

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on June 15, 2011 at 8:00 P.M.

PRESENT:

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

ABSENT: None

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. General Announcements

Announcements were made regarding various meetings, events and activities of Boards, Committees and organizations.

4. Recognition of Girl Scout Troop #2282

Girl Scouts from Milton School Troop #2282 made a presentation regarding their troop Bronze Project to clean up the pathway between Hewlett Avenue and the parking lot behind Dockside Deli. After the presentation, Certificates of Achievement were presented to troop members: Kaitlin Beechert, Martina Cappellano, Paige Carlisle, Isabel Castro, Maggie Develin, Juliann Groglio, Adele Harshbarger, Kristina Marchand, Elizabeth Olsen, Tessa Panero, Cameron Robson, Larysa Shelton, Nola Storey, Julia Walker and Rina Yamaguchi as well as their troop leaders Anne Harshbarger and Rose Castro.

5. Draft unapproved minutes of the regular meeting of the City Council held May 25, 2011

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 25, 2011.

6. Mayor's Management Report  
• Legal Update

Corporation Counsel Kristen Wilson reported on the following matters:

- *Mundinger v. Planning Commission* – Oral arguments were held before Judge Colangelo in Supreme Court, Westchester County in connection with this Article 78 proceeding. The record is now fully submitted and a decision is awaited.
- *Schubert v. City of Rye* – Lou Corsi, Esq. met with the Second Circuit staff attorney in connection with this matter. A response is due to the staff attorney by June 30<sup>th</sup>.
- *Hen Island* -- The City Manager and Corporation Counsel's Offices have been working with the County and Kuder Island Colony to address complaints that the City has received. The Kuder Island Board has met and will put the issues of covering water cisterns and implementation of environmentally friendly toilets (EFT's) to the shareholders for a vote in July. The Kuder Island Board may be coming to the Council with a proposal for a zoning change.

7. Presentation on City Financials by Scott Oling of the auditing firm of O'Connor, Davies, Munns & Dobbins, LLP

Scott Oling of the firm of O'Connor, Davies, Munns & Dobbins, LLP, presented the results of the City's annual external audit for the year 2010. He said the City submits its financial statement not as a regular governmental financial statement, but as a Comprehensive Annual Financial Report (CAFR), which is submitted to the Government Financers Officers Association (GFOA). The auditors have issued an Unqualified or "Clean" Opinion on the City's Financial Statement, which is the highest form of assurance that an auditor can provide to its client. Mr. Oling discussed the General Fund, which is the City's primary operating fund. For 2010 the City's revenues came in higher than anticipated and expenses lower than anticipated resulting in revenues exceeding expenses by \$662,000, which brought the City's total Fund Balance to \$10.5 Million. Mr. Oling also explained that the City's Fund Balance is the difference between assets and liabilities and noted the encumbrances against the Fund which bring the available funds or Undesignated Fund Balance to \$2.8 million or just under 10% of the General Fund Budget, an increase of approximately \$80,000 from 2009. Mr. Oling said that there will be a new standard in effect for the 2011 financial statements that will require a new presentation of Fund Balance in five new groupings of classifications.

City Manager Pickup said the report would be posted on the City website.

8. Presentation on City Financials by the City Manager and City Comptroller

City Manager Pickup said that the trends were not as positive in 2011 as in 2010. City Comptroller Gribbins said that at this point sales tax revenues are in line with budget and should

come in at the budgeted number. The first half payment for mortgage tax revenues has been received and is \$100,000 less than half of the budgeted amount which means that the second half payment must come in \$200,000 higher than the first half in order to meet budget. In regards to debt, Ms. Gribbins said the City issued \$3,534,000 of serial bonds on May 1, 2010 at an average interest rate of 3.45% that will be payable over the next 20 years. The amount the City can borrow under Council resolution as of the end of 2010 is only \$250,000, so it must now go to referendum in order to borrow. Financial advisors are not sure what impact the tax cap will have on borrowing and ratings and how debt will be scheduled into the tax cap. Expenses have been cut by reductions in staff and deferring of projects and the City is at the point where similar reductions and deferrals will not be seen again because projects are at the point where they can no longer be deferred. Expenses may hold at the 2010 level. City Manager Pickup said that major points of concern were Building and Vehicle Fund projects such as fleet vehicles which must be replaced, labor contracts which must be settled and the City's share of Rye Town Park costs. He added that 2011 is a transition year and the City must be cautious going forward with the demands building from the community for services.

9. Continuation of Public Hearing to establish the 2012 Budgeted Fees and Charges

The public hearing remained open from the previous Council meeting.

City Manager Pickup reported on two fees that the Council had inquired about. Alarm permit fees and Building Department fees charged to people who do work without a permit. He said the City's alarm fees are lower than some communities but higher than others and that the fees should not be so high that it will discourage people from using alarms. He said the Building Department fees charged for work done without a permit are to cover the administrative costs involved and are not a penalty.

The only member of the public commenting was *Bob Zahm, 7 Ridgewood Drive*, who suggested that false alarm fees for the School District should be waived and that Engineering Department fees for sidewalk maintenance and construction charged to residents who seek to maintain their own sidewalks should be eliminated. The Council suggested tabling the proposed fee increases regarding sidewalks pending a discussion of the sidewalk repair policy.

Councilwoman Gamache made a motion, seconded by Councilman Jovanovich and unanimously carried, to close the public hearing.

10. Resolution to adopt the 2012 Budgeted Fees and Charges

Upon closing the public hearing on fees and charges for 2012, a vote was taken to adopt the fees and charges as proposed, with the exception of the proposed fee changes for the Engineering Department, which will remain the same as in 2011.

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

**RESOLVED**, that the 2012 fees and charges, are hereby adopted:

FEE DESCRIPTION	2012
<b><u>ASSESSOR'S OFFICE</u></b>	
GENERAL	
Standard Photocopy Fee	
Letter/Legal per page	0.25
MAPS	
City Maps 3'x5"	15.00
Aerial Map	15.00
Drain & Sewer map from blueprints (blue on white)	60.00
Standard Tax Map	15.00
Tax index map (40"x64")	15.00
Topographical maps	60.00
<b><u>BOARD OF APPEALS</u></b>	
GENERAL	
Multi & Commercial Appeals	500.00
Single Family Appeals	300.00
Adjourned Applications	100.00
Revised Plans	75.00
<b><u>BUILDING</u></b>	
ELECTRICAL	
Electrical permits in existing building where a building permit is not required: for multiple residences, commercial or industrial buildings	100.00
Electrical Permits in existing buildings where a building permit is not required: for one & two family dwellings with contracts valued at \$500 or more	70.00
GENERAL	
Building Permits (1) - minimum fee	75.00
Building Permits (2) - add'l charge per \$1,000 est. work	16.00
Building Permit (3) - penalty for work begun without permit	1,000.00
Certificate for Commercial Buildings	175.00
Certificate of Occupancy: to be paid with application for building permit	100.00
Changes in Approved Plans	100.00
Demolition Permits - Commercial and residential structures	2,000.00
Demo Pmts - In-ground pools tennis crts detached garages	750.00
Demo Pmts - Sheds, above ground pools, pool decks, gazebo	200.00

New Certificate for old buildings	100.00
Search for Municipal Records / Pre-date letters	80.00
<b>PLUMBING</b>	
<i>Oil or gas heating permits in existing building w/o building permit required:</i>	
New heating equipment installation or replacement	100.00
Plumbing - No building permit required (min)	70.00
Plumbing - for each fixture above 5	5.00
Sewer or storm drain connection (per)	70.00
<b><u>CITY CLERK</u></b>	
<b>ALARMS</b>	
Alarms permit - Fire/Burglar	35.00
False alarm: 2nd call per annum	50.00
False alarm: 3rd, 4th call each per annum	100.00
False alarm: over 4 per annum	200.00
<b>FIRE PREVENTION</b>	
Explosive Inspection Fee	115.00
Fireworks Display (each)	750.00
Installation of liquefied petroleum gas	57.00
Place of assembly 100 or more people	115.00
Storage of Flammable liquids (permits & insp.)	115.00
Storage of lumber (in excess of 100,000 bd. ft.)	57.00
Storage of underground tanks <1100 gal.(permits & insp.)	57.00
Storage of underground tanks >1100 gal. (permits & insp.)	115.00
Welding & cutting	55.00
<b>GENERAL</b>	
Auctioneer	500.00
Birth Certificate	10.00
Blasting Permit	300.00
Cabaret	200.00
Christmas Tree Sale Refundable Bond	45.00
Christmas Tree Sales: Inspection	100.00
Code of the City of Rye	300.00
Code of the City of Rye - Supplement	60.00
Codes: Zoning	30.00
Coin operated Dry Cleaning Establishment	90.00
Coin operated Laundry: Establishment	90.00
Death Transcript	10.00
Dog License: Neutered Dog - Owner's Cost	14.00
Breakdown of Owner's Cost:	

City of Rye Fee	13.00
NYS Fee	1.00
Dog License: Non-Neutered Dog - Owner's Cost	22.00
Breakdown of Owner's Cost:	
City of Rye Fee	19.00
NYS Fee	3.00
Dog Redemption: with current license	10.00
Dog Redemption: without current license	25.00
Dry Cleaning Establishment	90.00
Debris Collection Container:	40.00
Filming: Private Property	450.00
Filming: Public Property (Maximum)	25,000.00
Filming: Public Property (Minimum)	1,600.00
Junk Merchant: Establish place of business	275.00
Junk Peddler	60.00
Laundromat	150.00
Marriage License	40.00
Marriage Transcript	10.00
Non-refundable Bid fee (per every \$50 of bid)	15.00-100.00
Other Pamphlet Codes	8.00
Peddler, Hawker, Solicitor	300.00
Sign posting @ Boston Post Road & Cross Street	35.00
Tourist Park or Camp App. 5 units or less	50.00
Tourist Park or Camp App. 6 units or less	10.00
Tourist Park or Camp license (per unit)	60.00
<b>MECHANICAL INSTALLATION LICENSE</b>	
Gas Heat	150.00
Oil Heat	150.00
<b>MISCELLANEOUS LICENSES</b>	
Bowling Alleys	90.00
Circus	90.00
Driving Range	90.00
Miniature Golf	90.00
Moving Picture House	90.00
Public Exhibition	90.00
Public Hall	90.00
Shooting Gallery	90.00
Skating Rink	90.00
Taxi Cab License	130.00
Taxi Driver License	75.00
Theater	90.00

<b><u>PARKING</u></b>	
Non-Resident Commuter (Includes Tax)	720.00
Resident Commuter (Includes Tax)	720.00
Merchant Parking (Non-Taxable)	410.00
Taxi Stall Rental (Plus tax)	700.00
Guest Parking Overnight (max. 14 days per night)	10.00
Replacement Sticker (without old sticker)	60.00
Replacement Sticker (with old sticker)	10.00
Resident All Day/All Night	684.00
Resident All Night	342.00
Special Permits (Theo. Fremd Lot)	n/a
Commuter Parking Waitlist Fee (Per Year)	50.00
Commuter Meters - Daily Rate (12 hours)	4.00
Paystation rate per hour	0.75
<b><u>PARKING VIOLATIONS</u></b>	
No Handicapped Permit (including NYS Surcharge)	150.00
Parking in Front of a Fire Hydrant	150.00
Beach Area Parking	75.00
Parking on the Street During the Snow Ordinance	75.00
Parking in a Crosswalk	75.00
<b><u>ENGINEERING</u></b>	
<b>GENERAL</b>	
Constructed or Replaced Curb	30.00
Constructed or Replaced Depressed Curb (min)	30.00
Constructed or Replaced Driveway (min)	30.00
Constructed or Replaced Sidewalks (min)	30.00
Construction Debris Containers (per day)	50.00
Street Obstructions, Storage of Materials, Operating Machinery, loading & unloading, scaffolding & bridging	100.00
Street Opening: Curbing-Asphalt/Concrete/Flag	180.00
Street Opening: Sidewalk Area-Asphalt/Concrete/Flag	180.00
Street Opening: Street Area-Asphalt	180.00
Street Opening: Street Area-Concrete	180.00
Street Opening: Test Holes (keyhole method) (each)	60.00
Street Opening: Unpaved Areas	180.00
Street Opening Permit Surcharge	175.00
Street Opening Public Service Fee (per LF, over 72 FT length)	2.50
Surface Water Control Application fee (Stand Alone)	150.00
<b>STREETS/SIDEWALKS</b>	
Construction Manhole/Catch Basin (min)	100.00

Driving Pipes (min)	50.00
Install Underground Tank/Vault (min)	100.00
Plumbing Connection to Structures:	
Manholes/Catch Basin (min)	30.00
Plumbing Connection to Structures:	
Sewer or Drain Line (min)	25.00
<b><u>FIRE</u></b>	
GENERAL	
Inspection Fee (per inspection)	135.00
Return Inspection	50.00
Tank Removal Inspection	100.00
<b><u>PLANNING</u></b>	
COASTAL ZONE MANAGEMENT	
Waterfront Consistency Review Application	825.00
GENERAL	
Copies of Subdivision or site plans - complete sets only (per sheet)	12.00
SITE PLAN REVIEW	
Informal review	675.00
Preliminary Application (up to 10 parking spaces)	985.00
Preliminary Application - Add'l charge per required parking space over 10 spaces	30.00
Modification or Extension of Preliminary Application	825.00
Final Application ( up to 10 parking spaces)	1,225.00
Final Application - Add'l charge per required parking space over 10	30.00
Modification or Extension of Preliminary Application	900.00
Inspection Fee (Fee + 7.0% cost of improvement)	550.00
Construction and Use without prior approval	2,730.00
Modification of Tree Preservation Plan by the City Planner	500.00
Tree Replacement, fee in lieu of	1,850.00
SUBDIVISION REVIEW	
Informal Review	450.00
Preliminary Application	825.00
Preliminary Application - Add'l charge per lot	390.00
Waiver of Preliminary Application - Add'l charge per lot	360.00
Modification or Extension of Preliminary Application	650.00
Final Application	1,120.00
Final Application - Add'l charge per lot	385.00

Modification or Extension of Final Application	675.00
Waiver of Penalty Application	550.00
Inspection Fee - 7% of cost of improvement plus \$50 per lot, or \$500, whichever is greater	550.00
Modification of Tree Preservation Plan by City Planner	500.00
Tree Replacement, fee in lieu of	1,850.00
Fee in lieu of Parkland - In trust-minimum (dollars per square foot of lot area)	
<i>R-1 One Family District</i>	0.14
<i>R-2 One Family District</i>	0.25
<i>R-3 One Family District</i>	0.35
<i>R-3 One Family District (Floodplain)</i>	0.25
<i>R-4 One Family District</i>	0.40
<i>R-4 One Family District (Floodplain)</i>	0.25
<i>R-5 One Family District</i>	0.49
<i>R-5 One Family District (Floodplain)</i>	0.25
<i>R-6 One Family District</i>	0.57
<i>R-6 One Family District (Floodplain)</i>	0.25
<i>RT Two-Family district (1 and 2 Family Residence)</i>	0.57
<i>RS School &amp; Church District (1 Family Residence)</i>	0.35
<i>RA-1 District (1 Family Residence)</i>	0.57
<i>RA-1 District (2 Family Residence)</i>	0.41
<i>RA-2 District (1 Family Residence)</i>	0.57
<i>RA-2 District (2 Family Residence)</i>	0.49
<i>RA-3 District (1 and 2 Family Residence)</i>	0.57
<i>RA-4 District (1 and 2 Family Residence)</i>	0.57
<i>B-1 Business District (1 and 2 Family Residence)</i>	0.57
Apportionment Application	650.00
Construction and Use without prior approval	2,730.00
RE-ZONING APPLICATIONS	1,120.00
WETLANDS/WATER COURSES	
Application Fee	985.00
Inspection Fee	550.00
Appeal of Determination	550.00
Extension of Prior Approval	600.00
Outdoor Dining Fee	500.00
<b><i>POLICE</i></b>	
GENERAL	
Auxiliary Police Services Event Fee	200.00
Defensive Driving Course	50.00
Fingerprinting Fees	100.00

Good Conduct Certificates	75.00
Mooring Permits (per permit)	150.00
Police report copies (per copy)	0.25
Redemption of Shopping Carts	50.00
Reprints of Photographs	30.00
Subpoena Fees for Records (min)	30.00
<b>LOCAL ORDINANCE</b>	
Failure to shovel snow after a storm	50.00
<b><u>PUBLIC WORKS</u></b>	
<b>GENERAL</b>	
Collection of bulky metals at curbside (minimum)	35.00
Collection of bulky waste in excess of 2 cubic yards (min)	35.00
Penalty for amounts not paid within 60 days	25.00
Penalty for amounts not paid within 90 days	25.00
Add'l penalty for amounts not paid if collection by levy is required	25.00
<b><u>RECREATION</u></b>	
ATHLETIC FIELD USE SURCHARGE (per person/per prog)	15.00
<b>BUILDING FEES</b>	
Auditorium (per hour)	100.00
Other Rooms (per hour)	75.00
Auditorium: Non-Profit/Co-Sponsor Rate (per hour)	75.00
Other Rooms: Non-Profit/Co-Sponsor Rate (per hour)	50.00
New Multi Purpose Room (4 Hours)	575.00/675.00
Birthday Party: Basic Program (two hours)	200.00/300.00
Private Party: Other rooms (each)	475.00/575.00
Maintenance Coverage (per hour) Full-time	50.00
Maintenance Coverage (per hour) Part-time	35.00
Alcohol Permit Fee	50.00
Security Deposit (Refundable)	100.00
<b><u>RECREATION</u></b>	
ATHLETIC FIELD USE SURCHARGE (per person/per prog)	15.00
<b>BUILDING FEES</b>	
Auditorium (per hour)	100.00
Other Rooms (per hour)	75.00
Auditorium: Non-Profit/Co-Sponsor Rate (per hour)	75.00
Other Rooms: Non-Profit/Co-Sponsor Rate (per hour)	50.00
New Multi Purpose Room (4 Hours)	575.00/675.00
Birthday Party: Basic Program (two hours)	200.00/300.00

Private Party: Other rooms (each)	475.00/575.00
Maintenance Coverage (per hour) Full-time	50.00
Maintenance Coverage (per hour) Part-time	35.00
Alcohol Permit Fee	50.00
Security Deposit (Refundable)	100.00
INDOOR RECREATION	
Daily Fees (resident & non-resident)	5.00/10.00
OUTDOOR RECREATION	
All day field permit (10am-6pm)	700.00
Field permit (2 hrs.)	200.00
Field/Facility Use - Basketball - Outdoor lights (2hrs)	160.00
Softball - Men's Adult (per team)	360.00
Softball - Woman's Adult (per team)	315.00
PICNIC	
Non-profit/Police/Fire	50.00
Refundable Deposit (Part of Fee)	50.00
Weekday Picnic ( 4-Dark)	165.00
Resident: 10-50	Omit
Up to 75 (Resident/Non Resident)	200.00/300.00
Resident: 51-100	Omit
75 to 150 (Resident/Non Resident)	400.00/500.00
Resident: 101-150	Omit
Weekday Discount	Omit
TENNIS	
Permit - Adult (19 & over)	110.00
Permit - Family (max. 5)	285.00
Permit - Individual (non-resident)	220.00
Permit - Junior (6-13 /14-18 years)	60.00
Permit - Senior (60+)	75.00
Clinic - Adult Tennis (4 classes)	\$90/115
Clinic - Youth Tennis (4 classes)	\$80/\$90
Daily Fee (resident only)	13.00/7.00
Guest of Permit Holder - Hourly fee	13.00/7.00
Private lessons: Per half hour	38.00
Private lessons: Per hour	52.00
Non-Resident Senior	145.00

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

11. Presentation by the Shared Roadways Committee on prioritized master projects to facilitate biking and walking safety

Maureen Gomez and Steve Cadenhead, co-chairs of the Shared Roadways Committee, said the Committee had been asked to evaluate and recommend opportunities for improving roadways for cyclists and pedestrians in order to make the roads safer and more enjoyable and encourage people to walk rather than drive. They said they worked closely with the City Manager and City Planner, consulted with user groups, discovered policy issues that must be addressed and provided recommendations framed by budget issues. Their presentation included recommendations for:

- (1) Capital projects for inclusion in the City's Capital Improvement Plan (CIP) that include: sidewalks; crosswalks; Forest Avenue; Theodore Fremd/Purchase/Purdy Intersection; Metro North Station; Loudon Woods embankment wall; Eve Lane easement; Five Corners intersection; and the Fireman's Memorial traffic circle;
- (2) City Council action such as: adoption of a Complete Streets Policy with a Complete Streets Advisory Board; designation of certain routes as priority shared corridors; reevaluation of the sidewalk and crosswalk policies, and looking into "smart parking" technology.
- (3) Education and awareness programs such as: Safe Routes to Schools programs; Walking School Buses; and Pedestrian Safety programs for school children and adults.
- (4) Funding opportunities to pay for the capital projects such as grants, bonding or reallocating funds from other projects.

Ms. Gomez and Mr. Cadenhead suggested that the City Council hold a workshop to further discuss the recommendations put forth by the Committee and that the presentation made at this meeting be posted on the City website. They also urged the City Council to make the Shared Roadways Committee a permanent City Committee.

*Jim Amico, 350 Midland Avenue, and Robert Zahm, 7 Ridgewood Drive*, who also serve on the Shared Roadways Committee, offered their compliments to Ms. Gomez and Mr. Cadenhead. Mr. Zahm noted that there was no mention in the Committee's draft report on changing the City's snow removal policy, which he hoped would be included in the final draft. *Gerry Seitz, 141 Kirby Lane*, spoke in favor of the suggestions to make the Committee permanent and to explore "smart parking" technologies.

12. Continuation of Public Hearing to amend Local Law Chapter 76, “Dogs”, Section 76-5, “Running at large prohibited” and Section 76-6, “When Leash Required”, to establish regulations for the leashing of dogs at Rye Town Park

Mayor French said that the City had asked the Rye Town Park Commission to clarify a policy already in existence requiring dogs to be on leashes after 9:00 a.m. in order for the City Code to be amended to be consistent with that policy. He said there is a need for the City Code to be consistent with the policy in order to enforce it. *Linda Wells, 27 Radcliff Avenue*, asked if the City Council was required to adopt the proposed local law endorsing that policy and said she believed there were many members of the community who believe dogs should be leashed but they are not as vocal as the dog owners. The public hearing was held open until the next meeting and people interested in the policy were urged to attend the next Rye Town Park Commission Meeting on June 21<sup>st</sup>.

13. Public Hearing to amend Local Law Chapter 167, Section 167-9, “Procedures for street openings”, subsection D, “Fees”, to remove the setting of fees from the Local Law

City Manager Pickup said this was a clean-up situation with the Code in order to remove the fee that will now be included as one of the fees annually established by the Council. Corporation Counsel Wilson said that the proposed law would also change the permit issuing department from the Clerk’s Office to the Engineering Department.

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

No one from the public wished to speak on the proposed local law.

Councilwoman Gamache made a motion, seconded by Councilman Filippi and unanimously carried, 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. 3 2011**

**A Local Law to amend Rye City Code Sections 167-9 “Penalties Procedures for street openings” Section D “Fees” to remove the fees from the local law and to change the permit issuing department.**

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

**Section 1. §197-9**

**D. Fees.**

No permit for a street opening shall be issued by the City Engineer until the applicant shall have first paid to the City Engineer, in cash or by check payable to the City of Rye:

- (1) A deposit to be determined as provided hereunder and as set forth in the fee schedule; and
- (2) A fee as set forth in the fee schedule or 10% of the amount of the deposit, whichever shall be greater, except that whenever a permittee has filed a bond in lieu of a deposit, in accordance with Subsection F of this section, said fee shall be established on a per linear foot basis of street opening measured along the length of the street opening or the fee as set forth in the fee schedule, whichever shall be greater. No fee shall be charged to a public service corporation for the installation or relocation of poles. Said fee is to cover the cost of issuing and recording the permit and the supervision and inspection of the work done in connection therewith; and
- (3) A surcharge for each street opening permit. The surcharge shall be set annually by the City Council as set forth in the fee schedule.
- (4) Test holes (keyhole openings). The fee for test holes is set forth in the fee schedule.

**Section 2. This local law will take effect immediately on filing in the Office of the Secretary of State.**

ROLL CALL:

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

NAYS: None

ABSENT: Councilmembers Jovanovich and Keith

The local law was adopted by a 5-0 vote.

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

*Jim Amico, 350 Midland Avenue*, distributed photos to the Council of equipment left on his street by a construction company doing work in the area and said that situations such as this must be addressed because there are safety issues.

*Maureen Gomez, who said she was representing residents of Rye Gardens*, spoke about site line issues due to the back up of cars in the southbound lane of Boston Post Road waiting to enter the Osborn School parking lot. She said there has been one accident and several near

misses in the area and there is growing concern from residents trying to see northbound traffic from the southbound side. She said that maybe a portion of the Diet must be undone to aid sight line distances and added that this is a problem that the School District should also be involved in solving. *Bob Zahm, 7 Ridgewood Drive*, said the Diet was supposed to be reexamined in a year and now might be the time to do it in order to take the next step to improve safety, including actions to be taken by the School District.

*Ray Tartaglione* spoke about Hen Island and said the proposed solutions for Hen Island approved by the Kuder Island Colony Board as reported earlier by Corporation Counsel Wilson will not address the issues of mosquitoes and potable water. He said he believes that the Board is convincing the City that they should be allowed special treatment rather than being required to meet Code. He suggested that special consultants should be hired at Kuder Island's expense to advise them as to how to fix the problems.

15. Resolution to transfer \$25,000 from Contingency to Engineering services for design fees for Capital Projects

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

**WHEREAS**, City staff has determined that the amounts required for design fees for Capital Projects including Sonn Drive/Boston Post Road Intersection Improvement follow-up and the design for permanent improvements at Palisades Road and Midland Avenue that were not anticipated and were not provided for in the adopted 2011 budget by \$25,000, and,

**WHEREAS**, the General Fund Contingent Account has a balance of \$225,000, now therefore, be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$25,000 from the General Fund Contingent Account to the Engineering Services Account.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

16. Consideration to set a Public Hearing for August 10, 2011 regarding a change to the zoning district designation of the 1051, 1037, and 1031 Boston Post Road properties from the B-1 Neighborhood Business District to the B-2 Central Business District and Change

the parking district designation of 1031 Boston Post Road from the “C” to the “A” Parking District

City Planner Christian Miller said there is a planning rationale for the proposed zoning change based in part on the 1985 Master Plan and 2007 Central Business District Plan. The proposal would increase the development opportunities on the properties adjacent to City Hall in anticipation of a sale of 1037 Boston Post Road.

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

**WHEREAS**, the Council wishes to amend amend the “Parking Districts Map” and the “Zoning Map” of the City of Rye, New York for the Purpose of Expanding the “A” Parking District and the “B-2” Central Business District and to Amend the Table of Permitted Main Uses in the B-2 Central Business District to Allow Dwelling Units of the First Floor for Properties Located on Boston Post Road; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendments 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 August 10, 2011 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 of a Local Law to amend the “Parking Districts Map” and the “Zoning Map” of the City of Rye, New York for the Purpose of Expanding the “A” Parking District and the “B-2” Central Business District and to Amend the Table of Permitted Main Uses in the B-2 Central Business District to Allow Dwelling Units of the First Floor for Properties Located on Boston Post Road.

**Notice is hereby given that a Public Hearing will be held by the City Council of the City of Rye on the 10<sup>th</sup> day of August, 2011 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 a proposed local law to amend the “Zoning Map” of the City of Rye, New York to change the zoning district classification to the B-2 Central Business District for three contiguous properties located at 1051, 1037 and 1031 Boston Post Road; amending the “Parking Districts Map” of the City of Rye, New York to change the classification to the “A” Parking District for a property located at 1031 Boston Post Road; and to amend the B-2 Central Business District Table of Permitted Main Uses to allow dwelling units on the first floor for properties having frontage on the Boston Post Rd.**

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

Dawn F. Nodarse  
City Clerk

Dated: July 29, 2011

**BE IT FURTHER RESOLVED**, that the proposed amendment to the Zoning Code of the City of Rye is hereby referred to the Planning Commission of the City of Rye and the Westchester County Department of Planning; and

**BE IT FURTHER RESOLVED**, that the City Council hereby declares its intent to be Lead Agency under SEQRA in connection with the proposed local law.

17. Bid Award for the Annual Street Resurfacing contract (Bid #2011-01)  
Roll Call.

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

**RESOLVED** that Contract #2011-01, Annual Street Resurfacing, is hereby awarded in the amount of \$312,280.60 to ELQ Industries, the low bidder whose bid meets the specifications.

ROLL CALL:

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

The Resolution was approved by a 7-0 vote.

Bid Tab

Contract No. 2011-01 – Annual Street Resurfacing Contract

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	Position
ELQ Industries	\$316,300.00	\$312,280.60	\$0.00	1
PCI Industries	\$367,475.00	\$367,475.00	\$55,194.40	2
Petrillo Contracting	\$370,000.00	\$370,000.00	\$57,719.40	3
Bilotta Construction	\$385,078.00	\$385,078.00	\$72,797.40	4
Morano Brothers	\$412,312.00	\$412,312.00	\$100,031.40	5

18. Bid Award for the Kirby Lane Extension Sanitary Sewer contract (Bid # 2011-02)  
Roll Call.

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

**RESOLVED** that Contract #2011-02, Kirby Lane Extension Sanitary Sewer, is hereby awarded in the amount of \$467,330.00 to ELQ Industries, the low bidder whose bid meets specifications.

ROLL CALL:

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

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

Bid Tab

Contract No. 2011-02 – Kirby Lane Low Pressure Sanitary Sewer Extension

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above low bidder	Position
ELQ Industries	\$467,330.00	\$467,330.00	\$0.00	1
Bilotta Construction	\$545,811.80	\$545,811.80	\$78,481.80	2
Cassidy Excavating	\$572,214.26	\$572,214.16	\$104,884.16	3
Joken Construction	\$740,895.00	\$740,895.00	\$273,565.00	4
Montesano Bros. Inc.	\$899,000.00	\$899,003.98	\$431,673.98	5
NDL Associates	\$969,495.00	\$969,495.00	\$502,165.00	6
Morano Brothers	\$1,050,000.00	\$1,050,000.00	\$582,670.00	7

19. Bid Award for the Intersection Reconstruction at Purchase Street and Locust Avenue contract (Bid # 2011-03)  
Roll Call.

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

**RESOLVED** that Contract #2011-03, Intersection Reconstruction at Purchase Street and Locust Avenue, is hereby awarded in the amount of \$192,200.00 to Contech Construction Technologies, the low bidder whose bid meets specifications.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

Bid Tab

Contract No. 2011-03 – Purchase Street and Locust Avenue Intersection

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	Position
Contech Construction Technology	\$192,200.00	\$192,200.00	\$0.00	1
ELQ Industries	\$224,162.00	\$224,162.00	\$31,962.00	2
Petrillo Contracting	\$269,490.00	\$269,490.00	\$77,290.00	3
Coppola Paving and Landscaping	\$357,322.00	\$357,322.00	\$165,122.00	4

20. One appointment to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint Kate Conn to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014.

21. Miscellaneous Communications and Reports

Councilwoman Keith reported that the Sustainability Committee has been researching different initiatives and will report to the Council in July.

22. Old Business

Councilman Filippi asked when discussions would be scheduled on the Tree Ordinance and water runoff. City Manager Pickup said the discussion on the Tree Ordinance would probably be in the Fall. Mr. Filippi also asked for an update on the Central Avenue Bridge. Mr. Pickup said there have been issues with the Department of Environmental Conservation (DEC) regarding contaminated soils. These issues are being worked on and will have to be included in the bid package.

23. New Business

Councilman Filippi asked if the proposed zoning changes discussed earlier could be referred to the Finance Committee.

24. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 11:57 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk