

MINUTES of the Regular Meeting of the City  
Council of the City of Rye held in City Hall on March 6,  
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.

Mayor Dunn and the Council extended birthday wishes to Councilman Latwin.

2. Old Business

There was no old business discussed.

3. Public hearing on proposed local laws amending Chapter 197, Zoning, of the Code of the City of Rye with respect to increases in site plan modification fees and amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to increases in subdivision modification fees

Mayor Dunn opened the public hearing.

Mayor Dunn explained that the proposed local laws are technical in nature. He said that the current fee structure provides for some inequities with respect to applications for modifications.

Councilwoman Walsh explained that the proposed local laws would eliminate one applicant being treated more favorably than another with respect to payment of fees.

There being no further discussion, Mayor Dunn closed the public hearing.

Councilman Collins made a motion, seconded by Councilman Latwin, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 1-1996**

A local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to increases in site plan modification fees.

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

Section 1. § 197-84.F, Fees, is hereby amended to read as follows:

F. Fees.

- (1) Site development plans and uses subject to additional standards and requirements:
  - (a) Informal review of a new use or building: Two hundred fifty dollars (\$250.)
  - (b) Preliminary application for a new use or building: four hundred dollars (\$400.), plus thirty-five (\$35.) per required parking space. In the event that more than one (1) public hearing is held, a fee of thirty-five dollars (\$35.) shall be paid for each additional public hearing.
  - (c) Final application for a new use or building: six hundred dollars (\$600.), plus thirty-five dollars (\$35.) for each acre or fraction thereof, plus thirty-five dollars (\$35.) per required parking space. In the event more than one (1) public hearing is held, a fee of sixty dollars (\$60.) shall be paid for each additional public hearing.

- (d) Application for modification of a preliminary approval requiring public hearing: four hundred dollars (\$400.), plus thirty-five per additional parking space required if the modification involves an addition to a building. In the event that more than one (1) public hearing is held, a fee of thirty-five dollars (\$35.) shall be paid for each additional public hearing. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (e) Application for modification of a preliminary approval not requiring public hearing: three hundred fifty dollars (\$350.). If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (f) Application for modification of a final approval requiring public hearing: four hundred dollars (\$400.), plus thirty-five dollars (\$35.) for each acre or fraction thereof, plus thirty-five dollars (\$35.) per additional parking space required if the modifications involves an addition to a building. In the event that more than one (1) public hearing is held, a fee of sixty dollars (\$60.) shall be paid for each additional public hearing. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (g) Application for modification of a final approval not requiring public hearing: three hundred fifty dollars (\$350.), plus thirty-five dollars (\$35.) for each acre or fraction thereof, plus thirty-five dollars (\$35.) per additional parking space required if the modification involves an addition to a building. If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
- (h) An inspection fee of five percent (5%) of the cost of the required site improvements, plus three hundred fifty dollars (\$350.).

NOTE: An application involving both a site development plan and use subject to additional standards and requirements will be required to pay only one (1) fee.

(i) In addition, the Planning Commission in the review of the application may refer such application to the Westchester County Soil and Water Conservation District for a written review. Fees charged by the Westchester County Soil and Water Conservation District for its written review shall be paid by the applicant before action is taken on the application. Payment of the fee shall be a check made payable to the Westchester County Soil and Water Conservation District and shall be submitted to the City Planner for transmittal to the Westchester County Soil and Water Conservation District.

(j) Due to the large additional administrative and inspection expenses incurred by the city, an additional application fee of two thousand five hundred dollars (\$2,500.) shall be payable when construction or occupancy has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, or when construction and/or use which requires modification of a previous approval has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, except in the following specific cases:

[1] The additional fee shall not apply to trees removed without prior approval, such removal shall remain subject to the fees set forth in §197-84.F.(1) (f) and (g).

[2] If a building permit and/or a certificate of occupancy has been issued by the Building Department or a street opening permit and/or surface water control permit has been issued by the Engineering Department prior to construction, the additional fee shall be reduced by seventy-five percent (75%).

- [3] The additional fee shall not apply to minor variations in the siting of buildings and other site improvements, such site variations shall remain subject to the fees set forth in §197-84.F (1) (f) and (g).
- (2) Application for rezoning (to be refunded if no public hearing is held): one hundred dollars (\$100.).
- (3) Application to Board of Appeals.
  - (a) For any application for a one-family residence: seventy-five (\$75.).
  - (b) For all other applications: Two-hundred dollars (\$200.).

Section 2. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

**ROLL CALL:**

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

**NAYS:**None

**ABSENT:** None

The local law was adopted.

Councilman Collins made a motion, seconded by Councilman Latwin, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 2-1996**

A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to increases in subdivision modification fees.

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

Section 1. § 170-11, Modifications in approved subdivisions, is hereby amended to read as follows:

§170-11. Modifications in Approved Subdivisions

The Planning Commission may grant modifications in approved preliminary subdivision layouts and subdivision plats or requirements if the Commission finds that such modifications are consistent with the spirit and intent of this chapter. Applications for such modifications shall be submitted in accordance with §170-6 of these regulations for preliminary subdivision layouts and § 170-7 of these regulations for subdivision plats, except as follows:

- A. The Planning Commission may waive such items described in § 170-21 of these regulations as it deems necessary.
- B. Modification fees.
  - (1) For modifications of tentative approvals of preliminary subdivision layouts or requirements requiring a public hearing, the fee shall be three hundred fifty dollars (\$350.). For modifications of tentative approvals of preliminary subdivision layouts or requirements not requiring a public hearing, the fee shall be three hundred twenty-five dollars (\$325.). If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
  - (2) For modifications of subdivision plats or requirements requiring a public hearing, the fee shall be four hundred dollars (\$400.). For modifications not requiring a public hearing, the fee shall be three hundred fifty dollars (\$350.). If the approval has expired, then the fee shall be the above fee plus that fee times the number of years or fraction thereof that have elapsed since the expiration of the approval.
  - (3) In the event that more than one (1) public hearing is held for a modification of an approved subdivision plat or requirements, a fee of sixty dollars (\$60.) shall be paid for each additional public hearing.

- (4) The Planning Commission in the review of the application may refer such application to the Westchester County Soil and Water Conservation District for a written review. Fees charged by the Westchester County Soil and Water Conservation District for its written review shall be paid by the applicant before action is taken on the application. Payment of the fee shall be a check made payable to the Westchester County Soil and Water Conservation District and shall be submitted to the City Planner for transmittal to the Westchester County Soil and Water Conservation District.
- (5) Due to the large additional administrative and inspection expenses incurred by the city, an additional application fee of two thousand five hundred dollars (\$2,500.) shall be payable when construction or occupancy has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, or when construction and/or use which requires modification of a previous approval has commenced prior to the issuance of a resolution of approval from the Rye City Planning Commission, except in the following specific cases:
  - (a) The additional fee shall not apply to trees removed without prior approval, such removal shall remain subject to the fees set forth in §170-11B (1) and (2) of this Section.
  - (b) If a building permit and/or a certificate of occupancy has been issued by the Building Department or a street opening permit and/or Surface Water Control Permit has been issued by the Engineering Department prior to construction, the additional fee shall be reduced by seventy-five percent (75%).
  - (c) The additional fee shall not apply to minor variations in the siting of buildings and other site improvements, such site variations shall remain subject to the fees set forth in §170-11B (1) and (2) of this Section.

- C. Apportionment's prepared by a licensed surveyor may be approved by the City Planner and Building Inspector when the apportionment has been prepared by a surveyor without submission to the Planning Commission. The application fee shall be two hundred dollars (\$200.).

Section 2. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

Mayor Dunn questioned whether site plan or subdivision approval is grandfathered if there is a change in local or state law.

Corporation Counsel Gardella responded that this is a complicated issue concerning vested rights.

After a brief Council discussion, the matter was referred to the Planning Commission for review and comments.

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

Mr. William Langham, 82 Central Avenue, told the Council that he is a proponent of the establishment of an internet community network. He told the Council that Westchester Alliance for Telecommunications and Public Access (WATPA), a non-profit membership organization is committed to ensuring that Westchester's information infrastructure is built in such a way that ready and easy access is available to the public. He added that the exchange of information and data between all institutions should be available on publicly accessible networks at sites throughout the City. He urged all institutions, schools, libraries, and local government to work together to build such a system. He informed the Council that WATPA could offer hardware and expertise in this area.

Councilman Hutchings endorsed Mr. Langham's proposal.

Mayor Dunn suggested that this matter should be included on the agenda of the joint meeting between the City Council and the School Board scheduled for April 13, 1996.



5. Presentation on the Use of Information Technology

City Manager Culross provided a summary of past and current usage of information technology. He told the Council that it is essential in achieving the objective of providing quality service and timely information to the public which is also cost effective. He said that it is essential that the appropriate technology is available to employees to enable them to be as productive as possible. The City Manager explained that in the 1980's, many City departments were purchasing computer systems which were not interchangeable, thus having City employees on different "wavelengths". The development of an Information System Master Plan enables communication between various City departments. He added that as information technology becomes more a part of everyone's life, the system development process ascertains what is needed to keep in step with technology.

Mrs. Margaret Carey, Coordinator of Computer Services for the City of Rye, informed the Council that most departments currently have word processing, spreadsheet, electronic mail (e-mail) and scheduling capabilities. The Finance, Assessor, Police, Fire, and Engineering Departments currently have automated systems. She added that the following services are outsourced (done by other entities):

Payroll  
Parking Violations  
Network Consulting and Installations  
Hardware Support  
Computer Training

She stated that the Police Department and City Hall are currently on a Local Area Network (LAN). Mrs. Carey outlined the following projects in progress:

- City Wide Network - This will link all City buildings.
- Internet - Communications Server - This will provide information to the public and allow the public to communicate electronically to the City.
- "Are You O.K.?" Police Public Service - This is a computerized system that will allow the Police Department to call residents via a computer system who may be in need of assistance.
- City Hall Cabling Survey - to update cabling in City Hall

Mrs. Carey provided a description of the City Wide Network:

- Personal computers installed at user sites
- Local Area Networks installed, if necessary
- Wiring (using B-Cable from TCI Cable)
- Electronically link City buildings

Mrs. Carey explained that TCI's A-cable is used for television channels, and a B-cable, which was installed simultaneously, may be available for municipal use. If this is not an option, phone lines or fiber optic cable could be used. She explained that fiber optic cable would be the fastest and most costly option.

By the end of 1996, the City Network will link all satellite departments of the City. A gateway will be established between the network and internet.

The establishment of a City-Wide Network would enable information (electronic forms, scheduling, messaging) to be sent from one department to another. A list of approved projects for 1996 includes:

- Network modifications and additions
- Human resource tracking
- Financial management system
- Internet/communications server

Mrs. Carey explained the Internet/communication server goals:

- Design a World Wide Web site
- Develop a bulletin board
- Electronically communicate with citizens

The above would provide citizens with many forms of information, including schedules of events (Council meetings, etc.), City Council meeting minutes and other public information. Mrs. Carey noted that the Council minutes are currently transmitted electronically to the City Clerk's Office.

Mrs. Carey outlined the following future automation goals to be achieved in 1997 and beyond:

- Geographic information system
- Police mobile data communication
- Imaging
- Upgrade outdated technology

A geographic information system would provide a complete map of the City. Police mobile data communication would entail each police vehicle being equipped with a laptop computer for the exchange of information between officers and headquarters. Imaging would include data not worthwhile to re-enter, such as house plans.

A question and answer period dealt with the following details:

- Placement of terminals available to the public
- The extent to which consultants would be utilized
- The expected time frame in which many goals would be realized
- A study of what kind of systems other communities in Westchester utilize for information systems

Mayor Dunn informed the Council that the City has included expenditures for information technology in its 1996 budget. Mrs. Carey added that the decision to base the City's system in a PC (personal computer) environment is both low-cost and effective. City Manager Culross told the Council that the value of the City's World Wide Web home page is only as good as the input. He added that resources must be used wisely.

In closing, Mayor Dunn suggested that information technology be included on the agendas of the June and October Council meetings so that progress may be reviewed. Mayor Dunn thanked City Manager Culross and Mrs. Carey for their informative presentation.

6. Discussion of Year-End Reports for 1995

In response to questions posed by the City Council, City Manager Culross made the following statements.

The number of tax exempt properties in the Assessor's report is correct.

The Annual Reports are required by the City Charter.

Besides the City Clerk's Office, other departments do utilize student volunteers.

The decrease in parking ticket revenue for 1995 as compared to 1994 was due to traffic officers having to serve as school crossing guards.

Copies of the Year-End Reports will be available to the two former Councilmen.

7. Discussion of financial strategy for the City

Mayor Dunn proposed that the Council consider creating a special financial committee to review the City's financial operations based on 1) the premise that there has been and will be a low inflation environment, and 2) the premise that a zero tax increase rate would like to be sustained.

Former Councilman Stampleman gave a brief history and specific issues of the original Citizens' Finance Committee. He endorsed the establishment of a special financial committee.

Since the City Council agreed with this idea, Mayor Dunn asked the Council to submit names of potential candidates for this committee. This matter will be placed on the April 3, 1996 Council meeting agenda.

8. Discussion of recycling and solid waste pickup

Mayor Dunn initiated this discussion because of the recent inclusion of mixed paper and magazines in the recycling program. He suggested that the Conservation Commission/Advisory Council assist in creating a committee to work with the City administration to design a program for this waste shift and to educate the public. This committee would be asked to report to the Council in June or July.

City Manager Culross suggested that no massive public educational process be implemented until the third recycling truck is in service (probably in April). He said that he believes no committee outside of the City staff is needed presently and that voluntary compliance should be stressed.

9. Discussion of current fence regulations

Councilman Latwin acknowledged the receipt of comments from the Planning Commission, the Board of Architectural Review, and the Building Inspector about the City of Rye's fence ordinance. He informed the Council that the consensus was that no changes in this ordinance were necessary.

Councilman Latwin suggested a memo be sent to the ZBA stating no changes are required. However, he suggested that a mailing be sent to area fence installers notifying them about Rye's fence policy.

Councilwoman Walsh suggested that the fence regulations be forwarded to the residents in the next city mailing.

Mayor Dunn requested that the City Clerk forward the three memos to the Board of Appeals members and that the Building Inspector notify area fence installers about the City's ordinance.

10. Approval of the City of Rye Police Department General Order #1165, Overtime/Compensatory Time

City Manager Culross explained that as provided for in Section C12-2 of the City Charter, the Police Commissioner has relayed a general order with the agreement of the City Manager. This must be approved by the City Council before becoming effective. The City Manager outlined the significant changes from the current practice:

1. Overtime will be given first by double tours, then days off, and finally vacation. Currently, the order is vacation, days off, and then double tours. This step will eliminate travel time paid at overtime rates.
2. Overtime will be given based upon rank and then seniority. On tours where at least one supervisor is scheduled to work (Lieutenant or Sergeant), no overtime will be incurred to cover the vacancy of a second supervisor. Supervisors will not be permitted to fill police officer slots. Currently, overtime is assigned to supervisors based upon seniority without reference to rank.
3. No member will be eligible to work overtime unless that person has worked his/her five previously scheduled tours of duty.

In response to an inquiry from Councilman Latwin, City Manager Culross said that this new policy would substantially reduce the amount of overtime expenses.

Councilman Collins made a motion, seconded by Councilman Hutchings, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the City of Rye Police Department General Order #1165, Overtime/Compensatory Time

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

11. One appointment to the Board of Assessment Review to fill the unexpired term ending September 30, 1996, by the City Council

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the appointment of Mr. David Olson to the Board of Assessment Review to fill the unexpired term ending September 30, 1996.

12. Appointments to the Community Residence Advisory Committee, by the Mayor with Council approval

Mayor Dunn informed the Council of the willingness of three of the members of the Community Residence Advisory Committee to serve for another year.

Councilman Latwin made a motion, seconded by Councilman Burke and unanimously carried, to approve the appointments of Mrs. Regan Orillac, Mr. Michael Shea, and Mrs. Nancy Hackett to the Community Residence Advisory Committee for one year terms. Mayor Dunn told the Council that this issue would be revisited at the beginning of 1997.

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

Mayor Dunn designated Mr. Michael Shea as chairman of the Community Residence Advisory Committee.

14. Draft unapproved minutes of the regular meeting of the City Council held February 21, 1996

Motion was made by Councilwoman Cunningham, seconded by Councilwoman Walsh and unanimously carried, to approve the minutes of the regular meeting of the City Council held February 21, 1996 as submitted.

15. Miscellaneous communications and reports

A. Councilwoman Cunningham informed the Council that the Board of Architectural Review (BAR) will receive public comment on the City's sign ordinance at the March 18, 1996 meeting.

B. Councilwoman Cunningham initiated a discussion on the issue of the recent anti-Semitic incidents in Mamaroneck and Larchmont. It was indicated that the Commission on Human Rights plans to study this matter.

C. Mayor Dunn requested that the Council authorize him, with the assistance of the City Manager and the Corporation Counsel, to draft a letter asking the State Comptroller's Office to investigate the issue of unauthorized deficits of the Rye Town Park. The Council also reaffirmed its prior direction that no share of the unauthorized deficits be paid by the City pending the Comptroller's review, and resolution of the issues raised by the City.

D. Mayor Dunn asked City Manager Culross if the public address system used for various celebrations on the Village Green will be upgraded.

16. New Business

Citing the resignation of Mr. Lewis Birns as president of the Rye Chamber of Commerce, Councilman Latwin requested the City Council officially recognize his efforts on behalf of the City.

17. Adjournment

Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss personnel and acquisition of property at 10:50 P.M.

The Council reconvened at 11:30 P.M.

There being no further business to discuss, the meeting was adjourned at 11:35 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk