

MINUTES of the Organizational and Regular
Meeting of the City Council of the City of Rye held in
City Hall on January 3, 1996 at 8:00 P.M.

PRESENT:

EDWARD B. DUNN, Mayor
JAMES K. BURKE
EDWARD J. COLLINS
CAROLYN C. CUNNINGHAM
ROBERT H. HUTCHINGS
JOSEPH L. LATWIN
KATHLEEN E. WALSH
Councilmen

ABSENT: None

1. Roll Call

Mayor Dunn called the meeting to order; a quorum was present to conduct official City business.

2. State of the City Remarks by the Mayor

Mayor Dunn presented the following State of the City address:

STATE OF THE CITY - JANUARY, 1996

“Happy New Year. To the new Council Members, welcome!

“It is traditional to start these remarks with an assessment of where we are today, that is, the “State of the City.”

“By any measure, the response to this question has to be “good.” Crime in the City remains low, there has been little damage by serious fire. Our streets and bridges are in good repair. Our population overall is stable with our school population growing. Residential real estate values are stable. The many unique assets of our City are under good management and making firm progress. These include Rye Golf Club, the Marina, the Nature Center, the Library, and the Historical Society. The Parsons’ Estate has been sold into good hands. We enjoy good neighbor relations with such County facilities as Playland, the Marshlands Conservancy, and the Jay Heritage Center.

“The State of the City is good. The challenge of this City Council and its successors is to protect this quality over the coming years.

“In this context, I would invite you for a few moments to think about Rye in the broader context of its surroundings. By this I mean Westchester County, New York City, New York State, and to a lesser extent, the whole Northeast of the country.

“We have to view Rye in this context - we do not exist as an island. There are lots of advantages to living in this area:

- proximity to New York City, to the two great waterways bordering our County, to the hills and forest to the north;
- a dynamic and skilled population, good educational systems, and wide ranging recreational and cultural facilities; and so forth.

Yet there are significant problems to be faced:

- overall population growth is flat, declining in comparison with the rest of the country, and aging;
- infrastructure is old and needs a high level of maintenance;
- industry, particularly manufacturing, is downsizing or leaving the area; Westchester alone lost 35,000 jobs in the first four years of this decade;
- a recent analysis published by the Gannett Suburban Newspapers showed that 100,000 people moved out of Westchester County in the last several years, primarily to neighboring states and counties;
- commercial real estate values fell sharply in the early part of the decade and are only beginning to recover now. Residential real estate values are fundamentally flat since the late 80's.

“These are not healthy trends and, if allowed to go on unchecked, will lead to a substantial deterioration of our area. While many factors lie behind these trends, we in government can deal only with those under our control. Of these, the most significant is the level of taxes paid by our residents. As became well known in the gubernatorial election in 1994, residents of New York State pay the highest state and local taxes of any major state in the Union, substantially above the national average and those of the neighboring states. This fact remains the same even after the tax cuts which have been passed by the Pataki government in 1995.

“Our local property tax is very much a part of this burden. While I see little possibility of cutting this tax, we must continue to do everything in our power to hold it from growing. Obviously, I am pleased with our record to date which includes two zero tax increase years back to back and a five-year record with average tax increases for the City of less than 1% per annum.

“The most exciting aspect of the implementation of our tax philosophy has been its effect on the numerous cultural and recreational activities within the City. The Rye Golf Club and DePauw Municipal Boat Basin flourish at no cost to the Rye City taxpayers. The Rye Nature Center has received the same tax contribution for the last five years but expanded its program significantly through grants from outside agencies and a particularly active Friends group. At Rye Recreation, our programs are better attended and have increased in numbers despite a restriction on the additional tax monies available to support them. It is clear that the citizens interested in these activities are better able to make them grow and prosper when they control the financing themselves, rather than rely on a begrudging tax source.

“As we go into 1996, we must maintain the financial discipline which we have developed in recent years with the aim to hold our tax rate flat while continuing to provide essential services on a high quality basis to our citizens. From time to time, this may involve changes in the way we provide services and when such discussions take place, they must take place in the context of the overall need to hold flat or reduce the tax burden on residents of the State of New York, the County of Westchester, and the City of Rye. If we do not gain control of these expenses, we will not have fulfilled our obligation to those who follow us.

“Let me turn to a number of other specific areas which will require Council attention during the coming year.

“The future of Whitby Castle at Rye Golf Club will be of particular importance. We now have the benefit of a survey of all Golf Club members in which it is clear that a majority of the resident members wish to have access to Whitby Castle and are willing to pay some increased amount of dues in order to afford that access. The next step is to appoint an operating committee made up of representatives of the City Council, the Golf Club Commission, and members of the Golf Club to develop a plan for the repair of Whitby Castle and the hiring of a restaurateur/caterer to provide service in the Castle. This planning process should be completed in the first half of the year in order that a referendum can be placed on the ballot this fall for approval by the citizens to permit a bond issue which would provide the financing for the repair of the Castle.

“A second major initiative to be undertaken jointly by the Planning Commission and the City Council is the updating of our Master Plan. This will involve a review of how we wish to see the City develop in the future, building on the basis of the 1985 Master Plan and those which preceded it.

“A third initiative, which I hope can be completed within the first half of the year, is a review of the activities of the Rye Community Television Special Revenue Fund. While this structure has served us well from the creation of our local access television, in the changing media times it is appropriate to review our structure and determine how best to proceed in the future. This activity will be initiated early in the new year. A joint meeting of the Cable Television Commission and the City Council should carry out this project.

“Fourthly, the City Council, together with the City management and concerned citizens, should continue to seek aesthetic improvements of certain areas of the City, such as the Boston Post Road between Central Avenue and Citibank and the area around the intersection of Purchase Street and Wappanocca Avenue.

“During the first half of the year, the City Council should request three discussions of the City Manager in order to strengthen its understanding of important areas of City business. The first of these is a review of the use of technology in the City government. As we are now spending substantial sums of money on equipment, programs, and training, it is important that the City Council understand the direction of the work and determine a way to evaluate its progress.

“Secondly, we continue to receive more complaints than we should involving enforcement of various aspects of our building code and other land use regulations. This subject merits further discussion by the City Manager and the Council. In the same process, there should be a review of the handling of complaints received by City Hall officials.

“Thirdly, the Council and the City Manager need to set forth a regular schedule for periodic financial reporting to the Council, covering both the General Fund and other specific funds.

“1996 will be a busy year for the Council. If we can achieve success in these various programs, we will have taken another major step toward developing the appropriate policies to assure that we pass to our children a City in as strong a shape as we received it from our predecessors.

“Again, Happy New Year!”

3. Old Business

There was no old business to be discussed.

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

There were no residents present who had matters to discuss that did not appear on the agenda.

5. Appointment of the Acting Mayor by the Mayor

Mayor Dunn appointed Councilman Collins as Acting Mayor.

6. Appointment of the Acting City Judge, by the Mayor with Council approval, for a six-year term

Mayor Dunn appointed John L. Alfano, Esq. as Acting City Court Judge. Mayor Dunn commented that Mr. Alfano had made great contributions to the City and its many activities during almost 20 years of participation in City government and in other capacities.

Councilwoman Cunningham acknowledged Mr. Alfano's fine qualities and expertise. However, for the record, she objected to the violation of Rye's long standing bi-partisan tradition of appointing one judge from each political party.

Councilman Collins made a motion, seconded by Councilman Burke, to approve Mayor Dunn's appointment of John L. Alfano, Esq., as Acting City Court Judge for a six-year term expiring January 1, 2002.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Hutchings
Latwin and Walsh

NAYS:None

ABSTAIN: Councilwoman Cunningham

ABSENT: None

The motion carried.

The Honorable Peter Lane administered the oath of office to Mr. Alfano.

Acting City Court Judge Alfano thanked Mayor Dunn and the City Council for the opportunity to uphold the rules of justice in the city. He also said that once a judge takes the bench, he becomes politically neutral.

In response to Councilwoman Cunningham, Mayor Dunn explained that there is considerable political balance represented in all appointments in the City of Rye.

Councilman Burke said that Mr. Alfano was the most qualified for the position and added his appreciation and congratulations to Mr. Alfano.

Councilman Hutchings agreed with the selection of the Acting City Court Judge.

7. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Councilwoman Walsh made a motion, seconded by Councilwoman Cunningham, to approve Mayor Dunn's reappointment of Councilman Collins as Trustee of the Police Pension Fund.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

8. Two appointments to the Board of Appeals for three-year terms and one appointment to fill the unexpired term ending January 1, 1997, by the Mayor with Council approval

Councilman Latwin made a motion, seconded by Councilman Hutchings, to approve Mayor Dunn's reappointment of Martin L. Edelman, Esq. and Annette L. Guarino, Esq. for three-year terms expiring January 1, 1999, and the appointment of Patricia Higgins, Esq. to fill the unexpired term ending January 1, 1997, to the Board of Appeals.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

9. Designation of the Chairman of the Board of Appeals by the Mayor

Mayor Dunn redesignated Martin L. Edelman, Esq. as chairman of the Board of Appeals.

10. Two appointments to the Board of Architectural Review for three-year terms, by the Mayor with Council approval

Councilwoman Walsh made a motion, seconded by Councilman Burke, to approve Mayor Dunn's reappointment of Mr. Otto L. Spaeth and the appointment of Ms. Diane Murphy to the Board of Architectural Review for three-year terms expiring January 1, 1999.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

11. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Councilman Collins made a motion, seconded by Councilwoman Cunningham, to approve Mayor Dunn's appointment of Mr. Arthur H. Stampleman to the Board of Ethics for a three-year term expiring January 1, 1999.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

12. Two appointments to the Cable Television Commission for three-year terms, by the City Council

Mayor Dunn explained that in view of the rapid changes in the information/media industry, no appointments were proposed to the Cable Television Commission at this point. He asked that Mrs. Doris Blank and Mr. Mark R. Jamison remain on the Commission until further action is taken.

13. Three appointments for the Commission on Human Rights for three-year terms and one appointment to fill the unexpired term ending January 1, 1998, by the Mayor

This agenda item was voted upon in two parts:

A. Councilwoman Walsh made a motion, seconded by Councilwoman Cunningham, to approve Mayor Dunn's reappointment of Mr. Fred Penichet and Mrs. Ann Spaeth and the appointment of Dr. Ameet K. Goyal for three-year terms expiring January 1, 1999 to the Commission on Human Rights.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

B. Mayor Dunn proposed the elimination of the eighth position on the Commission. He explained that seven is an appropriate number since it is the same as the City Council, Planning Commission, Board of Appeals, and several other boards and commissions.

Adversely, Councilwoman Cunningham expressed her disagreement in downsizing this volunteer commission. She added that such a decision would be better served if it had been based on input from the Commission on Human Rights.

Councilwoman Walsh said it would be beneficial to have seven members to accomplish its work. She believed the size of the Commission is not related to the level of activity of the members.

Councilman Latwin clarified that the United States Commission on Civil Rights has five members and the New York State Division on Human Rights has seven members. He said this proposal is in keeping with other City boards and commissions which have seven or fewer members.

Mayor Dunn added that there are many talented people who are very generous with their time and expertise who serve on various boards and commissions and it is the City Council's responsibility to decide the appropriate size of a board, commission, or committee.

Councilman Hutchings made a motion, seconded by Councilman Collins, to approve the elimination of the eighth position on the Commission on Human Rights.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins,
Hutchings, Latwin and Walsh

NAYS:Councilwoman Cunningham

ABSENT: None

The motion carried.

14. Designation of the Chairman of the Commission on Human Rights by the Mayor

Mayor Dunn designated Mr. James Hakanjin as chairman of the Commission on Human Rights.

15. Five appointments to the Community Residence Advisory Committee for two-year terms, by the Mayor with Council approval

Mayor Dunn requested this item be postponed to the January 17, 1996 Council meeting.

16. Designation of the Chairman of the Community Residence Advisory Committee, by the Mayor

Mayor Dunn requested this item be postponed to the January 17, 1996 Council meeting.

17. Four appointments to the Conservation Commission/Advisory Council for three-year terms, by the Mayor with Council approval

Councilman Latwin made a motion, seconded by Councilwoman Walsh, to approve Mayor Dunn's reappointment of Mrs. Vicki Farrington, Ms. Vanda High, and Mr. Eric Lutz and the appointment of Ms. Robin Marx to the Conservation Commission/Advisory Council for three-year terms expiring January 1, 1999.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: None

The motion carried.

Councilwoman Cunningham went on record as deploring the fact that Mr. Steven Otis was not reappointed to the CC/AC. She considered this a very partisan action. She said Mr. Otis has been an able, knowledgeable, energetic, and active leader since 1989. She said it is regrettable to deprive the City of this extremely dedicated volunteer.

Councilwoman Walsh lauded Mr. Otis for his contributions to the City. She said the only way we are able to bring new people, ideas, and additional skills of our very talented population onto our boards and commissions without making them unwieldy bodies is to have some regular turnover.

Councilman Latwin said last year Mr. Otis was concerned about having people with scientific and technical expertise serve on the CC/AC. Those who were appointed last year had those skills and the newly appointed member has very strong scientific and academic credentials in the environmental field.

Mayor Dunn said he is trying to maintain a balance of Democrats and Republicans on the boards, commissions, and committees, which is reflected in this year's appointments. He clarified that a certain amount of turnover of members of Boards and Commissions is essential. He expressed concern about the statement that this was politically motivated.

18. Designation of the Chairman of the Conservation Commission/Advisory Council by the Mayor

Mayor Dunn designated Mr. Peter Gudmundsson as chairman of the Conservation Commission/Advisory Council.

19. Three appointments to the Landmarks Advisory Committee for three-year terms and one appointment to fill the term ending January 1, 1998, by the Mayor with Council approval

Councilwoman Walsh made a motion, seconded by Councilman Hutchings, to approve Mayor Dunn's reappointment of Mrs. Edith G. Read and Mrs. Frances Wiener for three-year terms expiring January 1, 1999, and the appointment of Ms. Joan Cresap to fill the term expiring January 1, 1998, to the Landmarks Advisory Committee.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: None

The motion carried.

20. Two appointments to the Planning Commission for three-year terms and designation of one Council Member for a two-year term, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings, to approve Mayor Dunn's appointment of Mr. Philip DeCaro for a three-year term expiring January 1, 1999, and the appointment of Councilwoman Walsh for a two-year term expiring January 1, 1998, to the Planning Commission.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

The Mayor informed the Council that Mr. Paul Benowitz will be asked to continue to served until a replacement has been designated.

21. Designation of the Chairman of the Planning Commission, by the Mayor

Mayor Dunn designated Mr. Paul Benowitz as chairman of the Planning Commission.

22. One appointment to the Recreation Commission for a three-year term, by the Mayor with Council approval

Councilman Latwin made a motion, seconded by Councilwoman Cunningham, to approve Mayor Dunn's reappointment of Mr. Stephen Meyers to the Recreation Commission for a three-year term expiring January 1, 1999.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

23. Designation of the Chairman of the Recreation Commission, by the Mayor

Mayor Dunn redesignated Mr. Stephen Meyers as chairman of the Recreation Commission.

24. One appointment to the Rye Town Park Commission for a two-year term by the City Council

Councilman Burke made a motion, seconded by Councilman Hutchings, to approve the reappointment of Mr. George Ilse to the Rye Town Park Commission for a two-year term expiring January 1, 1998.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS: None

ABSENT: None

The motion carried.

25. Designation of a Senior Citizens' Advocate for a one-year term, by the Mayor

Mayor Dunn redesignated Mrs. Anne Pastor as Senior Citizens' Advocate for a one-year term expiring January 1, 1997.

26. Designation of the City Council's Audit Committee by the Mayor

Mayor Dunn designated Councilmen Collins, Cunningham, and Walsh as the City Council's Audit Committee.

27. Designation of the following City Council Liaisons by the Mayor

Mayor Dunn designated the following City Council Liaisons:

Ambulance Corps - Councilman Burke
Board of Appeals - Councilman Latwin
Board of Architectural Review - Councilwoman Cunningham
Boat Basin Commission - Councilman Burke
Cable Television Commission - Councilman Hutchings
Conservation Commission/Advisory Council - Councilman Latwin
Human Rights Commission - Councilman Latwin
Landmarks Advisory Committee - Councilman Collins
Rye Playland Advisory Committee and
County Recreation Commission - Councilman Burke
Recreation Commission - Councilman Hutchings
Rye CARES - Councilwoman Walsh
Rye Free Reading Room - Councilman Hutchings
Rye Golf Club Commission - Councilwoman Cunningham
Rye City School Board - Mayor Dunn

28. Designation of the days and time of regular meetings of the City Council

Councilman Burke made a motion, seconded by Councilman Collins and unanimously carried, to approve the designation of the days of regular meetings of the City Council, as follows:

Wednesday, January 3	Wednesday, July 17
Wednesday, January 17	
Wednesday, February 7	Monday, August 19 (Special/Capital Improvements)
Wednesday, February 21	Wednesday, August 21
Wednesday, March 6	Wednesday, September 18
Wednesday, March 20	
Wednesday, April 3	Wednesday, October 2
Wednesday, April 17	Wednesday, October 16
Wednesday, May 1	Wednesday, November 6
Wednesday, May 15	Tuesday, November 12 (Special/Budget)
	Wednesday, November 20
Wednesday, June 19	Wednesday, December 4
	Wednesday, December 18

29. Designation of official City newspapers

Councilman Latwin made a motion, seconded by Councilman Collins, to approve the designation of the Gannett Suburban Newspaper as the official City of Rye newspaper.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

30. Designation of the amounts of faithful performance bonds

Councilwoman Cunningham made a motion, seconded by Councilman Collins, to approve the designation of the amounts of faithful performance bonds, as follows:

A. City Comptroller	\$1,000,000
B. City Clerk	\$ 500,000
C. City Marshal	\$ 100,000

ROLL CALL:

AYES: Mayor Dunn, Councilmen Burke, Collins, Cunningham
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: None

The motion carried.

31. Consideration of the request of the Cystic Fibrosis Foundation to use City streets on Sunday, June 2, 1996, for the annual Great Strides Walk

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to approve the request of the Cystic Fibrosis Foundation to use City streets on Sunday, June 2, 1996, for the annual Great Strides Walk.

32. Draft unapproved minutes of the regular meeting of the City Council held December 20, 1995

Councilman Collins made a motion, seconded by Councilman Burke and unanimously carried, to approve the minutes of the regular meeting of the City Council held December 20, 1995 as submitted.

33. Miscellaneous communications and reports

Mayor Dunn informed the Council that a meeting regarding the financial aspect of repairing sewers is scheduled for Monday, January 8, 1996. City Manager Culross commented that this is a continuing problem which requires very significant capital investments.

34. New Business

There was no new business to be discussed.

35. Adjournment

There being no further business to discuss, Councilman Collins made a motion, seconded by Councilman Burke and unanimously carried, to adjourn the meeting at 9:04 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk