

MINUTES of the Regular Meeting of the City
Council of the City of Rye held in City Hall on January
17, 1996 at 8:00 P.M.

PRESENT:

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

ABSENT: JAMES K. BURKE

1. Roll Call

Mayor Dunn called the meeting to order; a quorum was present to conduct official City business. Councilman Burke was unable to attend this meeting because of illness.

2. Old Business

There was no old business discussed.

3. 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.

The following agenda item was taken out of order:

6. Discussion of the role of Community Residence Advisory Committee

Mayor Dunn opened the discussion by explaining that the original purpose of the Community Residence Advisory Committee (CRAC) focused on the Padavan Act passed by the State Legislature, which gave the State the right to establish residences for the developmentally disabled, providing 40 days notice to the communities of the placement of homes. He further explained that the present law makes it very difficult for communities to oppose locations for these homes. Mayor Dunn added that the CRAC has not formally met for approximately two years. Therefore, the question remains of the relevance of the CRAC.

Mr. Michael Shea, chairman of the CRAC, explained that the purpose of the Padavan Act was to equalize the distribution of residences for the developmentally disabled throughout the State. The Padavan Act superseded all community zoning laws. The CRAC worked with the community to reduce community resistance, explore alternative sites for these homes, if warranted, and acted as a liaison in answering questions and addressing concerns of the community.

Mayor Dunn recounted an instance where a home for six developmentally disabled persons was to be established by the Department of Human Development Services (based in Port Chester) on Cedar Place. A public meeting was held at the Recreation Center, and another meeting was held at City Hall. Subsequently, an ad hoc group was put together to deal with this matter. Mayor Dunn explained that this illustrated the point that it is possible to form ad hoc groups to deal with certain matters without having a formal committee established.

Councilwoman Cunningham questioned what alternatives exist if there is not a standing committee.

Mayor Dunn explained that one alternative is knowing that there are people in the community who are familiar with the process which the community can call upon for their assistance if there were an active situation.

Councilman Latwin noted that the original intent of the Padavan Act was to notify the community regarding the placement of residences for the developmentally disabled. He added that due to the passage of the Americans With Disabilities Act, such notification is illegal as it is considered discriminatory against people with disabilities.

Councilwoman Walsh suggested that the Commission on Human Rights might be able to address the same concerns as the CRAC.

Corporation Counsel Gardella added that the City does not have the ability to stop the establishment of these residences; the issue at hand is community education.

In closing, the Council agreed to table the discussion until the Council Meeting of February 7, 1996, pending further information.

4. Appointment of Whitby Castle Committee

Councilwoman Cunningham told the Council that she attended the Rye Golf Club Commission (RGCC) meeting held January 10, 1996. At this meeting, Commission members Mr. Frank Adimari, Mrs. Lorraine Mignone, and Mr. Alan Robben were assigned as representatives on a special task force formed to oversee the restoration process of Whitby Castle.

Mayor Dunn added that he spoke to Mr. Frank Adimari regarding the balance of membership for this task force. Mayor Dunn suggested that Rye Golf Club members Mr. John Casey and Mr. John Langton be appointed to this task force, along with Councilmen Collins and Cunningham.

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to establish a special ad hoc committee to oversee the restoration of Whitby Castle. Mr. Frank Adimari, Mrs. Lorraine Mignone, Mr. Alan Robben, Mr. John Casey, Mr. John Langton, Councilman Collins, and Councilwoman Cunningham were appointed to this committee.

5. Discussion of updating the Master Plan

Councilwoman Walsh acknowledged the receipt of the Assembly Act amending the general city law and the general municipal law in relation to comprehensive plans. She explained that the purpose of this discussion was to ascertain the Council's agreement to update the City of Rye Master Plan, establish a time frame, and organize the process. Councilwoman Walsh added that this matter would involve the City Planner and the Planning Commission. She suggested the following steps be taken:

- Establish a steering committee to identify an overall process; the content is already spelled out in the legislation.
- Appoint the City Planner, Mr. Paul Benowitz, chairman of the Planning Commission, and herself as members of this steering committee.
- Define the City's resources and the Planning Commission's role in this process.
- Involve the Planning Commission and the City Planner in preparing an outline for the City Council's review and comments.
- Adopt a City Council resolution directing the Planning Commission to assist in the development of a comprehensive plan.

In response to an inquiry from Councilman Hutchings, Councilwoman Walsh explained that the State now has requirements that were not requisite when the Master Plan was last updated in 1985.

Councilman Latwin added that since 1985, projects such as Avon, Sloan-Kettering, and Osborn were ongoing in Rye. He told the Council that the complexion of the City has changed considerably in the past ten years, and that Rye must plan based on what presently exists.

In closing, the Council agreed to the establishment of a steering committee in order to update the Master Plan.

7. Authorization for the City Manager to enter into a Selective Enforcement of Occupant Restraint Usage Program with the County of Westchester

City Manager Culross explained that City participation in this program enables Rye to be reimbursed up to \$2,000 in additional expenses (Police overtime) during enforcement designed to increase seat belt usage and motorists' safety.

Corporation Counsel Gardella added those not complying with the seat belt law would receive a ticket, but no license points or insurance consequences would be incurred.

Mr. George Zahringer, Grace Church Street, recounted an experience he had in South Carolina while being stopped by a patrolman for not utilizing his seat belt. He suggested that the Police Department issue warnings in order to raise community awareness rather than issue tickets.

Councilman Latwin made a motion, seconded by Councilwoman Walsh, to approve the following resolution:

RESOLVED, that the City Manager be, and is
hereby authorized to enter into an agreement with the
County of Westchester for the Selective Enforcement of
Occupant Restraint Usage Program.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Burke

The resolution passed.

8. Consideration of request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 A.M. to 4:00 P.M. on Saturday, March 23, 1996 in conjunction with the Milton School Fair

Councilman Collins made a motion, seconded by Councilman Latwin and unanimously carried, to approve the request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 A.M. to 4:00 P.M. on Saturday, March 23, 1996 in conjunction with the Milton School Fair.

The Council agreed to waive the 24-hour rule for the following agenda item:

8b. Consideration of request of the Rye Little League to use City streets for its Opening Day Parade to be held at 10:00 A.M. on Saturday, April 13, 1996

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the Rye Little League to use City streets for its Opening Day Parade to be held at 10:00 A.M. on Saturday, April 13, 1996 with a rain date of April 14, 1996.

9. Draft unapproved minutes of the regular and organizational meeting of the City Council held January 3, 1996

Councilman Collins made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular and organizational meeting of the City Council held January 3, 1996 as amended.

10. Miscellaneous communications and reports

A. Councilman Hutchings informed the Council that the Recreation Commission extended an invitation to the City Council to attend their Facilities Inspection on March 30, 1996 at 9:00 A.M. City Manager Culross explained that this is an opportunity to tour the recreation facilities.

B. Councilwoman Cunningham informed the Council that Mr. Paul Benowitz, chairman of the Planning Commission, attended the Rye Brook Planning Commission meeting regarding the proposed Bowman Avenue development and its impact in regard to flooding in neighboring communities. Mr. Benowitz invited the Rye Brook Village Planner to speak with Rye's Planning Commission.

C. Councilwoman Cunningham clarified that the January 8, 1996 meeting regarding sewers was rescheduled for January 22, 1996.

D. Councilwoman Walsh extended an invitation from RYCares to the Council to attend its meeting scheduled for January 31, 1996 at Rye High School.

E. Councilman Latwin suggested requesting input from the Building Inspector, Board of Architectural Review, and the Planning Commission regarding Rye's fence ordinance.

F. Mayor Dunn informed the Council of a vacancy on the Recreation Commission and the Board of Assessment Review. He requested input regarding appointments for these positions be brought to the February 7, 1996 Council meeting.

11. New Business

There was no new business to be discussed.

12. Adjournment

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss contract negotiations and lawsuits at 9:04 P.M.

The Council reconvened at 10:10 P.M.

There being no further business to discuss, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk