

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 5, 2010 at 8:00 P.M.

PRESENT:

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

ABSENT: PETER JOVANOVIH

1. Pledge of Allegiance

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

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Mayor French began the ceremonial portion of the meeting in the Square House by saying that this was one of his favorite nights because it is a chance to celebrate our history and share in the traditions of those who served before. He added that volunteerism in Rye is very special and it was a pleasure to serve the public.

Mayor French then introduced Sheri Jordan, the Director of the Historical Society, who welcomed everyone to the Square House and to the room where the City Council had met until 1964. She said the City owns the Square House and partners with the Historical Society in maintaining the structure which dates back to the 1700's. She said that in honor of the 350<sup>th</sup> Anniversary of the founding of Rye, a Colonial re-enactment and encampment would be staged at Rye Town Park and encouraged everyone to attend.

The Mayor then asked the current Members of the Council if they wished to make any comments. Councilwoman Keith said she was honored and amazed to be here with the former Mayors and Councilmembers, saying that their volunteerism had inspired her to serve. Councilwoman Parker said that she loves hearing from the former Councilmembers. She said that this has been a good year and that the new City Council is working well together with a spirit of congeniality. She added that the City has a tremendous staff, who are working at keeping the City in good shape in the current economy. Councilman Sack said that this was a favorite night of his, calling the evening a combination of an "all-star game, college reunion and old-timer's game". He said he had enjoyed working with former Mayor Carey on the recommendations for the Law Department and that when he leaves the Council he hopes he can contribute as much to the community and Mr. Carey has. Councilwoman Gamache praised the

dedicated City staff saying the City is very fortunate to have them. She also acknowledged the work of the many volunteers who serve the City and take their work very seriously, saying she didn't know where the City would be without them. Councilman Filippi said that as a student of history it is good to be able to learn from those who came before us, adding that those who fail to learn the lessons of history are doomed to repeat them.

City Manager Culross then introduced the members of the City staff who were in attendance:

|                    |                             |
|--------------------|-----------------------------|
| William Connors    | Police Commissioner         |
| James Dianni       | Fire Inspector              |
| Jean Gribbins      | City Comptroller            |
| Nicole Levitsky    | Rye Cable TV Coordinator    |
| Christian Miller   | City Planner                |
| George Mottarella  | City Engineer               |
| Dawn Nodarse       | City Clerk                  |
| Scott Pickup       | Assistant City Manager      |
| Sally Rogol        | Recreation Superintendent   |
| Vincenzo Tamburro  | Building Inspector          |
| Kristen Wilson     | Interim Corporation Counsel |
| Scott Yandrasevich | Golf Club Manager           |

Assemblyman *George Latimer* noted that he spent four years on the City Council and although he may have forgotten some of the issues discussed during that time he has not forgotten the terrific people he worked with. He added that it was an honor to have been a small part of this tradition. County Legislator *Judy Myers* said it was a testament to all that so many come back year after year to this event.

Former Councilman and Judge *John Alfano* said he thought that City Council's had more fun before television and hoped the current Council had as much fun as the Council he served on. Former Councilman and current City Court Judge *Joseph Latwin* said everything is going well in court and that it was a pleasure to see old friends and to work with City staff.

Former Councilmembers in attendance also offered comments. *Gerry Seitz* said that although issues remain the same, the people and what they bring to it are different and it is good to have new blood and new ideas. *Carolyn Cunningham* said that she served with wonderful people and that Rye is lucky to have so many volunteers to deal with its many difficult issues. *Marcia Kapilow* said she was lucky to live in Rye with all its wonderful volunteers and staff. *William Ball* said it was always a pleasure to come back to this meeting, offered his thanks to the staff and said he agreed that many issues reappear over time. *Ted Rogers* thanked everyone for their hard work, saying he and his family appreciated it. *Andy Ball* offered his thanks to all the volunteers saying they help define what Rye is about. He also thanked City staff saying they make the City work and said he hoped the current Council continued to all work together. *Robert Cypher* thanked the Council and other volunteers for all the great work they do. *Roz Larr*

said it was great to see everyone. *Matt Fahey* also thanked everyone for their hard work saying that the community was in their debt.

Members of Boards and Commissions in attendance also offered comments.

- *Doug Carey* of the Cable TV Committee thanked the Council and staff for the City's new website and making government more transparent and accessible.
- *Nicholas Hodnett* of the Conservation Commission/Advisory Council said his committee is working on a Sustainability Plan for Rye and a Tree Preservation Plan as well as continuing to be involved in Wetlands and Watercourse applications.
- *Eugene McGuire* of the Board of Architectural Review thanked his members for the care and time they spend.
- *Sis D'Angelo* of the Senior Advocacy Committee said the committee is doing a lot of work and thanked former Councilwoman Cunningham for obtaining increased funding for the taxi voucher program for seniors.
- *Serge Nivelles* of the Zoning Board of Appeals said he loves serving on the Zoning Board, finding it very interesting as a non-lawyer and thanked the staff for what they do to prepare them.
- *Martha Monserrate* of the Planning Commission said she is proud of the Commission which is one of the best in Westchester because Rye has the best Planner. She added that there is a great diversity of talent on the board, which serves the City well.
- *Bart DiNardo* of the Recreation Commission said it is a great board and that there is a great staff at the Rec. He added that it is great to live in Rye because volunteering is important.
- *Maurio Sax*, who also serves on the Landmarks Commission, said he admired those who serve in public office and was privileged to work as a volunteer.

Mayor French closed the ceremonial portion of the meeting by saying that Rye was a unique community that should be embraced and enjoyed. The meeting reconvened in Council Chambers at 9:00 p.m.

## 2. Roll Call

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

## 3. General Announcements

- The leaf blower ban went into effect on May 1<sup>st</sup>. Hopefully there will be more compliance with the law this year.
- Everyone should sign up for NIXLE.com. It is a great way to be informed of emergency related or Police announcements.
- The Council will begin interviewing City Manager candidates on May 19<sup>th</sup>.
- The final recommendations for the Boston Post Road Diet near Osborn School will be presented at the May 19<sup>th</sup> meeting.

- A special Council meeting will be held on June 14<sup>th</sup> to receive recommendations from the City Manager relative to budgeting for 2011.

Announcements were also made regarding activities and events of other community organizations.

4. Draft unapproved minutes of the regular meeting of the City Council held on April 21, 2010

Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried, to approve to minutes of the regular meeting of the City Council held on April 21, 2010, as amended.

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

*Doug McKean*, 35 Halsted Place, said he has been corresponding with City staff about the lack of Code Enforcement in connection with a renovation project at 34 Halsted Place and on construction sites in general around the City. City Manager Culross said the matter was being looked into.

6. Mayor's Management Report

- Commission Update: Recreation Commission

Bart DiNardo, Chairman of the Recreation Commission, brought the Council up to date on activities of the Commission.

- The Commission has reactivated the Field Committee and has taken an inventory of the all the fields in the City, how they are used and what user groups use the fields such as soccer, Little League, lacrosse as well as the schools. The Commission hopes to come back to the Council with a plan of action for the fields in a couple of months.
- Registration for camp is open and has been very successful. The levels are about the same as in the past and they hope to see an increase. Scholarships are offered if needed. The goal is to offer good programs at reasonable rates. Four camps are offered: Kiddie Camp for ages 3 -4; Lower Camp for grades K-2, Upper Camp for grades 3-6 and Camp 7-8.
- At their next meeting the Commission will discuss the naming of the new Disbrow Field.
- A resident has approached the Commission regarding establishing a dog park. They may look into identifying a potential area where a park could be built and look into finding grants to fund it.

Mayor French said he agreed that this was a good time to revisit the relationships with user groups and the schools. He suggested the Commission look into the issue of camp drop off. He also noted there is an issue with the Seniors organization and the schools regarding parking at the Damiano Center on Senior meeting days and he asked Councilwoman Keith to look into this with the Joint Task Force.

- Summary of the City's submission on the Starwood development project

City Planner Christian Miller said that on April 23<sup>rd</sup> the City submitted comments to the Village of Port Chester, which is in the earliest stages of the Environmental Review for the proposed retail/mixed use development known as "The Gateway" located on the former United Hospital site. The City made comments regarding the Draft Environmental Impact Statement Scope (DEIS), which is an outline of what they will cover in their Environmental Impact Statement Document (EIS). The City requested: that the Scope be expanded to include certain additional intersections; an expanded discussion of visual resources; a better assessment of potential impacts on shared municipal services; that it explore potential impacts on retail businesses in the Central Business District; and, and expanded alternatives analysis to look at different alternatives that might be permitted under the proposed zoning for the project. On May 3<sup>rd</sup> the Village Board adopted the Draft Scope and all the comments that the City made were incorporated into the document. The applicant will now prepare a document that will include an extensive traffic analysis and a broad range of issue areas. When the document is prepared, there will be additional opportunity for public comment.

Council questions and comments included:

- Who will be the lead consultant for the Village of Port Chester? (Port Chester has Village staff and utilizes an outside Planning Consultant.)
  - In looking at this development, there are also strategic issues related to I-95, I-287 and the Tappan Zee corridor. How does the Council monitor these issues to make sure Rye's best interests are protected? (The EIS requires that the applicant look at local, area and regional plans. These are different projects which have offered the public a chance to comment and have been good at engaging local communities. Staff passes along information it receives to the Council and the public.)
  - The next step in the process is to determine if Starwood is addressing the issues raised in the Draft Scope in the appropriate way.
  - What did the Starwood proposal include? (1.1 million sq. feet, 720,000 sq. feet devoted to 762 residential units and 250,000 sq. feet of retail and commercial space. There would be five low and high rise residential structures and the existing buildings on the property would be removed. All of this will be evaluated in terms of their impact.)
  - How far can the City influence how the property is used? (In New York State land use is under the jurisdiction of the municipalities, but reasonable comments should be addressed in this process.)
  - What happens if comments made in the Draft Scope are addressed in a way that doesn't meet what the City would like to see? (The City will be able to comment on the EIS, which will require a response; it may provide an opportunity to enhance conditions that may be substandard today.)
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- Update by Interim Corporation Counsel

Interim Corporation Counsel Wilson reported on the following matters:

- The R.B. Conway litigation – depositions have started and will finish up next week in this case regarding the dredging of the Municipal Boat Basin.
- Solicitation – At this time of year there is heightened awareness of solicitors going door-to-door in the community. They have a right to speak and the City cannot prohibit them from going door-to-door to deliver their message. The City has a permit process for solicitors and we will work with the Police Department in sending out alerts through NIXLE. The organizations send a list of those who will be soliciting to the Police Department. If residents ask solicitors to leave their property, they are required to do so. The City has to be careful about restricting solicitation hours. There is currently no enforcement mechanism in the City Code to stop solicitors who do not obtain a permit. The Code on solicitation can be revisited, but it is a difficult area to regulate.

7. Public Hearing to change the City of Rye Zoning Code to include “child-care facilities” as a use in the B-1 District

Prior to the public hearing being opened, Linda Whitehead, Esq., who represents the applicant that petitioned the Council to amend the Zoning Code, offered an overview. The proposal is that child-care facilities be added as a use permitted, subject to additional standards and requirements, in the B-1 neighborhood districts. It would require that every application go before the Planning Commission for review prior to approval. Currently, child-care facilities are only allowed in the B-4 and B-5 office building district as an accessory use for one of the employers in the building. The Little Angels facility located at Avon is the only full-day facility in Rye. There is a need for more full-time child care. The proposed zoning change would require a lot size of 10,000 square feet in order to provide for an outdoor play area and sufficient parking.

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to open the public hearing.

Members of the public commenting included *Curtis Spacavento, Marian Anderson, Sis D'Angelo and Suzanne Spacavento*. Their comments included:

- The site the applicant is proposing to use for a day-care facility, 181 Theodore Fremd Avenue, is not large enough to accommodate the traffic that will be brought to the area. There are commercial vehicles in the area during the day and if adequate off-street parking is not provided, it could endanger the children.
- The site in question is a former gas station and could present environmental issues.
- Families in Rye need full-day options for child care.
- The proposed site should not be used as a site for children because the property was used as a dumping ground for oil.
- B-4 and B-5 districts are not that far away from residential areas in Rye.
- Small 10,000 square foot facilities will not do much to meet the day-care needs.

Council questions and comments included:

- The question is whether the zoning should be changed to permit child-care facilities in B-1 neighborhood districts, not one particular application. Has the Planning Commission ruled on whether they would permit a facility on that site? (No. They have been reviewing the application for several months and would decide the appropriateness of the application if the zoning change were adopted. The applicant has been tasked with providing documentation regarding the clean-up of environmental contamination.)
- How many more sites in the B-4 and B-5 districts would qualify for child-care facilities? (Maybe up to 10, but the current zoning requires that the facility be run by an employer in the building primarily for the children of its employees.)
- How is the need for child-care facilities in Rye being determined? (The City does not have full-day care options permitted by zoning except when it is accessory to an office building in the B-4 and B-5 districts. Petitioners approaching the City for a zoning change are an indication of a need.)
- What if contamination was discovered on the proposed site? (The Planning Commission would require that it be cleaned up and the Department of Environmental Conservation (DEC) and County Health Department would have requirements. A site would not be allowed to be used for child-care if there were potential problems.)
- The Council decides whether to amend the Zoning Code to allow for child-care facilities in B-1 districts, not whether a specific site is appropriate. It is the Planning Commission's job to deal with concerns about specific sites.
- Where do the standards in the proposed local law come from? (The parking standards were based on a review of comparable standards in other communities. The limit on the number of children was deemed to fit the size of the property and is consistent with the City's current regulation of nursery schools.)
- What makes B-1 districts the best location for child-care facilities? Why can't child-care needs be addressed by amending the restrictions in B-4 and B-5 districts? (B-1 areas are transitional zone areas between residential districts and more intense business zones, which make them more suitable for child-care facilities. Office buildings in B-4 and B-5 districts may not be practical locations in terms of the needs of day-care providers. They may not be appropriate for stand alone child-care facilities.)

The public hearing was kept open and the City Planner was asked to research if there were other areas better suited for day-care facilities.

8. Public hearing to amend Chapter 177 of the Code of the City of Rye to grant an exemption to Cold War Veterans who meet the requirements of Section 458-b of the New York State Real Property Tax Law

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to open the public hearing.

No one from the public wished to speak.

Councilwoman Gamache made a motion, seconded by Councilman Sack to close the public hearing.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO 5-2010**

**A local law to amend Chapter 177, Taxation,  
by amending Article X, §177-66, “Definitions”, § 177-67(A)&(B)  
“Amount of Exemption; Limitations”, by adding § 177-68 “Property Held In Trust” and §  
177-69, “Cooperative Apartments” and renumbering § 177-69.1 “Duration of  
Exemption”& §177-69.2 “Application for Exemption” to the City Code of the City of Rye**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1. Chapter 177 “Taxation” is hereby amended by adding Article X “Cold War Veterans Tax Exemption” as follows:**

**§ 177-65. Purpose.**

The purpose of this Article is to grant Cold War veterans who meet the requirements set forth in Section 458-b of the New York State Real Property Tax Law with a real property tax exemption.

**§ 177-66. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

ACTIVE DUTY – means full-time duty in the United States armed forces, other than active duty for training.

ARMED FORCES – means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

COLD WAR VETERAN – means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and satisfies any other requirements set forth in Section 458-b(1)(a) of the New York State Real Property Tax Law.

LATEST CLASS RATIO – means the latest final class ratio established by the New York State Board of Real Property Tax Services pursuant to title one of article twelve of the New York State Real Property Tax Law for use in a special assessing unit as defined in section eighteen hundred one of the New York State Real Property Tax Law.

LATEST STATE EQUALIZATION RATE – state equalization rate or special equalization rate established by the New York State Board of Real Property Tax Services pursuant to article twelve of the New York State Real Property Tax Law. The New York State Board of Real Property Tax Services shall establish a special equalization if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be on one hundred for the purposes of this section. Where a special; equalization rate is established for purposes of this section, the Assessor is directed and authorized to recompute the Cold War Veterans Exemption on the assessment roll by applying special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such Assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the Assessor does not have custody of the roll when such recomputation is accomplished, the Assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are here by directed and authorized to enter the recomputed Cold War Veterans Exemption certified by the Assessor on such roll.

QUALIFIED OWNER – means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY – means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalized subject to such time limitations, if any, as are set forth in Section 458-b(1)(f) of the New York State Real Property Tax Law.

SERVICE CONNECTED – means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated in the line of duty on active military, naval or air service.

**§ 177-67. Amount of Exemption; Limitations.**

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed fifty-four thousand dollars (\$54,000) or the product of fifty-four thousand dollars (\$54,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
  
- B. In addition to the exemption provided by subdivision “A” of this Section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed one hundred eighty thousand dollars (\$180,000) or the product of one hundred eighty thousand dollars (\$180,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
  
- C. If a Cold War Veteran receives either an eligible funds veterans exemption authorized by Section 458 of the Real Property Tax Law or an alternative veterans exemption under Article II of this Chapter, the Cold War veteran shall not be eligible to receive an exemption under this Article.

**§177-68**            **Property Held in Trust**

The provisions of this Article shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this Article, were such person or persons the owner or owners of such real property.

**§177-69**            **Cooperative Apartments**

(A) For the purposes of this Article, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(B) Provided that all other eligibility criteria of this Article are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this Article and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation

of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(C) Notwithstanding subdivision B of this Section, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either Article two, four, five or eleven of the Private Housing Finance Law shall not be Eligible for an exemption pursuant tot his section

**§ 177-69.1. Duration of Exemption.**

The exemption provided by § 177-67(A) shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law. Where a qualified owner does not own qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this Section for the unexpired portion of the ten year exemption period.

**§ 177-69.2. Application for Exemption.**

Application for the exemption set forth in this Article shall be made by the qualified owner, or all of the qualified owners, of the property on the form prescribed by the New York State Board of Real Property Tax Services. The owner or owners shall file the completed form in the City of Rye Assessor's office on or before the first appropriate taxable status date. The owner or owners of the property shall be required to refile as such times and under such circumstances as may be set forth in Section 458-b(4) of the New York State Real Property Tax Law. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Law.

**Section 2. Severability**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**Section 3.**

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

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

The local law was adopted by a vote of 6-0.

9. Consideration of setting a Public hearing for the establishment of the Kirby Lane Sanitary Sewer Special Assessment District

City Manager Culross said that a petition had been received by the City that was signed by more than 66 2/3% of the property owners in the proposed district, which is the required percentage needed to establish a Special Assessment District to provide municipal sewers.

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

**WHEREAS**, the Council wishes to establish the Kirby Lane Sanitary Sewer Special Assessment District; and

**WHEREAS**, the City Council declares its intent to be lead agency under SEQRA in the establishment of the Kirby Lane Sanitary Sewer Special Assessment District; and

**WHEREAS**, it is now desired to call a public hearing to discuss the establishment of such Sewer Special Assessment District; 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 19, 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 to establish the Kirby Lane Sanitary Sewer  
Special Assessment District.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 19th 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 establishment of the Kirby Lane Sanitary Sewer special Assessment District.

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

Dawn F. Nodarse, City Clerk

Dated: May 11, 2010

10. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms

The discussion of this item was deferred to the next meeting.

11. Resolution to grant permission to the Rye Free Reading Room to hold a kickoff event for the Summer Reading program entitled "Flow Circus" on the Village Green on Monday, June 28, 2010 from 12 p.m. to 5 p.m.

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

**RESOLVED**, that permission is hereby granted to the Rye Free Reading Room to hold a kickoff event for the Summer Reading program entitled "Flow Circus" on Monday, June 28, 2010 from 12:00 p.m. to 5:00 p.m.

12. Appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2013

Councilwoman Parker made a motion, seconded by Councilwoman Gamache and unanimously carried to approve the appointment of David Byrnes, the Village of Port Chester

Community Representative, to the Emergency Medical Services Committee for a three-year term ending June 30, 2013.

13. Discussion of Resolution to establish a Rye Town Park Advisory Committee

Mayor French said that the purpose was to create something similar to the Rye Playland Advisory Committee. The Rye Town Park Commission will vote on it on May 18<sup>th</sup> and would like the City Council to provide them with a recommendation. Rye Town, Rye Brook and Port Chester will each have a representative on the Committee, with the remaining members coming from the City of Rye. The Mayor said he would put together a skeleton structure to be reviewed by the Council and Town Park Commission. The theory is that it would be a citizens' committee that would provide feedback on the park facility to the Town Park Commission. The Friends of Rye Town Park are in support of the idea of the Advisory Committee. They view themselves more as a fund raising organization, but would like representation on the Advisory Committee. Mayor French said the Resolution would be revised to reflect input from the Town Park Commission and voted on at the next meeting.

14. Bid Award for Dogwood Lane sewer (Bid #4-10)  
Roll Call.

City Manager Culross said that staff was recommending awarding the bid to the low bidder of eight bids received. He said that bonds will be issued for the project and the benefitted residents will be assessed for the cost of the project.

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

**RESOLVED**, that Contract #2010-02, Upper Dogwood Lane Sewer Project, is awarded to the low bidder, Mastrantoni Construction Corporation in the amount of One Hundred Two Thousand, Two Hundred Ninety-One Dollars and Fifteen Cents (\$102,291.15)

ROLL CALL:

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

The bid was awarded by a 6-0 vote.

Bid Tab

**Contract No. 2010-02 - Upper Dogwood Sewer Project**

| Position | Contractor                        | Contractor's Bid | Engineer's Check    | Dollar Amount Above Low Bid | % Above Low Bidder |
|----------|-----------------------------------|------------------|---------------------|-----------------------------|--------------------|
| 1        | Mastrantoni Construction          | \$102,290.00     | <b>\$102,291.15</b> | \$0.00                      | 0.00%              |
| 2        | Bilotta Construction              | \$114,164.30     | <b>\$114,164.30</b> | \$11,873.15                 | 11.61%             |
| 3        | ELQ Industries Inc.               | \$147,770.00     | <b>\$147,770.00</b> | \$45,478.85                 | 44.46%             |
| 4        | Contech Construction Technologies | \$149,095.00     | <b>\$149,095.00</b> | \$46,803.85                 | 45.76%             |
| 5        | Abott and Price Inc.              | \$154,865.00     | <b>\$154,865.00</b> | \$52,573.85                 | 51.40%             |
| 6        | Cassidy Excavating Inc.           | \$197,575.00     | <b>\$197,575.00</b> | \$95,283.85                 | 63.91%             |
| 7        | Joken Development                 | \$198,495.00     | <b>\$198,495.00</b> | \$96,203.85                 | 64.53%             |
| 8        | Paladino Concrete Creations       | \$252,095.00     | <b>\$252,095.00</b> | \$149,803.85                | 100.48%            |

15. Miscellaneous communications and reports

Mayor French said that on May 7th he would be meeting with Legislator George Oros and County officials to discuss issues relating to the City of Rye such as the Sluice Gate project and grants for the Bird Homestead.

16. Old Business

There was no old business to be discussed.

17. New Business

Councilwoman Keith said that the Sustainability Planning Team of the CC/AC and Pedestrian Safety Master Plan Committee of the Traffic and Pedestrian Safety Committee are investigating grant opportunities for the City. She said that if the City declares that it is a "Climate Smart Community" it will help in obtaining grant money. She suggested the Council consider adopting such a Resolution at a future meeting.

18. Adjournment

Councilman Sack made a motion, seconded by Councilwoman Keith and unanimously carried to adjourn into executive session at 10:55 p.m. to discuss personnel matters. Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the executive session at 11:30 p.m.

There being no further business to discuss, Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 11:31 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk