

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 24, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVIK
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The meeting convened at 7:30 p.m. Councilman Sack made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn into Executive Session at 7:31 p.m. to discuss litigation. Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried to adjourn the Executive Session at 7:59 p.m. No decisions were made. The regular meeting convened at 8:05 p.m.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. Recognition of Rye Recreation All Star Basketball Team

Mayor French congratulated the 2010 Rye Recreation All Star Basketball Team on their 41-39 victory over Harrison in the 80th Annual Westchester Boys Basketball Tournament. He introduced team members Mark Croughan, Max Pomroy, Joe Zulli, Tim Hale, Zack Samberg, George Kirby, Dominic Guarnieri, Matthew Shainberg, Stephen O'Connell and Michael Carty and coaches Josh Kirsch, Rashidi Lewis and Robert Angilletta. The Mayor also acknowledged Recreation Department staff member Matt Trainer. Councilman Filippi presented them with Proclamations.

4. General Announcements

Councilman Filippi made the following announcements:

- Everyone should fill out and return their 2010 Census forms.
- The Rye Historical Society wants to create a time capsule for the 350th Anniversary of the founding of Rye. A Time Capsule Committee has been formed including Craig Dreves, Jen Plick, Dan Kelly, Maria Lagonia, Sheri Jordan and himself. The goal is to capture a living history of Rye and he encouraged interested local organizations to provide their stories for inclusion in the capsule, which will be opened in 50 years.
- Both Pepsi and the Hilton are looking to expand their properties, which could affect flooding downstream. He said this is an example of why a Governmental Relations Committee would be important in order to provide feedback to the Council.

Councilwoman Keith had the following announcements:

- The Environmental Advocacy Group and Friends of Read would be holding the annual “Pitch In for the Parks” on April 10th and are looking for volunteers.
- The Osborn Retirement Community and the Rye Lyons Club are partnering to collect unneeded eyeglasses for recycling every Tuesday in March at Miriam’s Attic at the Osborn.
- There are many camps available through the Recreation Department and YMCA for children who are on Spring break next week.

Mayor French made the following announcements:

- On March 25th the Town of Rye is celebrating its 350th Anniversary at Crawford Park.
- On March 27th Judge Lane will be honored with a retirement party.
- On April 5th the first SEQRA review meeting will be held for the proposed Starwood project.
- The annual Joint Meeting of the City Council and Board of Education will be held on April 10th. It will follow up on traffic and safety issues discussed at the special meeting held by the two Boards in February.
- On April 17th there will be an Open House at Rye Town Park regarding changes that have been proposed.
- On April 24th the City Council will hold a Town Hall meeting with the City’s Boards and Commissions at the McDonald Building.

5. Draft unapproved minutes of the regular meeting of the City Council held March 10, 2010 and the special meeting of the City Council held March 15, 2010

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to approve the minutes of the regular meeting of the City Council held on March 10, 2010.

Councilman Sack made a motion, seconded by Councilwoman Keith and unanimously carried to approve the minutes of the special meeting of the City Council held on March 15, 2010, as amended.

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

Melissa Grieco, 6 Fenton Street, spoke on behalf of the Environmental Advocacy Group of Rye and encouraged the Council to adopt the Resolution calling for the City to observe Earth Hour 2010 on March 27th from 8:30 to 9:30 p.m. She also provided a brief history on the Earth Hour movement, which seeks to educate the public on climate change and its effects.

Sis D'Angelo, Wappanocca Avenue, said she was concerned that parts of the City are filthy and said the people must be informed about the regulations for putting out debris and the regulations should be enforced. City Manager Culross said that complaints could be directed to the Department of Public Works who will make sure the appropriate people look into it. *Derek Fahey, 720 Milton Road*, also said he was appalled at how filthy the City is. He said the streets need to be swept and the merchants should be required to police their areas. Councilwoman Parker said that the Chamber of Commerce is trying to get the message out to the businesses in town that they should be good neighbors.

Hank Birdsall, 80 Halstead Place, said that he is doing his Senior Thesis at SUNY Purchase on White Tale Deer. He said he is trying to collect scientific data in case a management decision was made relative to deer. He is studying the relationship between the wild cover areas where deer seek cover during hours of human inactivity and the suburban lawn areas where they feed. He is concentrating on the Marshlands Conservancy area and the Greenhaven community that borders it. He said he has sent surveys out to Greenhaven residents and asked that others in the area who might want to participate in his study contact him at hank.birdsall@gmail.com or (914)462-2518.

Greg Faughnan, 131 Purchase Street, said he wished to comment on Earth Hour. He noted that lately the World Wildlife Federation has retracted some of their statements about the glaciers in the Himalayas melting and said that people should take talk of stopping global climate change with a “big grain of salt”.

Gary Ederer spoke about Hen Island. He said that inspections conducted by the Board of Health on Hen Island regarding alleged health violations have resulted in no Sanitary Code violations being issued. He said the State Department of Environmental Conservation Division of Water and Westchester County Environmental Crimes Unit also stated there were no violations. He said the County has consistently ruled that there are no health violations on Hen Island and have performed at least four inspections. He presented a letter from the County dated March 22, 2010 from the County Bureau of Public Health Protection stating that there currently are no existing violations on Hen Island. He questioned why the Council would choose to question the findings of the County Board of Health because of repeated accusations by the same person. He suggested that the Council should tell the individual making the complaint to contact the County directly. Mayor French said that if the City receives a complaint it forwards it to the County for handling. *Ray Tartaglione* said that he believed that the Health Department will reverse their decision on health violations on Hen Island in the near future. Mayor French advised that a City Council meeting is not a forum for dispute resolution for neighbors on Hen Island. The County is the City's Health Department and, therefore, the City has no jurisdiction in the matter.

Agenda Items 10 and 11 were taken out of order.

7. Mayor's Management Report

- Consultant's Report on Pedestrian Safety Improvements at Oakland Beach Avenue

Mayor French said that he and Councilwoman Gamache had served on the Temporary Trailways and Safe Routes to Schools Committee, which had recommended a series of projects to improve pedestrian safety in the City, including a project on Oakland Beach Avenue. City Planner Christian Miller said tonight would be an update on the latest plans for Oakland Beach Avenue. Some minor adjustments have been made to the plans last presented in the fall. Ryan Coyne from Kellard Sessions Consulting, P.C. will present the plans. Mr. Coyne said that in October the project included new concrete curb and sidewalks from the Blind Brook on the south side of Oakland Beach Avenue through to Chamberlain Street. At that time the City was in the design review process with the Department of Transportation (DOT) to obtain stimulus funding for the project. The roadway realignment contained in the original project was deferred because it would have required a more time consuming design review by the DOT, which would have prevented the City making the deadline for applying for stimulus funding. The revised project does not use the stimulus funds. It includes new concrete curbs and five foot sidewalks on the south side of Oakland Beach Avenue from Red Oak to the Oakland Beach Avenue Bridge, replacing all of the three foot asphalt sidewalks that are currently there. On the north side of Oakland Beach Avenue, due to the installation of sidewalk, the north side of Oakland Beach will be realigned north a foot or two. There will be some right-of-way clearing and grading in order to shift the roadway. Oakland Beach Avenue will not be moved as far and there is not as much of a right-of-way encumbrance. Additional sight distance and safety will be gained for those exiting Hix Avenue due to the five foot sidewalk and the curve in the road near Rose Avenue will be lessened. Mr. Miller added that some utility poles will be moved and a tree will be removed. He said the plan has tried to minimize encroachments and stay within the footprint of the existing road as much as possible. He added that when the project is completed there will be new five foot wide concrete sidewalks from Blind Brook all the way to the Boston Post Road.

Council questions and comments included:

- Will there be any change to the walls located at the entrance to Hix Park? (No, only the sidewalk will be extended.)
- Does this plan prevent sidewalks from being put in on the north side of Oakland Beach Avenue in the future? (No. There is room within the right-of-way to do so.)
- What about the additional entrance to the parcel adjacent to the Blind Brook on the north side of the street? (The road will be moved over slightly and 30 feet of sidewalk will be removed and connected to the asphalt path that goes behind Disbrow Park.)
- How will people from the north side cross the street to the south side? (There are no plans for a crosswalk from the south to north sides in this plan.)

- Will there be any issues due to increase in speed with the straightening of the road? (The installation of a barrier curb will give the perception of a narrower lane width and may reduce/maintain speed.)
- This plan is a tremendous improvement to what currently exists.
- When will the construction begin? (The DOT is close to approving the final plans for the stimulus project. It is hoped construction of the stimulus project can begin within a month of that approval. The remaining project will begin in late Summer.)

Legal Update by Corporation Counsel

Interim Corporation Counsel Kristen Wilson gave a brief update on the status of some of the City's active litigation:

- The Osborn litigation appeal is fully submitted in front of the Appellate Division, Second Department. It is hoped that a decision will be received before the term ends in late Spring or early Summer.
 - The Beaver Swamp Brook Administrative matter is pending before the Department of Environmental Conservation (DEC). The Town of Harrison submitted amended plans to DEC late last year. The City's consultant commented on the plans and staff at DEC is currently reviewing the matter that is pending before an Administrative Law Judge
 - RB Conway, the contractor who dredged the City Marina, has commenced a breach of contract matter that is pending before the Supreme Court, Westchester County. They are alleging damages of approximately \$900,000. The permit awarded by the Army Corp of Engineers was specific regarding the amount of material that could be dredged and where it could be dredged. The case is currently in discovery.
 - The Schubert Civil Rights Action is pending in the Southern District of New York Federal Court. It is pending before Judge Karas and is being handled by insurance counsel.
 - Paul Shew has also commenced a breach of contract suit against the City that is pending in Supreme Court, Westchester County.
 - There are three pending Article 78 matters. Two are pending in Supreme Court, Westchester County and one is on appeal in the Appellate Division, Second Department.
 - There are also several tort cases being handled by the City's insurance counsel.
- Financial Summary Recap of March 15th presentation by City Comptroller

City Comptroller Jean Gribbins summarized the presentation she made at the March 15th, special meeting of the City Council. The City's cash position is declining, the Fund Balance is declining and the City is in a difficult financial position. City policy had been to use Fund Balance to pay for capital and equipment purchases and it has been eroded to an uncomfortably low level. The City is owed cash that had been paid out for the Elm Place Wall reconstruction and the Bird Homestead purchase and it cannot afford to lay out any more cash until it is reimbursed for these projects. Assessed valuation is also declining which means there would be a tax increase needed in order to collect the same number of tax dollars next year as this year.

Mayor French noted that if the City does not make any changes, the tax increase for 2011 could be from 7% to 11%. In order to keep the tax rate flat, it would require a 7% reduction in levels of service or \$2 million. He said that the City Manager and Comptroller have been asked to come back to the Council with a financial and operations plan in June and the Finance Committee has been asked to review the City's debt policies and provide their recommendations.

- Commission Update from the Cable and Communication Committee

Mayor French noted that communication has been changing in the last year with social networking and it is important to engage the public and get the facts out to them. The Council has asked the Cable Television Committee to look at other means of communication and advise City Staff and the Council. Cable TV Committee Chair Doug Carey said that the Committee was formed over ten years ago, prior to the use of the internet, email, twittering, Facebook and texting becoming part of the fabric of everyday life. The Committee has taken a closer look at how the City can embrace newer technology in order to enhance communication between government and residents. They have looked at government and residents interface, and have explored ways of growing the listserv and enhancing information on the website. Going forward they will have more ideas of how to implement such things as notification of possible flood events. They have also looked at the best way to pull together a Community Calendar in order to serve as a conduit for other community groups who offer similar services. They are looking at how the City can best utilize new technology to enhance the PEG (Public Education and Government) channels. They hope to increase studio production, increase use by the public of the facilities, and promote the shows on the stations in a more efficient manner. He asked for feedback and direction from the Council.

Council comments and questions included:

- The 24/7 media is evolving fast and the Cable TV Committee should lead the way and guide the Council.
 - Being informed is empowering. We should be able to inform the public as quickly as possible.
 - Compliance with laws will go up if the public is better informed.
 - The Committee should come back to the Council with suggestions, so improvements in communication can be made this year.
8. Consideration to set a Public Hearing to change the City of Rye Zoning Code to include "child-care facilities" as a use in the B-1 District

City Planner Christian Miller said that the City has received a petition to change the Zoning text in the B-1 Neighborhood Business District to allow for child-care uses. The petitioner, Cornerstone Children's Center, has an application before the Planning Commission to open a daycare facility at 180 Theodore Fremd Avenue, but it cannot be processed until the zoning has been changed. The request would affect properties over 10,000 square feet in area in the B-1 District; the maximum size of a child-care facility would be 30 children and there would be a parking requirement. The purpose of the zoning change is that it cannot apply to a specific

property or specific user and thus would apply to all the B-1 Districts. The Planning Commission believes that the proposed zoning change is reasonable. The Council must set a public hearing and declare their intent to be lead agency. Prior to the hearing the proposed change must be circulated to abutting communities and the Westchester County Planning Board.

Council comments and questions included:

- Zoning Codes did not anticipate the need for daycare centers and should be brought up to date.
- There are 61 locations that will qualify for daycare centers if the law is adopted, but some locations may not be appropriate. (Every application would still have to go through a Planning Commission approval process.)
- Will the Planning Commission do their own analysis on the proposal beyond what was presented by the applicant? (The Planning Commission did ask the applicant questions similar to comments made by the Council but the Planner can ask the Commission if they have additional thoughts on the application.)
- This is a service that is needed in Rye.
- Does anyone wanting to open a business in a B-1 District have to appear before the Planning Commission and is the appropriateness of the business considered? (The Neighborhood Business Zone allows certain businesses to be operated, such as professional offices, retail stores, gas stations and garages. In 90% of the cases, it would require an application be made and approved by the Planning Commission.)
- Were daycare centers covered in a study made of B-1 Districts several years ago? (Not specifically, although the Planning and Building Departments receive many inquiries about this type of use. It is not uncommon for zoning changes to be initiated by applicants in petitions.)
- Are there any environmental issues related to the actual application site? (That would be a site related concern of the Planning Commission, not the zoning use question regarding the appropriateness of daycare in the B-1 District. The Environmental Engineer on the Planning Commission has requested additional environmental information from the applicant.)
- The focus of the Planning Commission conversation was on the general issue of enabling daycare centers to be in B-1 Districts.
- Could a provision be added that no more than two daycare centers can be located within a certain radius of each other?

Councilman Jovanovich made a motion, seconded by Councilwoman Keith, to adopt the following Resolution:

WHEREAS, the Council wishes to amend Chapter 197, Zoning, of the City Code of the City of Rye, §197-86, Table of Regulations, by adding Subsection 15 to permit Child-Care Facilities as permitted uses in the B-1, Neighborhood Business District, and to amend §197-28, Schedule of parking requirements; and

WHEREAS, the City Council declares its intent to be lead agency under SEQRA and directs the City Planner to circulate the proposed local law to all interested and involved agencies as required under SEQRA; and

WHEREAS, it is now desired to call a public hearing on such proposed amendment to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on May 5, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law amending Chapter 197, of the City Code of the City of Rye, §197-86, Table of Regulations by adding Subsection 15 to permit Child-Care Facilities as permitted uses in the B-1, Neighborhood Business District. and to amend §197-28, Schedule of parking requirements.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5th day of May, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 197, of the City Code of the City of Rye, §197-86, Table of Regulations by adding Subsection 15 to permit Child-Care Facilities as permitted uses in the B-1, Neighborhood Business District and to amend §197-28, Schedule of parking requirements.

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

Dawn F. Nodarse
City Clerk
Dated: April 22, 2010

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

9. Resolution authorizing the issuance of \$3,534,000 serial bonds (\$1,372,000 new bonds, \$2,080,000 previously authorized but unissued bonds, and \$82,000 previously authorized but unissued debt) of the City of Rye, Westchester County, New York
Roll Call.

City Manager Culross said that Staff is requesting that the Council adopt a Bond Resolution authorizing the issuance of additional debt in the amount of \$1,372,000. It is for the City's portion of the Theodore Fremd Avenue Wall, Central Avenue Bridge, and Bowman Avenue Sluice Gate. Also included are the Old Milton Road drainage project and the Peck and Midland Avenue traffic light. The intention is to issue other debt at the same time that has been authorized by previous City Councils in the amount of \$2,162,000. The borrowing will allow the City to do projects that are in the budget, but it will also allow the Building & Vehicle Fund to pay back to the General Fund monies that have been advanced to it.

Council comments and questions included:

- Is the intent of the bonding to make principal payments of \$5 million to Aero Hardware? (The intent of the bonding is to replenish general fund cash and finance capital projects. General fund cash will be used towards payments to Aero Hardware. The City would have borrowed the authorized but unissued debt along with new debt even if it didn't owe \$5 million to Aero Hardware.)
- Will the \$5 million come from both debt and deferral of projects? (Some projects and acquisitions have been identified that will be deferred.)
- What projects will be deferred? (The Boston Post Road retaining wall design; the Central Business District traffic light at Purchase/Purdy/Theodore Fremd design; the Milton Cemetery Bridge replacement; the Stoneycrest Road drainage study; the Police/Court renovation study; the replacement of the Gagliardo Park restroom; the Friends Meeting House project for a total of \$544,000. Also being deferred are purchases of two pieces of motor vehicle equipment for \$520,000.)
- Projects are being deferred, not cancelled. As other funds come in to reimburse the City for funds that have been laid out such as for the Elm Place Wall and Bird Homestead, the funds can be applied to the deferred projects. (The City Council would have to take action to cancel projects.)
- It is a good time to go out for debt because the interest rates are low.
- Why is debt authorized if it is not issued? (When projects were approved in prior budgets, the identified funding source was bonds and the Council was asked to approve the bonding resolutions at the time the purchases were made or projects done. It is more efficient to go out for more debt less frequently because of the expenses associated with it.)

- What is our debt limit after the Resolution? (After the Resolution is passed, the Council will be able to issue \$18,040 more debt subject to Council vote. It can issue debt by permissive referendum of between 5% and 10% of the past three years average budgets.)
- Will the additional \$2 million in debt be used to make the first payment to Aero Hardware? (It will help the City's cash position, which will help to make the payment.)
- The Manager's Budget Message, said the \$5 million owed to Aero Hardware would require a public referendum, has this changed? (Staff has presented an alternative method of making the payment. It is difficult to ask the public to vote on a "no choice issue". The City has a legal obligation to make the payment and the Comptroller's proposal provides a good opportunity to make the payment by the end of 2010.)
- Where does the \$5,810,000 referred to in Section 3 of the Bond Resolution come from? (\$1.4 million for the Theodore Fremd Avenue Retaining Wall; \$2.2 million for the Bowman Avenue Sluice Gate project; \$210,000 for Milton Road Drainage; \$1.8 million Central Avenue Bridge and \$200,000 for Peck/Midland Avenue Traffic Signal.)

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

BOND RESOLUTION, DATED MARCH 24, 2010, AUTHORIZING THE ISSUANCE OF UP TO \$1,372,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE (I) ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS, (II) THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF THE CENTRAL AVENUE BRIDGE AND (III) THE ACQUISITION OF TRAFFIC SIGNALS, ALL IN AND FOR THE CITY, PURSUANT TO THE LOCAL FINANCE LAW.

WHEREAS, the City Council of the City of Rye (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the City to authorize the financing of the costs of (i) the acquisition, construction and reconstruction of road improvements (\$812,000), including but not limited to (a) the acquisition, construction and reconstruction of improvements to the Theodore Fremd retaining wall (\$280,000), (b) the acquisition, construction and reconstruction of the Bowman Avenue sluice gate (\$322,000) and (c) drainage improvements to Old Milton Road (\$210,000), (ii) the acquisition, construction and reconstruction of the Central Avenue Bridge (\$360,000), and (iii) the acquisition of traffic signals (\$200,000), in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$1,372,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,372,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, as set forth herein (collectively, the "Project").

Section 2. The respective estimated maximum costs of such specific objects or purposes, or class of objects or purposes, the principal amount of serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, or class of objects or purpose, and the period of probable usefulness of such specific objects or purposes, or class of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(i) The acquisition, construction and reconstruction of road improvements (\$812,000), including but not limited to (a) the acquisition, construction and reconstruction of improvements to the Theodore Fremd retaining wall (\$280,000), (b) the costs of the acquisition, construction and reconstruction of the Bowman Avenue sluice gate (\$322,000) and (c) drainage improvements to Old Milton Road (\$210,000) and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$3,600,000 for which \$812,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(ii) The acquisition, construction and reconstruction of the Central Avenue Bridge, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$1,800,000 for which \$360,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(iii) The acquisition of traffic signals, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$200,000 for which \$200,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 72(a) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

Section 3. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$5,810,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except proceeds of insurance and intergovernmental transfer; (c) the Common Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, funds previously

expended referred to in clause (a) above, and anticipated Federal or State aid and intergovernmental transfer received by the City; (d) the maturity of the serial bonds authorized herein shall be in excess of five (5) years and (e) on or before the expenditure of moneys to pay for any costs related to the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Deputy City Comptroller is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

Section 5. When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such

action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, its Corporation Counsel and bond counsel or other

qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is not subject to a permissive referendum or mandatory referendum in accordance with paragraphs C and D of Section C21-9 of the City Charter and will take effect immediately upon its due adoption by the City Council of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a vote of 7-0.

The following two agenda items were taken out of order prior to agenda item 7.

10. Consideration of Resolution in support of the Jay Heritage property

Councilman Sack noted that at the last meeting, Suzanne Cleary, the President of the Jay Heritage Center spoke to the Council about the work they are doing to ensure the heritage of their property and there was a consensus of the Council to support the organization and their work, which resulted in the Resolution being considered.

David Parsons, 240 Boston Post Road, endorsed the Resolution before the Council and urged that it be adopted unanimously. *Bill Lawyer, 15 Hillside Place*, said he was representing the Environmental Advocacy Group and voiced their concerns about the relationship between Westchester County and Jay Heritage Center and hoped that the Resolution would encourage the two groups to work together for the common good. *Henry King, 76 Coolidge Avenue*, said he had been asked to speak by the Friends of the Marshlands to note that there is a difference of opinion between the Friends and Jay Heritage Center about how the properties will be managed.

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

WHEREAS, the Jay Property is part of the Boston Post Road Historic District, a National Historic Landmark; is listed on the New York State and National Registers of Historic Places; is included in the Hudson River Valley Heritage Area; and is a protected site under the City of Rye Landmarks Preservation Ordinance; and

WHEREAS, the City of Rye has an interest in ensuring that the Jay Property is properly preserved and protected; and

WHEREAS, the Jay Heritage Center, the steward of the Jay Property, is a valued, trusted and respected organization in the City of Rye; and

WHEREAS, Suzanne Clary, a resident of the City of Rye and the President of the Jay Heritage Center, appeared before the Rye City Council on March 10, 2010, to remind the public of the importance of the Jay Property and the longstanding efforts of the Jay Heritage Center to ensure that one of the oldest National Historic Landmarks in New York State remains a cherished destination in the City of Rye; and

WHEREAS, the Jay Heritage Center has raised concerns about the environment, especially with respect to the integrity of the soil and surrounding 23 acre park, and

WHEREAS, the Jay Heritage Center wants to promote the Jay Property as its own historic park; and

WHEREAS, the Council expressed unanimous support for all of the Jay Heritage Center's efforts;

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council expresses its continuing support of the Jay Heritage Center's endeavors to preserve the Jay Property today so that it can remain a continued treasure both in the City of Rye and the State of New York and supports its efforts to work with Westchester County in pursuing these goals.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted unanimously.

11. Consideration of Resolution to participate in Earth Hour on March 27, 2010 when cities across the world will turn off their lights for an hour at 8:30 p.m.

Councilwoman Keith said the Council and City Staff have been working on plans to ensure the financial sustainability of the City, but another part of sustainability is a dialogue about a sustainability plan for the environment. The theme of the sustainability plan will be "Continue to go green to save green." Recognizing "Earth Hour" is a way to kick off this discussion. The Sustainability Plan will be driven by a subcommittee of the Conservation Commission/Advisory Council and other volunteer groups in the City. Plans of other cities will also be analyzed. Regarding Earth Hour, the Council is looking to have the lights out on the Village Green on Saturday Night, the Square House will put their lights out and the Library is exploring their options.

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

WHEREAS, this March 27, 2010 is the third annual “Earth Hour” where hundreds of millions of people around the world will come together to call for action on climate change by doing something quite simple — turning off their lights for one hour. The movement symbolizes that by working together, each of us can make a positive impact in this fight, protecting our future and that of future generations, and

WHEREAS, the City Council of the City of Rye (the “City Council”) promotes energy and cost saving measures to be implemented throughout the City every day, and

WHEREAS, last year, 80 million Americans and 318 U.S. cities officially voted for action with their light switch, joining iconic landmarks from around the world that went dark for Earth Hour, including the Empire State Building, Brooklyn Bridge, Broadway Theaters, the Las Vegas Strip and the United Nations Headquarters, among other noteworthy landmarks, and

WHEREAS, the City Council encourages all residents to voluntarily participate in Earth Hour by turning out their lights for one hour from 8:30 to 9:30 p.m., and

NOW, THEREFORE, BE IT RESOLVED, that the City Council invites and encourages all residents to participate in Earth Hour, and

BE IT FURTHER RESOLVED, that the City Council requests that the Conservation Council Advisory Commission (“CCAC”) begin the process of advising the City Council on ways in which the City can become a more sustainable City and implement more environmentally-friendly policies, and

BE IT FURTHER RESOLVED, the City Council requests that the CCAC begin developing a sustainability plan with the theme of “Continuing to go green to save green.”

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was unanimously adopted.

12. Bid Award for Street Materials (Bid #1-10)
Roll Call.

City Manager Culross said that staff has recommended that the bids be awarded to the various low bidders.

Councilman Jovanovich made a motion, seconded by Councilwoman Parker to adopt the following Resolution:

RESOLVED, that Bid # 1-10, Street Materials, is hereby awarded to Putnam Materials for crushed stone (3/4 and 1 1/2) delivered and graded processed stone; to Peckham Materials Corp. for sub-base (recycled concrete), binder course Types 3 and 4, shim course Type 5, top course Types 6F and 7F, and asphaltic concrete curb mix delivered, and to Dakota Supply for Class A Concrete and K-Krete, as the bidders offering the lowest price.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack

NAYS: None

ABSENT: None

The bid was unanimously awarded.

The bid tab is on the following page.

BID # 1-10

#	NAME OF BIDDER Items	RCA Asphalt PER TON		Dakota Supply PER TON		Peckham Materials PER TON		Putnam Materials PER TON		Canal Asphalt PER TON	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
	Crushed Stone 3/4"	35.00/47.50*	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	28.25	No Bid	No Bid
	Crushed Stone 1 1/2"	35.00/47.50*	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	28.25	No Bid	No Bid
	Graded Processed Stone NYS 304.02	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	22.75	No Bid	No Bid
	Sub-base NYS 304.6	No Bid	No Bid	10.50/37.62*	19.00	No Bid	15.00	No Bid	No Bid	No Bid	No Bid
#	Items	PER C.Y.		PER C.Y.		PER C.Y.		PER C.Y.		PER C.Y.	
		F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered	F.O.B.	Delivered
403.13	Binder Course Type 3 (3.5%)	83.00/95.50*	No Bid	No Bid	No Bid	75.00/78.95*	No Bid	No Bid	No Bid	70.90/83.76*	No Bid
403.14	Binder Course Type 4 (4.0%)	No Bid	No Bid	No Bid	No Bid	75.00/78.95*	No Bid	No Bid	No Bid	72.30/85.16*	No Bid
403.15	Shim Course Type 5 (8.25%)	100.00/112.50*	No Bid	No Bid	No Bid	78.00/81.95*	No Bid	No Bid	No Bid	87.15/98.01*	No Bid
403.17	Top Course Type 6F (6.4%)	90.00/102.50*	No Bid	No Bid	No Bid	75.00/78.95*	No Bid	No Bid	No Bid	75.30/88.16*	No Bid
403.19	Top Course type 7F (7.0%) Asphaltic Concrete Curb Mix	95.00/107.50*	No Bid	No Bid	No Bid	78.00/81.95*	No Bid	No Bid	No Bid	78.80/91.66*	No Bid
714.06	(7.5%)	100.00/112.50*	No Bid	No Bid	No Bid	80.00/83.95*	No Bid	No Bid	No Bid	No Bid	No Bid
502.2	Class "A" Concrete	No Bid	No Bid	116.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
8503	Controlled backfill ("K-Krete")	No Bid	No Bid	84.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

*Mileage adjustment as per bid specifications

13. Appointments to the Rye Playland Advisory Committee, by the Mayor with Council approval

Mayor French said that the intent of the Playland Advisory Committee was to be a citizens group to keep an eye on Playland and notify the Manager of Playland of any neighborhood issues with the Park.

Mayor French made a motion, unanimously carried, to appoint Charles Dorn, Joan Cresap and Monika Sawicka to three-year terms expiring on January 1, 2013.

Mayor French made a motion, unanimously carried, to appoint Jerry Bourkney and Bill Meyers to fill out terms expiring on January 1, 2012.

Mayor French made a motion, unanimously carried, to appoint Ellen Slater, Lloyd Emanuel, Lucinda McKinnon and Mack Cunningham to fill out terms expiring on January 1, 2011.

14. Consideration to set additional meetings of the City Council

Mayor French said that he would like to have Council workshops on off weeks during the Summer months when the Council only has one official meeting.

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried to adopt the following Resolution:

RESOLVED, that additional meetings of the City Council are hereby set for June 14, 2010; July 26, 2010, to be held at The Osborn; and September 27, 2010.

15. Miscellaneous communications and reports

Councilwoman Gamache offered her thanks to the City staff for the great job they did in managing the recovery after the recent storm.

Councilwoman Keith said that there was a meeting this week of the Joint Task Force of the City Council and Board of Education to prepare for the April 10th Joint City Council/Board of Education Meeting. The plan is to draft a memo on the key projects they have been working on in order to provide focus for the April 10th agenda. A subcommittee of the Traffic and Pedestrian Safety Committee is working on ideas for a Pedestrian Safety and Biking Master Plan.

Councilman Sack reported on the March meeting of the Westchester Municipal Officials Association. The Federal Monitor overseeing Westchester County's implementation plan relative to the Affordable Housing Settlement was the speaker. He has rejected the County's

first proposed implementation plan and was about to reject the second proposal. He said the County's plan should have more specificity. The County must now come up with another proposal. Mayor French noted that eight of 31 communities have specific plans. Rye has two projects underway and the County has asked that representatives from the City come and speak to them about the plans. The Pace University Land Use Center has a program to educate people in the community in order for them to do community outreach about the impact of the settlement.

Mayor French reported on a Rye Town Park Commission meeting. There was no damage due to the storm. The roof project is on budget and on schedule. Regarding parking initiatives for the park, Rye Town Park staff will go back and make additional recommendations.

16. Old Business

Councilwoman Gamache referred to an article in The Journal News about the grants for the Bird Homestead and asked that Interim Corporation Counsel Wilson provide the Council an update on each grant at the next meeting. She asked that Ms. Wilson reach out to County Legislator Judy Myers and Assemblyman George Latimer for information relative to County and State grants. She also asked for background from the Planning Commission on why they used an outside counsel on a matter in 2009 as opposed to Corporation Counsel. City Manager Culross said it was because former Corporation Counsel Kevin Plunkett had recused himself due to a conflict of interest and, therefore, believed it was also appropriate for Ms. Wilson to recuse herself. Ms. Wilson said that the conflict no longer exists.

Councilman Sack requested that an agenda item regarding his proposal for term limits be placed on the next agenda. He also referred to a letter from the Chair of LISWIC asking the City for comments on proposed legislation and asked who is looking at this on behalf of the City. Councilman Jovanovich asked if previous language regarding LISWIC forming a group that could borrow money and charge fees was still included. He said it looked like another layer of government and if there were no immediate savings, it would not be a good idea. Mr. Pickup said that LISWIC (Long Island Sound Watershed Intermunicipal Committee) was formed about 10 years ago to study what things could be done regionally to impact Clean Water Act related types of activity. They have tried to come up with a centralized purpose to create a funding mechanism and a Master Plan of planned improvements in order to create incentives for communities to build Clean Water Act improvements. One of the difficulties is that not all municipalities are active. Staff will update the Council on the legislation.

Mayor French asked that the draft regarding the Government Relations Committee be circulated to the Council for consideration at the next meeting. He also suggested that the recommendations on the Law Department be included on the agenda for April 21. He asked Assistant City Manager Pickup about the status of the Upper Pond Soil Study. Mr. Pickup said that there would be an E-grant review and depending on any additional requests for information, the City should receive notification within four to six weeks.

17. New Business

Mayor French asked City Manager Culross to thank the staff on behalf of the Council for their work in these challenging times.

Councilwoman Parker said that after the storm, it had been brought to her attention that the City's Tree Policy should be reevaluated. Councilman Filippi said the CC/AC is looking at this issue in order to close a loophole in the Tree Ordinance. City Manager Culross said the problem with the storm is that trees fell down and the issue with the CC/AC is that they want less trees cut down.

18. Adjournment

There being no further business to discuss, Councilman Sack made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk