

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 21, 2009, at 8:00 p.m. in the Council Room of City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Presentation by the American Red Cross regarding emergency response capabilities.
4. Residents may be heard who have matters to discuss that do not appear on the agenda.
5. Consideration to set a public hearing for November 18, 2009 regarding the New York State Capital Assistance Program for flood mitigation for the Sluice Gate project.
6. Consideration of setting the 2010 Budget Workshop schedule.
7. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$8,640 for participation in the "Buckle Up New York" program.
Roll Call.
8. Miscellaneous communications and reports.
9. Old Business.
10. New Business.
11. Draft unapproved minutes of the regular meeting of the City Council held October 7, 2009.
12. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, November 4, 2009.



CITY COUNCIL AGENDA

NO. 3 DEPT.: Police DATE: October 14, 2009
CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Presentation by the American Red Cross regarding emergency response capabilities.

FOR THE MEETING OF:
October 21, 2009
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A presentation will be made by Dan Iradi and John Ravitz, the CEO of the Westchester Chapter of the American Red Cross to discuss their emergency response capabilities and to describe the available opportunities for members of the community to volunteer to provide assistance during emergencies.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Manager's Office

DATE: October 15, 2009

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Consideration to set a public hearing for November 18, 2009 regarding the New York State Capital Assistance Program (NYS CAP) for flood mitigation for the Sluice Gate project.

FOR THE MEETING OF:

October 21, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council set a public hearing date.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye and the Village of Rye Brook are proposing modifications to the City-owned Bowman Avenue Spillway. The purpose of the project is to provide flood mitigation for properties located along Blind Brook downstream of the existing spillway. Properties in both the City and Village sustained significant damage as the result of two major floods in March and April 2007. In response to those events the City engaged consulting engineers WSP-Sells (formerly Chas. H. Sells, Inc.) to consider alternative flood management strategies for Blind Brook. The sluice alternative was deemed to be the most cost-effective.

The City of Rye has been approved for a NYS CAP grant in the amount of \$400,000 to be administered by the Dormitory Authority. A provision for the funding includes the holding of a Public Meeting to review the project and completing the necessary SEQRA process requirements.



Dormitory Authority
State of New York

*right
this is the \$ for Mr. Williams - P*

Gail H. Gordon, Chair
Paul T. Williams, Jr., Executive Director

July 17, 2008

Received

JUL 21 2008

City Manager's Office
Rye, New York

Mr. Paul Shew
City Manager
City of Rye
1051 Boston Post Road
Rye, NY 10580

*Re: New York State Capital Assistance Program (NYS CAP)
Flood Mitigation*

Dear Mr. Shew:

As you know, City of Rye has been approved by the New York State Assembly Ways & Means Committee to receive a New York State Capital Assistance Program ("NYS CAP") grant for the above-referenced project in the amount of \$400,000 (the "Grant"). The Dormitory Authority of the State of New York will be administering this Grant.

Enclosed you will find the "**Project Information Sheet**" for your NYS CAP Grant. Please complete the four (4) sections in the attached Project Information Sheet, as well as sign and date the Project Information Sheet certifying that the information you provided to the Dormitory Authority is true and correct. Please mail the signed original, as soon as possible, to:

Ms. Karen B. Rieth
Director, Budget
Dormitory Authority of the State of New York
515 Broadway
Albany, New York 12207

For your convenience, a sample return letter is attached to assist you when assembling the Package to return to the Dormitory Authority.

CORPORATE HEADQUARTERS
515 Broadway
Albany, New York 12207-2964
Tel: 518-257-3000
Fax: 518-257-3100

NEW YORK OFFICE
One Penn Plaza, 52nd Floor
New York, New York 10119-0098
Tel: 212-273-5000
Fax: 212-273-5121

BUFFALO OFFICE
539 Franklin Street
Buffalo, New York 14202-1109
Tel: 716-884-9780
Fax: 716-884-9787

WEB
www.dasny.org



Once the Dormitory Authority receives the Project Information Sheet, a Grant Administrator may contact you to set up a conference call between the Dormitory Authority and City of Rye to discuss the project and how we will proceed.

Should you have any questions concerning the enclosed documentation, please call (518) 257-3177 and someone from the Grant Unit will contact you.

Very truly yours,

Debra Pulenskey Drescher
Managing General Counsel

Enc.

cc (w/out enc.): Stephen M. August, Assembly Ways & Means
Michael T. Corrigan, Dormitory Authority
Jack Homkow, Dormitory Authority
Sara Richards, Dormitory Authority
Deborah DeGenova, Dormitory Authority



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: October 14, 2009

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Consideration of setting the 2010 Budget Workshop schedule.

FOR THE MEETING OF:

October 21, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council assign dates for the upcoming 2010 Budget Workshops.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Four workshops will be held to review the proposed 2010 Budget.



CITY COUNCIL AGENDA

NO. 7

DEPT.: Police

DATE: October 6, 2009

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$8,640 for participation in the "Buckle Up New York" program.

FOR THE MEETING OF:

October 21, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$8,640.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$8,640 from the Governor's Traffic Safety Committee to participate in the "Buckle Up New York" program. The goal of the program is to increase the use of seat belts thereby reducing serious injury and deaths that result from vehicle accidents.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



October 5, 2009

Memorandum for: Frank J. Culross, City Manager

Subject: **“BUCKLE UP NEW YORK” SEAT BELT ENFORCEMENT
GRANT**

I am pleased to report that the City of Rye Police Department has once again been awarded a grant of \$8,640 by the Governor’s Traffic Safety Committee to participate in the statewide “Buckle Up New York” program during the coming year. The program’s goal is to increase the use of seat belts, thereby reducing serious injury and death resulting from vehicle accidents.

A copy of the grant award letter is attached for your information.

William R. Connors
Police Commissioner

WRC/wrc

cc: Jean Gribbins, Comptroller
Sgt. Susan Rigano

Received

OCT 06 2009

City Manager’s Office
Rye, New York



DAVID A. PATERSON
Governor

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES



DAVID J. SWARTS
Chair

September 23, 2009

Sergeant Susan Rigano
Rye City Police Department
21 McCullough Place
Rye, New York 10580

Re: BUNY-2010-Rye City PD -00088-(060)
"BUCKLE UP NEW YORK!"
EFFECTIVE DATE: October 1, 2009

Dear Sergeant Rigano:

On behalf of Governor David A. Paterson, I am pleased to notify you that the City of Rye has been awarded \$8,640 to participate in the statewide "BUCKLE UP NEW YORK!" campaign. Our goal is to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

David J. Swarts
Chair and
Commissioner of Motor Vehicles

DJS:et
Enclosure
cc: Joseph Fazzino
William Connors ✓



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Clerk

DATE: October 8, 2009

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the regular meeting of the City Council held on October 7, 2009, as attached.

FOR THE MEETING OF:

October 21, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the Unapproved Minutes of the regular meeting of the City Council held on October 7, 2009.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 7, 2009 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER (arrived at 8:30 p.m.)
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT: None

The meeting convened at 7:40 p.m. Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn into Executive Session to discuss labor relations. Mayor Otis made a motion, seconded by Councilwoman Gamache to adjourn the Executive Session at 8:08 p.m. No action was taken. The regular meeting convened at 8:09 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

Announcements

Mayor Otis began the meeting by noting the passing of Jean Sinnott, who had once served on the Board of Education. He offered the condolences of the Council to her daughters and extended family.

3. Approval of the election of two new members to the Rye Fire Department

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

RESOLVED, that the City Council
of the City of Rye hereby approves the
election of Ann Ivan and Vincenzo Repola

to the Rye Fire Police Patrol approved at the September meeting of the Fire Wardens.

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

Bob Zahm, 7 Ridgewood Drive, spoke about pedestrian safety. He noted that the Trailways Committee did a good job of dissecting the issue and had encouraged walking and biking, but the sidewalks and intersections in the City are not safe. He said he would like the City to: (1) be more aggressive in the enforcement of existing traffic and sidewalk maintenance laws; (2) look at the risk points around the City and make an effort to fix them; and (3) revisit the sidewalk laws which now place the liability on the property owner.

Comment from the Council included:

- Some of the Federal stimulus money the City is receiving would be used to fill in some of the gaps that were identified in the Trailways Committee report.
- The City will be making choices about capital improvement projects in the upcoming budget process.
- The City of Rye does not receive grant money for sidewalks.
- After the stimulus projects are completed it will be time to reprioritize.
- The Safe Routes Committee was about changing behavior.
- While enforcement should be increased, the Police can't be everywhere. The schools must take part of the responsibility to reach out.

Elizabeth Zahm, 7 Ridgewood Drive, spoke about the issue of people crossing the Boston Post Road at Sonn Drive rather than walking to the corner of Oakland Beach Avenue. She said the consensus is that they are either lazy or stupid but she believes there is a better chance of crossing safely at Sonn Drive than being jostled while walking on the sidewalk to the corner. She said the Council should focus on safety at the elementary schools. Brian Dempsey, Chair of the Traffic and Transportation Committee spoke on the dynamics of the Sonn Drive issue. He said this area has been looked at extensively. It is the busiest section of the Boston Post Road. In the afternoon one lane is blocked by traffic going into the school, which is a reason the diet was not implemented in this section of the Boston Post Road. The sidewalk is four feet wide, which is standard in the City but does give the impression of being narrow. City staff has been looking into right-of-way issues to determine if the sidewalk can be widened to five or six feet and pushed closer to the houses. A pedestrian bridge would be too expensive due to handicapped issues. There are issues with the use of standard guardrails and jersey barriers, so he is looking to see if there is anything else that can be used.

Arthur Stampleman, 720 Milton Road, Joe Murphy, 57 Franklin Avenue, Tom Saunders, 14 Ellsworth Street and Marion Shea, 48 Brookdale Place came to make a presentation on behalf of the Rye Senior Advisory Committee. Mr. Stampleman spoke about the Senior Advocacy Committee Directory, which has been updated to provide more information and be more user friendly. It provides information for seniors in areas such as health, legal services, financial assistance, housing and transportation. There are copies available in four locations: the Rye Free Reading Room, the Damiano Center, Rye Manor and The Osborn. It can also be accessed

on the websites of the City of Rye and the Rye Record. Mr. Saunders spoke about "Aging in Place", which he said grew out of Westchester County's "Livable Communities" initiative. This is a peer group of people over 60, who provide services such as patient advocacy, transportation, nutrition and provide referrals to vetted in-home services and attempt to negotiate group discounts for those services.

Ray Tartaglione asked if anyone had an answer for him relative to the question he asked at the September 16, 2009 meeting about City Code Section 108.25 regarding potable water on Hen Island. City Manager Culross said he has discussed the issue with the Building Inspector who feels that there is no violation because the State Code supersedes the City Code and it does not require an internal system that includes drinkable water. Councilman Pratt suggested that Mr. Tartaglione work with his neighbors on Hen Island to solve any problems and offered him information about composting toilets. Mr. Tartaglione insisted that he could not force his neighbors to put in those systems and that the City should issue violations.

5. Public information meeting regarding the replacement of the Central Avenue Bridge

Assistant City Manager Scott Pickup said that the next step in the requirements for receiving money for the replacement of the Central Avenue Bridge was to have a public information meeting and introduced Project Engineer Robert Lin of the firm of Berger Lehman. Mr. Lin said that the objectives for replacing the Central Avenue Bridge were to make it aesthetically similar to the original bridge, incorporate current design standards and provide a larger cross-sectional area for flood waters and restore vehicular and pedestrian traffic. Funding for the project is 80% Federal and 20% from the City of Rye. It was originally believed that the project would be funded by FEMA but it was later determined that because Central Avenue is a State Road it would have to be funded through the New York State Department of Transportation (DOT) Emergency Relief Program. This imposed additional design protocols and required the City and Consultant to comply with additional standards. Three alternatives were considered: (1) not rebuilding; (2) steel stringer with composite concrete deck superstructure; and (3) prestressed concrete superstructure. The third alternative was chosen because it best met the project objectives. It will have two 12' travel lanes and two 6' sidewalks. The estimated construction cost is \$1.5 million and construction should last six to eight months. The City must now submit a draft design report to New York State DOT; obtain the required permits; complete the final design and advertise for and award bids. It is anticipated that construction will start in spring 2010.

Council questions and comment included:

- We need to move more aggressively with DOT in order to begin construction at the end of the winter. (DOT is allowing a concurrent review and the design consultant has already designed their questions into this presentation, so when the design goes back it should be turned around more quickly. The biggest hold up at the State level relates to DOT staffing concerns due to stimulus projects.)
- Will changes to the bridge involve taking of private property? (No)
- Are there any egress issues for residents near the bridge? (No)

- What will happen to utility service during construction? (The utilities were rerouted in March 2008 when the deck was removed.)
- Why has this project been delayed? (The project had been tracking at the same pace with the Elm Place wall, when FEMA notified the City it was no longer eligible. Construction would almost have been completed at this point if it was not transferred to the DOT program.)
- Is there any way to accelerate the finishing of the design and bidding process? (There are specific requirements that must be met regarding how the project is advertised, the bid specs and the award of bids.)
- Are the additional Con Edison conduits for future consideration? (Yes, Con Edison has requested it for future needs.)
- It is good that the engineers have accommodated pedestrian access to future trails.

Ken Mccomb, 10 Central Avenue, expressed his concern about safety issues due to parking on Central Avenue and asked the Council to address this issue in traffic studies. Mayor Otis said parking issues could be revisited after the bridge is completed. Mr. Mccomb also voiced his concerns about speeding when the bridge is reopened, noting that there are many children in the area. He also suggested that the City do a traffic study on making Central Avenue and Orchard Avenue one-way streets. *John Roberts, 13 Central Avenue*, said he did not agree that one-way streets were the answer.

6. Presentation regarding Rye Habitat Project acceptance by National Wildlife Federation Program

Jane Grant introduced the members of the Rye Habitat Project, including Mason Curtis, Kate Murphy, Alison Beale and Joe Murphy. She said the City has been accepted by the National Wildlife Federation as a Registered Wildlife Community, the first in New York to be working toward becoming a Certified Wildlife Community. She thanked the Conservation Commission/Advisory Council, the Marshlands Conservancy, the Nature Center and Rye Free Reading Room for their support. She said properties have started to become Certified Wildlife Habitats. Mason Curtis is working on a habitat garden at Rye High School and there will be an educational meeting on November 12 at the Rye Nature Center. She added that a Community Wildlife Habitat program brings people together to create a place where flora, fauna and people can all flourish. Mayor Otis offered his congratulations to all who worked on this project. Robert Schubert, 980 Forest Avenue, said he was in favor of this award and noted that his pond had previously received a similar award.

7. Presentation by the Rye Nature Center on a proposed *Nature Run* to be held in November as a fundraising even

Lisa Sandler, President of the Friends of the Rye Nature Center, provided background on the trail race. Last year the Friends of the Nature Center put all of the funds from their benefit towards the building of the Nature Playground and were able to put in two pieces. Proceeds from the trail run will be utilized to fund the handicapped accessible piece of the playground. It

will be coupled with the Fall Festival at the Nature Center and will take place completely on Nature Center property.

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

RESOLVED, that the Rye City Council supports the Nature Run to be held in November as a fundraising event at the Rye Nature Center.

8. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 29, 2009 from 10:00 a.m. to 3:00 p.m. for the Mistletoe Magic event

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

RESOLVED, that the request of the Rye Chamber of Commerce (formerly Rye Merchants Association) to close a portion of Purchase Street on November 29, 2009 from 10:00 a.m. to 3:00 p.m. for the Mistletoe Magic event be approved.

9. Bid Award for the renovations to the roof and chimneys at the Square House (Contract #2009-01)
Roll Call.

Prior to awarding the bid, Mayor Otis asked Gene McGuire of the Rye Historical Society to provide information on the organizations upcoming walking tour. Mr. McGuire said the event would be held on Saturday, October 17, 2009 and would include Rye Town Park, Playland and the surrounding neighborhoods.

City Manager Culross said that City staff recommends proceeding with the renovation of the Square House roof, which was last replaced in 1974, and believe there are adequate funds available. The roof is currently leaking and the building will continue to suffer damage if the project is deferred.

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

RESOLVED, that Contract #2009-01, Renovations to the roof and chimneys at the Square House, be awarded to K-Con Site

Developers, the low bidder meeting the City's specifications, for the amount of \$108,433.85

ROLL CALL

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

CONTRACT #2009-01

**RENOVATIONS TO SQUARE HOUSE ROOF
AND CHIMNEYS**

BIDDER	AMOUNT BID
K-Con Site Developers	108,433.85
T.S. General Roofing	152,496.00
J. Salvatore & Sons	163,500.00
Precision Roofing	301,674.00

Executive Director of the Rye Historical Society Ruth Smalt thanked the Council and City staff for working to maintain the integrity of the Square House.

10. Consideration of a resolution adopting a SEQR Negative Declaration in connection with the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd.

City Planner Christian Miller said the adoption of a Negative Declaration under SEQRA was a procedural matter that was required for the record and for receiving the funding for the reconstruction of the Theodore Fremd Avenue retaining wall.

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

WHEREAS, in April 2007 the retaining wall on Blind Brook at Theodore Fremd Avenue was damaged and collapsed as a result of a major flood; and

WHEREAS, the proposed action involves the reconstruction of the retaining wall on Blind Brook at Theodore Fremd and the restoration of the adjacent roadway and City parking lot; and

WHEREAS, on September 16, 2009 the Rye City Council conducted a public information meeting on the proposed action including a presentation from the project consultant; and

WHEREAS, the Final Design Report (P.I.N. 8701.43) dated September 24, 2009 provides a complete description of the project, the alternatives considered and notes no adverse impacts associated with the proposed project including no increase in upstream or downstream water surface elevations on Blind Brook; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) dated October 1, 2009 and determines that the proposed action is an Unlisted Action and that a coordinated review will not be conducted; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council, based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, finds that the proposed action will not have a significant adverse environmental impact and that a Negative Declaration be issued for the project.

ROLL CALL

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

NAYS: None

ABSENT: None

11. Public Information Meeting and consideration of a resolution adopting a SEQR Negative Declaration in connection with the Sidewalk/Pedestrian improvement projects being funded under the Transportation Improvement Program (TIP)

City Planner Christian Miller said that the City receiving Federal stimulus money is a great opportunity for the City to advance pedestrian safety projects throughout the community. The projects are currently going through the design review phase. There are a number of things that must be done to comply with Department of Transportation (DOT) requirements in order to receive funding. Holding this public information meeting and adopting a resolution in compliance with the State Environmental Quality Review Act (SEQRA) will move the process forward. The \$695,000 in funding will be spent on five specific projects:

1. Replacing the Library Lane traffic signals and enhancing the pedestrian crossings;
2. Improvements to the intersection of Playland Parkway and Forest Avenue, which will add additional crosswalks left out of a prior County project due to lack of funding, and also provide for pedestrian signal phases at the crossings;
3. Improvements at Midland and Palisades, which will involve installing pedestrian bump outs or extending the curb line into Midland Avenue in the zone that is currently stripped for no parking;
4. Install a new sidewalk from Johnson Place to the Mamaroneck line on the west side of Boston Post Road;

5. Install a sidewalk on the south side of Oakland Beach Avenue in the Disbrow Park area from Chamberlain Street to Blind Brook.

Questions and comments from Council Members included:

- The projects will provide significant improvements and address concerns expressed by the community.
- The City is lucky to get the money but did not have much choice in what projects would qualify for funding because they had to be "shovel ready". The projects chosen were already in the planning stage.
- How will Oakland Beach Avenue be shifted? (Oakland Beach Avenue across from Blind Brook will be shifted north and a section of sidewalk leading to the asphalt path that goes to Disbrow Park will be removed. This will allow for the creation of a five foot sidewalk. Some utility poles may have to be moved, a portion of a retaining wall may need to be removed, but existing residences will not be affected.)
- Since there will only be a sidewalk put in on one side of Oakland Beach Avenue, will a crosswalk be put in? (It is not in this project but can be looked at in the future. There is a challenge with mid-block crosswalks but there might be an opportunity to improve the existing path on the North side of the bridge that goes to Disbrow Park and is completely separated from the roadway.)
- Will the two houses opposite Harbor Drive off Oakland Beach Avenue that share a driveway be affected by the road shifting? (The road is not being made wider, the sidewalk is being moved out of the way and the project should improve their site line.)
- Do we need County approval for the Playland Parkway crosswalk project, and if so, will waiting for their approval slow the project? (The City has been coordinating with the County. The County has provided the City with their plans for a four-way crossing that were drawn up but not implemented due to lack of funding. The City is looking to expand on those plans.)

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

WHEREAS, the proposed action involves the implementation of pedestrian improvements at five locations in the City of Rye under the State Transportation Improvement Program (TIP Amendment #876084); and

WHEREAS, the pedestrian improvements are known as: 1) Library Lane Signal and Pedestrian Improvements; 2) Playland Parkway @ Forest Avenue pedestrian improvements; 3) Midland @ Palisades intersection pedestrian improvements 4) Boston Post Road sidewalk (Johnson Place to Mamaroneck Line); and 5) Oakland Beach Avenue pedestrian improvements; and

WHEREAS, on October 7, 2009 the Rye City Council conducted a public information meeting on the proposed action; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) dated October 1, 2009 and determines that a coordinated review will not be conducted; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact and that a Negative Declaration be issued for the project.

ROLL CALL

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

NAYS: None

ABSENT None

12. Consideration of a resolution whereby all matters which affect the City of Rye shall be made known to the entire City Council and be subject to the assent by vote of a majority of its members.

Councilman Sack said he had proposed this item as a Resolution but it could have also been a topic for discussion. He quoted from C6-2 A of the City Charter regarding the legislative powers of the City and said he felt that the powers and duties of all members of the Council were taken away when one member endeavored to decide policy matters individually without the consideration of the entire Council. He said he did not believe the issue was if this was happening, but if it was a good thing that it does happen, which he did not believe it was. Mr. Sack said he believes the practice should be for all members of the Council to be involved. He said he was not opposed to individual members of the Council applying themselves to particular situations where they might have impact where other members could not, but was against this being done without the knowledge of the rest of the Council. He said his proposed Resolution was not meant to replace the City Charter and alternatively, could propose a Resolution that the Council agrees to abide by City Charter Section C6-2. The proposed Resolution read as follows:

WHEREAS, The Rye City Council is an elected body that must take action by a vote of a majority of its members, and

WHEREAS, Action by one, or less than a majority, of its members, without a vote of a majority of its members, is not permitted, and

WHEREAS, Every member is entitled to be advised of and to participate in the formulation of policy that affects the City of Rye, and

WHEREAS, No single member or group of members is authorized to engage in discussions or negotiations on matters that affect the interests of the City of Rye, without the knowledge of all members, and the assent by vote of a majority of its members, and

WHEREAS, Any such discussions or negotiations should be coordinated through the Rye City Manager, therefore

BE IT RESOLVED, Whenever any member of the Rye City Council desires to have a meeting or discussion, regarding issues that may affect the policy or business of the City of Rye, with other government officials or bodies, or with any other interested parties, that such meeting or discussion be disclosed to the City Manager in advance, that all members of the Rye City Council be given the opportunity to participate in such meeting or discussion, and that promptly after such meeting or discussion, a report be made to all members of the Rye City Council on the topics covered, including any offers made or received, and any proposed follow-up.

Council comment on the proposed Resolution included:

- Often elected officials interact with other government officials or community members – that does not constitute making policy.
- No member of the City Council can establish policy by themselves. All policies must be established by the Council as a group by vote.
- The proposed Resolution is politically motivated.
- If the Mayor or Council Members have an opportunity to have conversations with other municipal officials they should not have to be approved by other Council Members.
- Any conversation that a Council Member can have that helps the City should be done.
- The job of an elected official is to advocate for the City.

There was a heated discussion among the members of the Council regarding discussions with the New York Thruway Authority relative to negotiating a lease for property located opposite the Rye Country Day School for use as a field as well as a meeting held with the Chief Judge, the Mayor, City Manager and City Court officials regarding the Police/Court facility.

Councilman Sack reiterated that he does not have a problem with Council Members speaking with constituents or gathering information, but had a problem with them speaking or negotiating with people who can make decisions affecting the City. He said he had not wanted the discussion to focus on any one issue and his attempt to discuss the issue should not be dismissed as politics.

There was no second to the proposed Resolution and no vote was taken.

13. Consideration of a letter of support for a grant application to the New York State Department of Environmental Conservation for stormwater system mapping.

City Engineer George Mottarella said that the City had been approached about a 75/25% New York State Department of Environmental Conservation (DEC) grant for stormwater system mapping. The City's cost would be 25%, which can be covered by a City employee going out with the mapping agents. The City will be able to incorporate the information into our GIS system. It will provide the City with a better drainage map which helps in Phase II stormwater requirements.

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

RESOLVED, that the City Council of the City of Rye hereby approves sending a letter of support to the New York State Department of Environmental Conservation for a grant application for stormwater system mapping.

ROLL CALL

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

NAYS: None

ABSENT: None

13A. Two appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval

Mayor Otis made a motion, unanimously carried, to appoint Nicholas Hodnett and Chris Cohan to the Conservation Commission/Advisory Council for three-year terms ending January 1, 2012.

14. Acceptance of a COPS Technology Grant Award from the Department of Justice Office of Community Oriented Policing Services in the amount of \$30,000 for an in-car video system.

City Manager Frank Culross said that the grant came from Congresswoman Nita Lowey to provide in-car digital recording systems in two police cars plus the necessary software to download the data to the City's hard drive system when the vehicle returns to police headquarters. The out-of-pocket costs over three years should be less than \$900. Mr. Culross added that in the vast majority of times when these recordings exist, it shows that police are doing their jobs and it is a technology that all Police Departments should be using.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the acceptance of a COPS Technology Grant Award from the Department of Justice Office of Community Oriented Policing Services in the amount of \$30,000 for an in-car video system.

ROLL CALL

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

NAYS: None

ABSENT: None

15. Miscellaneous communications and reports

Councilman Cunningham complimented the Rye Police Department for their work with other Police Departments in connection with the arrest of an individual for breaking and entering into homes in the community. He also said he wanted to show his support for the Rye Garnets in the upcoming game against Harrison.

Councilman Ball said that there is dismay among some residents of Highland Hall about a landscaping project that is underway there. They are concerned that there is a continued pattern of little information from the owner and hostile activity. He said he understands that most of what is being done is "as of right" but asked that staff scrutinize the work closely.

16. Old Business

Councilman Pratt spoke about the issue of deer culling that had been raised at a previous meeting. He said that licensed bow hunters hunt for an average of 19 days per year for two deer allowed under a license per year. The deer population will continue to grow and whatever a City Council decides to do must be a sustainable plan. In order to make it workable it should be in cooperation with the County. The County has a Deer Management Task Force and they are starting to do controlled hunts. The earliest possible action could not take place until next Fall, which should be preceded by a survey, report to the community, public comment on the report and a determination by the Council if they want to file the paperwork required by September 1st. He suggested any action taken by future Councils should involve Westchester County, the DEC and professional bow hunters. He offered to come up with an outline of how the City might deal with the deer issue in the future. Mayor Otis said he had attended the annual meeting of the Friends of the Reed Sanctuary who indicated they would like to be part of any dialogue the City might have on the issue of deer culling.

Councilman Cunningham said he had attended a Tappan Zee Bridge Replacement Project meeting along with Councilman Ball. The Department of Transportation (DOT) Office presented a long planning scenario regarding what they want to do regarding mass transit in the area. They would like to put in a high-speed bus route from the City of Rye/Port Chester area near I-287 and I-95 to Rockland County, which could potentially impact the City. He said he found attending forums like this were helpful to local officials to see the bigger picture. Mayor Otis said the two destinations spoken about most frequently for that project are the Port Chester Train Station and behind the Kohl's Shopping Center off Midland Avenue.

17. New Business

There was no new business to be discussed.

18. Draft unapproved minutes of the regular meeting of the City Council held September 16, 2009

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried to approve the minutes of the regular meeting of the City Council held on September 16, 2009

19. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 12:03 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk