		52.20%	

RESOLVED, that **Contract #2008-02** for Solid Waste Container Service is hereby awarded in the amount of \$40,275.00 to Rogan Brothers, 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

24. Draft unapproved minutes of the regular meeting of the City Council held June 11, 2008, the Rye City Council Workshop held June 18, 2008, and the special meeting held June 30, 2008

Councilman Cunningham made a motion, seconded by Councilman Pratt and unanimously carried, to adopt the minutes of the regular meeting of the City Council held on June 11, 2008, the special meeting/workshop held on June 18, 2008 and the special meeting held on June 30, 2008, as submitted.

25. Miscellaneous communications and reports

Councilman Cunningham said that he wanted to commend Jerry and Martha McGuire and Tommy Maloney, who annually hold a golf tournament to raise money for the Rye Seniors to supplement their programs. This year's tournament made the most money they have ever made.

Councilman Ball said that on behalf of his entire family he wanted to thank everyone who had extended their condolences and support to them upon the death of his mother. Mayor Otis added that now a part of the City of Rye was missing.

City Manager Shew said that Police Commissioner William Connors was recovering from surgery and hoped to be home soon.

26. Old Business

Councilman Sack said he believed that at the Workshop held on June 18th there was a Council consensus to appropriate funds to do the survey work on Oakland Beach Avenue and Forest Avenue and expected it to be on the agenda for this meeting. City Manager Shew explained that it was contained in the contingency transfer that the Council approved earlier but were unspecified because there are no specific bids for the work.

27. New Business

Councilman Pratt said he looked forward to a Resolution at the August meeting that would limit service on the Golf Commission to two consecutive terms.

28. 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 11:31 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk