

MINUTES of the Regular Meeting of the City  
Council of the City of Rye held in City Hall on March  
20, 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.

Mayor Dunn and the City Council welcomed Mr. Michael Genito as the new City Comptroller.

Mayor Dunn and the Council recognized Mr. Lewis Birns, past president of the Rye Chamber of Commerce, for his work on behalf of the City.

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the following resolution:

**WHEREAS**, Mr. Lewis J. Birns has been a merchant in the City of Rye for the past eight years and has faithfully served as president of the Rye Chamber of Commerce since 1992; and,

**WHEREAS**, Uncle Lew, as he is endearingly known to all, represented the interest of all the merchants in the Central Business District, and,

**WHEREAS**, he was instrumental in keeping the Central Business District safe and attractive for its customers and visitors, and reactivating the Chamber of Commerce, and,

**WHEREAS**, he has been a faithful and dedicated leader of the Rye Chamber of Commerce who has always been willing to help others, and,

**WHEREAS**, he has significantly contributed to the Rye community through the years in many ways; and especially by organizing the summer sidewalk sale, and enhancing parking signage in the Central Business District, and

**WHEREAS**, he has contributed significantly to the leadership, morale, and professionalism of the Central Business District, and,

**WHEREAS**, he is known for his great care, honest approach to his work, while possessing a willingness to assist and listen to others, and

**WHEREAS**, his outstanding service has been an inspiration to all with whom he worked, now, therefore be it,

**RESOLVED**, that the City Council of the City of Rye hereby commends Lewis Birns for all his dedicated service and expresses appreciation for all he has done to enhance the quality of life in the City of Rye's Central Business District and, be it further

**RESOLVED**, that the City Council of the City of Rye hereby wishes Uncle Lew and his family good health, success, and happiness in the future.

Mayor Dunn and the City Council extended congratulations to Mr. Christopher Bradbury, assistant to the City Manager, and his family on the recent birth of their son, Timothy.

2. Old Business

There was no old business to be discussed.

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

Mr. James Hakanjin, chairman of the Commission on Human Rights, informed the Council that the Commission is considering including in the Memorial Day celebration, events to stress the importance of tolerance and mutual respect for everyone in the community, as well as emphasize the value of freedom for which the wars were fought. These events will be publicized in schools, businesses, and houses of worship to encourage people to attend. Additionally, all citizens will be urged to fly flags that day. He added that the American Legion may sell special flag kites for the occasion.

4. Presentation by the Cable Television Commission

Mr. John Gregg, chairman of RCTV, presented a report from the Commission entitled "Creating RCTV Excellence". Mr. Gregg told the Council that RCTV is a valuable source of information and community expression for the City. Mr. Gregg extended thanks to Mrs. Mary Ann Ilse, Mrs. Lynn Ferrari, Mrs. Lila Bumstead, Mr. Martin Edelman, Mrs. Margaret Blackman, and Councilman Hutchings for their combined efforts in producing this report.

A telephone survey of RCTV subscribers was conducted by Spagna Dunn Research. Mr. Greg Spagna, a citizen of Rye, donated the expertise and resources of his firm to complete the study, with Mr. Douglas French coordinating the effort for the Commission. Mr. Gregg outlined the results of this survey:

1. Excellent community support for RCTV:

86% rate RCTV as good or better for the quality of service provided

92% believe that RCTV provides an important service to the City of Rye

24% claim that relative to the Daily Item and Rye Chronicle, RCTV is their first choice of community news and information. This represents an 8% increase since 1992.

60% of cable subscribers watch RCTV during the course of a week. This represents an 11% increase since 1992.

2. The basis of this strong community support is rooted in the view that RCTV is an important source of information regarding:

City Government:	76%
What's occurring in the community:	75%
Schools:	60%

3. While there is satisfaction with many aspects of RCTV, there is particular appreciation and support for the value of the Community Bulletin Board (channel 14); 80% satisfaction. Other areas of satisfaction were school programming (57%) and city government news (56%).

4. There are clear views regarding priorities for further improvement:

The top four desired improvements were, in order of importance:

- Quality of RCTV picture and reception
- A better way to identify what is on at what time
- More news and developments regarding City government
- More news regarding community events

5. There is a broad interest in additional and new types of programs:

Weekly local news: 86%  
Historical features on Rye history: 82%  
Updates on community group and activities: 81%  
Televising all City Council meetings live: 72%  
Televising all School Board meetings live: 72%

6. The strength of viewer support is strong enough that the majority of viewers are willing to have a small increase added to their monthly bill in order to fund improvements to the quality of programming and technical capabilities of RCTV:

71% are somewhat willing to have approximately \$1.00 per month added to their cable bill. This is an important piece of information as the franchise renewal process with TCI Cable is completed. Other communities in Westchester have accepted monies from TCI which have been passed on to cable subscribers as a way to improve community cable program delivery.

In summary, there is a very broad and positive base of support for RCTV. There is a desire to see it improved. There are clear priorities for doing so, and there seems to be a willingness to fund these improvements.

A question and answer period followed which focused on the following topics:

- The number of Rye citizens who subscribe to cable television is approximately 4,200
- The creation of a more accurate programming guide
- Increasing the picture quality and reception
- Over 80 non-profit organizations have used RCTV programming services
- Increasing the number of volunteers working with RCTV
- Creating alternative sources of funding

5. Consideration of rezoning request for property located at 1099-1101 Boston Post Road at the corner of Smith Street

Mr. Rex Gedney, architect for Robert and Diane Olivier, owners of the property, presented a Petition for Rezoning to allow three or more dwelling units on one lot located in a B-1 zone, and allow an increase in Floor Area Ratio (FAR). Mr. Gedney told the Council that this proposal has received favorable outlook from the Planning Commission in response to an informal review. Mayor Dunn advised that discussion of this issue at this meeting would be limited as this proposal would have to be referred back to the Planning Commission for discussion. Councilwoman Walsh said that the Planning Commission would like to have an opportunity to look into some of the other aspects of this proposal.

She added that the concept seemed to be consistent with the Planning Commission's sense of appropriate development in that area.

Mrs. Patricia Larkin, 25 Smith Street, told the Council that rezoning this area to allow a large development would not be beneficial for the neighbors and that there are presently drainage and traffic problems in the area.

Mrs. Susan Schack, whose family lives in the area, told the Council that the City should work together to accomplish its goals while preserving the image and character of Rye.

Councilman Latwin added that the forum for these discussions is with the Planning Commission. He told the Council that even if the zoning were changed, the Planning Commission would have to review the site plan. Councilman Latwin suggested referring this proposal to the Planning Commission for its review, recommendation, and comments.

Some major points discussed were:

- The zoning for this area should be consistent with the current uses
- Upgrading the FAR would bring existing structures into conformity
- A change in zoning should have no precedent outside of that particular area
- Concern over development should the A & P or Rye Ford sell their land

The consensus of the Council was that this proposal needs to be discussed in greater detail by the Planning Commission.

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

**RESOLVED**, that the City Council hereby refers the rezoning request for property located at 1099-1101 Boston Post Road at the corner of Smith Street to the Planning Commission for review, comments, and recommendations.

ROLL CALL:

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

NAYS:None

ABSENT Councilman Burke

The resolution passed.

6. Approval of the election of a new member to the Rye Fire Department

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the election of Mr. Timothy Chittenden to the Rye Fire Department.

7. Draft unapproved minutes of the regular meeting of the City Council held March 6, 1996

In reviewing the minutes of the March 6, 1996 Council meeting, agenda item 15. C., Mayor Dunn asked the Council to reaffirm its prior direction that no share of the unauthorized 1994 deficit be paid by the City pending the Comptroller's review and resolution of the issues raised by the City.

Therefore, Councilman Collins made a motion, seconded by Councilwoman Walsh to adopt the following resolution:

**WHEREAS**, the City Council of the City of Rye at its March 6, 1996 regular meeting authorized Mayor Dunn, with the assistance of the City Manager and the Corporation Counsel, to draft and send a letter to the State Comptroller's office to investigate financial operating procedures employed at the Rye Town Park Commission, including the creation of deficits by that Commission; and

**WHEREAS**, the City Council, at the March 6th meeting, also reaffirmed its direction that the City of Rye not pay any portion of unauthorized deficits created by the Commission, pending the State Comptroller's review; and

**WHEREAS**, the members of the City Council have now received copies of the Mayor's letter to the State Comptroller; now, therefore be it

**RESOLVED**, that the Mayor's action in sending the letter, a copy of which is attached hereto, is ratified; and be it further

**RESOLVED**, that the Council reaffirms its determination that the City of Rye not pay any portion of the unauthorized 1994 deficit of the Commission, pending the State Comptroller's review of the Commission's operating procedures and resolution of the issues raised by the City.

March 15, 1996

The Honorable H. Carl McCall, Comptroller  
State of New York  
Office of the State Comptroller  
Albany, New York 12236

Re: Rye Town Park Commission

Dear Mr. McCall:

We are writing to request that you review the activities of Rye Town Park Commission during the year 1994 for compliance with appropriate operating procedures. For your information, a copy of the 1994 audited financial statements for the Park is enclosed. Please note that these statements were received by us on March 6, 1996. We are also concerned about the governance of the Park and would request your review of that as well.

Pending completion of your review, we are withholding payment of the sum requested by the Town of Rye as we believe the President did not act appropriately.

Specifically, the President of the Commission did not consistently follow appropriate procedures with respect to regular scheduling of meetings, notice of meetings, and the routine approval of minutes of meetings during 1994. More importantly, the Commission was not asked by its President to follow the appropriate procedures to approve overruns in budgeted expense items.

On December 7, 1993, the Rye Town Park Commission adopted a budget for calendar year 1994 which authorized \$425,000 in expenditures and forecast \$435,000 in revenues. This \$10,000 surplus became a deficit of \$205,175.

Total expenditures are reported to be \$592,830 or \$167,830 in excess of the originally authorized expenditures for the calendar year. Only one supplemental expenditure was approved by the Commission; this was an increase of \$70,000 to be partially offset by Federal Emergency Management funds of approximately \$20,000, for a net effect on the deficit of \$50,000. The remaining expenses were never approved by the Commission.

The lack of appropriate financial control by the Commission is particularly troublesome because deficits, by operation of law, become increased expenses to the two sponsoring municipalities, the Town of Rye and the City of Rye. Poor financial management can result in tax increases to the residents.

At the end of 1994, the Commission set up temporary arrangements to ensure better financial control in 1995. While these arrangements have worked satisfactorily from a financial control standpoint, they are expensive and do not provide a long-term solution. A review of years preceding 1994 indicates an uneven approach to management of the Park.

After reviewing the history of the Park operation prior to 1994, as well as taking into consideration our own experience as outlined herein, we believe a fundamental change must be made in the method of supervision of the Park. We recommend that its authorizing statute be amended to create the position of Park Manager. This individual would manage all aspects of Park operation including annual and capital budgets and financial controls, personnel hiring and supervision, and park operations and facility maintenance. The Park Manager would report to the existing Rye Town Park Commission for policy and budgetary approvals.

Very truly yours,

Edward B. Dunn  
Mayor

EBD/cwj  
Enclosure

cc: Rye City Council Members  
Robert A. Morabito, President, Rye Town Park Commission  
George T. Ilse  
Christine Korff  
Joseph Granchelli  
Sal M. Cresenzi  
Rye Town Park Commissioners

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Burke

The resolution passed.

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to approve the minutes of the regular meeting of the City Council held March 6, 1996 as amended.

8. Miscellaneous communications and reports

A. Mayor Dunn advised the Council that the meeting with Congresswoman Nita Lowey scheduled for March 25, 1996, has been canceled.

B. Councilwoman Walsh praised the efforts of the Rye Recreation girls' basketball team, coaches, and staff for participating and being finalists in the Westchester County tournament.

C. Councilwoman Cunningham reported that the Whitby Castle Committee is working hard and is pleased with the responses they have received from numerous catering firms.

D. Mayor Dunn told the Council that he and Mr. George Ilse voted to end the issuance of free passes to Rye Town Park. He added that this issue will be addressed again at the next meeting of the Rye Town Park Commission because of a tie vote at the March 20, 1996 meeting.

E. Mayor Dunn apprised the Council of the meeting with Mr. Martin Edelman representing Rye Country Day School, Mr. Stephen Feeney representing the Rye City School Board and Mr. Howard Steinberg, the new Chairman of the Thruway Commission, regarding the surplus land on U.S. 1. Mayor Dunn added that the Thruway Commission would like to settle this matter amicably.

F. In response to the Mayor's question, City Manager Culross clarified that a press release has been forwarded to the Gannett Suburban Newspapers announcing the appointment of the new City Comptroller, Mr. Michael Genito.

G. Councilman Latwin informed the Council that the BAR held a public hearing regarding signs on Purchase Street.

H. Councilman Latwin also informed the Council that the CC/AC has formed a recycling study committee regarding the mixed paper issue and will report its findings to the Council.

I. Councilman Hutchings endorsed exploring the establishment of a committee to coordinate electronic capabilities of various agencies in Rye. He said it would be helpful to see how other agencies are doing and to ascertain whether or not there is a shared interest. City Manager Culross offered to explore the feasibility of such a committee.

9. New Business

There was no new business to be discussed.

10. Adjournment

Councilman Collins made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting.

There being no further business to discuss, the meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk