

MINUTES of the Regular Meeting of the City  
Council of the City of Rye held in City Hall on May 15,  
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. Old Business

A. Referencing a serious car accident which occurred in the City of Rye on May 3, 1996, Mayor Dunn stressed the importance and necessity of citizen awareness about drinking and driving. Mayor Dunn wished everyone involved a quick recovery. He also acknowledged the recent communication from Dr. Henry Wagner who commended Police Officers Vogel, Golanec, Wood, and Boland for their professionalism and calm manner in an extreme and critical circumstance.

Councilman Latwin commended Dr. Henry Wagner, a certified emergency medical doctor, as well as Captain of the Milton Hose and Engine Company, for his dedicated assistance at the accident site.

B. Mayor Dunn advised the Council that Mr. Vincenzo Tamburro, Assistant City Engineer, has resigned to accept the position of Building Inspector with the Village of Rye Brook. Mayor Dunn extended best wishes to Mr. Tamburro in his new endeavor and noted that a party will be held in Mr. Tamburro's honor on May 22, 1996 at the Locust Avenue Fire House.

C. At the request of the Mayor, Councilman Latwin provided an update on the Boston Post Road Beautification Project (between Central Avenue and CVS). He commented that in conjunction with the business owners, the goal is to improve the visual aspects of the area to make it another "jewel" along the Boston Post Road. He also informed the Council that sewer construction on Rectory Street will be undertaken.

D. In response to a query from the Mayor regarding the recycling program, Councilman Latwin informed the Council that a sub-group of the Conservation Commission/Advisory Council is reviewing the recycling program and anticipates submitting a report to the Council by the middle of June on the implementation of mixed paper recycling.

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

There were no residents who wished to be heard at this time.

4. Discussion of Playland Parkway speed limit

Mrs. Susan Sayle, 19 Reymont Avenue, member of the Board of Education for the Rye City School District, urged the Council to continue to pursue this Parkway speed limit issue. She said that many people in Rye do not feel that the current speed limit of 40 m.p.h. is acceptable and that the intersection of Milton Road and Playland Parkway is of major concern to many residents, particularly to school children crossing at that intersection. Mrs. Sayle offered the assistance of Rye's P.T.O. organizations concerning this matter.

Mr. Ralph Vellone, 108 Midland Avenue, told the Council that the current speed limit on Playland Parkway is very dangerous. Mr. Vellone stated that he had been instrumental in the County's decision to erect the flashing light signal which in the past triggered the traffic light if a vehicle was speeding. He stressed the importance of lowering the speed limit on Playland Parkway and reconnecting the flashing light to the traffic light.

County Legislator George Latimer explained that this has been an ongoing situation that he has labored over for the past five years. He suggested that members of the City staff act as a liaison with the County since agency to agency would be more effective. He said that reconnecting the flashing signal to the traffic signal, adjusting the timing, increasing signage, painting the crosswalk, and increasing police enforcement in this area would increase safety.

Council discussion of the recent Westchester County Report on the Playland Parkway speed limit focused on the logic of the traffic analysis, the increase of accidents, speed limit and its enforcement.

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

**RESOLVED**, that the City Council reaffirms its resolution of October, 1995, requesting the speed limit on Playland Parkway be reduced to 30 m.p.h., and further affirms its desire (absent of a strong argument to the negative) to reconnect the speeding sign to trigger the traffic light at the intersection of Milton Road.

In conclusion, it was decided that Mayor Dunn will send a letter to the Westchester County Executive requesting a meeting on this matter.

5. Consideration of proposed amendments to Chapter 185, Telecommunications, of the Code of the City of Rye and a proposed Cable Television Renewal Franchise Agreement and the scheduling of a public hearing on the amendments and agreement at a special meeting of the City Council to be scheduled on Wednesday, May 29, 1996

Mayor Dunn explained that a tentative agreement has been reached with TCI Cable of Westchester for a renewal of its cable television franchise agreement and that amendments have been proposed to Chapter 185, Telecommunications, of the Code of the City of Rye. The Mayor stated that it is necessary for the City Council to schedule public hearings on the draft franchise agreement and the proposed code revisions and that it is recommended that a special meeting of the City Council be scheduled on Wednesday, May 29, 1996 at 8:00 P.M. for this purpose.

In response to an inquiry from Councilman Hutchings regarding the emergency alert system outlined on page 4, section F of the agreement, City Manager Culross explained that this system is designed to give a brief override of the entire system (audio only) in case an important announcement needs to be made to the public and is of great advantage to the City.

Councilman Burke commended Mr. John Gregg, chairman of the RCTV Commission, City Manager Frank Culross, and the Commission members for the time and effort spent on these negotiations and the subsequent draft agreement.

Mr. John Gregg provided the following highlights of the agreement:

1. It is a ten-year, non-exclusive basis agreement.
2. It is a cable only agreement.
3. TCI will conduct a service satisfaction survey of subscribers every two years, and will forward a report to the City.
4. Public, Educational, and Government (PEG) access channels 14, 15, and 16 are available for City use.
5. TCI Cable is committed to achieving better picture clarity.

6. Rye will receive 5% of the revenues accrued from the operation of the Cable System and \$23,000 per year will be provided by TCI Cable for capital costs of PEG access equipment.
7. Free cable service will be provided to 16 City and school locations, including free cable access for the Rye Golf Club.

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 185, Telecommunications, of the Code of the City of Rye" has heretofore been introduced at this meeting and placed before the Mayor and each Council Member, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City at a special meeting on May 29, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said city, for the purpose of affording interested persons an opportunity to be heard concerning such local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

Notice of Public Hearing on a Proposed Local Law  
Amending Chapter 185, Telecommunications, of the Code of the City of Rye

Notice is hereby given that a public hearing will be held by the Council of the City of Rye at a special City Council meeting on the 29th day of May, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposed local law entitled "A local law amending Chapter 185, Telecommunications, of the Code of the City of Rye". Such local law makes a number of amendments to the existing Chapter 185 of the Rye City Code concerning cable television operation in Rye.

Copies of said proposed local law may be obtained from the office of the City Clerk.

City Clerk

Dated:

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

WHEREAS, a proposed Cable Television Renewal Franchise Agreement has heretofore been introduced at this meeting and placed before the Mayor and each Council Member, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City at a special meeting on May 29, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said city, for the purpose of affording interested persons an opportunity to be heard concerning such proposal.

Section 2. Such notice of public hearing shall be in substantially the following form:

Notice of Public Hearing on a  
Proposed Cable Television Renewal Franchise Agreement

Notice is hereby given that a public hearing will be held by the Council of the City of Rye at a special City Council meeting on the 29th day of May, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposed Cable Television Renewal Franchise Agreement with UA-Columbia Cablevision of Westchester Inc., d/b/a TCI Cable of Westchester, a corporation organized and existing under the laws of New York.

Copies of said proposed local law may be obtained from the office of the City Clerk.

City Clerk

Dated:

6. Consideration of request for a license to use a portion of the City's right-of-way abutting 11 Kirby Lane North for parking

Mr. Joseph Chira, 11 Kirby Lane North, explained that his request for a license to use a portion of the City's right-of-way abutting 11 Kirby Lane North for parking was done in good faith to avoid what he understands could be an unlawful activity.

Mrs. Heather Booth-Whiting, 12 Kirby Lane North, and Mr. & Mrs. Ezra Stoller, Kirby Lane North, expressed their opposition to Mr. Chira's request because they believed that the granting of this license would cause hazardous traffic conditions and an unsightly obstruction to neighbors.

Following discussion of issues raised, Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to postpone this matter to the special meeting scheduled for May 29, 1996 to give the Corporation Counsel an opportunity to research an issue involving zoning and the zoning code's prohibition against front yard parking in residential areas.

7. Consideration of local law amending Chapter 197, Zoning, for the purpose of permitting apartment houses/multifamily residential uses in the B-1 Neighborhood Business District located on the westerly side of Boston Post Road between Purchase Street and Purdy Avenue

Mayor Dunn explained that a rezoning petition for property located on the westerly side of the Boston Post Road in the vicinity of Smith Street had been referred to the Planning Commission and that the Commission has submitted a report recommending amendment of Chapter 197, Zoning, of the Code to permit apartment houses/multifamily residential uses in this B-1 Neighborhood Business District with the exclusion of the property located on the corner of the Boston Post Road and Purdy Avenue.

In response to an inquiry from Mrs. Patricia Larkin, Smith Street, Councilwoman Walsh explained that this was an important step in bringing the older homes in the area into conformance.

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

WHEREAS, the Rye City Council, upon the rezoning petition of Mr. and Mrs. Robert Olivier and at the suggestion of the Rye City Planning Commission, proposes to amend Chapter 197, Zoning, for the purpose of permitting, as a use permitted subject to additional standards and requirements, apartment houses/multifamily residential uses in the B-1 Neighborhood Business District located on the westerly side of Boston Post Road between Purchase Street and Purdy Avenue, with the exception of properties fronting on Purdy Avenue, now, therefore, be it

RESOLVED, that the Rye City Council finds that a federal agency is not involved, and, be it further

RESOLVED, that the Rye City Council finds that there are no other involved agencies, and, be it further

RESOLVED, that the Applicant has prepared Part 1 of a Full Environmental Assessment Form, and has provided a suggested Part 2, and, be it further

RESOLVED, that the Rye City Council has reviewed and approved Part 2 of the Full Environmental Assessment Form, and, be it further

RESOLVED, that the Rye City Council finds that the proposed action is a Type I action, and, be it further

RESOLVED, that based on the Full Environmental Assessment Form and the criteria set forth in SEQR, the Rye City Council finds that the proposed action will not have a significant adverse effect on the environment, and, be it further

RESOLVED, that the Rye City Council has prepared a negative declaration for the proposed action containing a written statement in support of a negative declaration of environmental significance, and, be it further

RESOLVED, that the City Clerk is hereby authorized and instructed to complete the certification block of the Full Environmental Assessment Form, and, be it further

RESOLVED, that the Rye City Council hereby makes a negative declaration pursuant to SEQR, and, be it further

RESOLVED, that the City Clerk is hereby authorized and instructed to file notice of the negative declaration pursuant to SEQR.

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

WHEREAS, a proposed local law entitled " A local law amending Chapter 197, Zoning, of the Code of the City of Rye" has heretofore been introduced at this meeting and placed before the Mayor and each Council Member, and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on June 19, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said city, for the purpose of affording interested persons an opportunity to be heard concerning such proposed law.

Section 2. Such notice of public hearing shall be in substantially the following form:

Notice of Public Hearing on a Proposed Local Law  
Amending Chapter 197, Zoning, of the Code of the City of Rye  
with Respect Apartment Houses in B-1 Districts

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 19th day of June, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 197, Zoning, of the Code of the City of Rye". Said local law would amend the zoning in the B-1 Neighborhood Business District abutting the westerly side of Boston Post Road from Purchase Street to Purdy Avenue, with the exception of properties fronting on Purdy Avenue, by allowing for the development of apartment houses as a use permitted subject to additional standards and requirements.

Copies of said proposed local law may be obtained from the office of the City Clerk.

City Clerk

Dated:

8. Acceptance of a gift to the City from Mary Louise Murray-Johnson of three park benches and associated landscaping

Councilwoman Cunningham made a motion, seconded by Councilman Burke and unanimously carried, to approve the donation to the City from Mrs. Mary Louise Murray-Johnson of three park benches and associated landscaping, in memory of her husband, Colonel Lewis Allen Johnson, MD.

9. Authorization for the City Manager to deed by Quit Claim Deed any rights the City has in the road bed of former Norman Place

Corporation Counsel Gardella advised that a recent title report implies that the City may have some rights in Norman Place which was demapped by the City in 1995, and that it is necessary for a Quit Claim Deed to be executed in order for ownership to be transferred to the adjoining property owners.

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

**RESOLVED**, that the City Manager be and is hereby authorized to deed, by Quit Claim Deed, any rights the City has in the road bed of former Norman Place.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

10. Approval of the sale price for property taken by In Rem Tax Foreclosure pursuant to Section 183-19 of the Code of the City of Rye

Corporation Counsel Gardella explained that foreclosure judgment has been granted against property at 6 Ellis Court and that pursuant to Section 183-19 of the Rye City Code, a committee of the Corporation Counsel, the Assessor, and the Comptroller has established a price of \$225,000 for this property, subject to the approval of the Council. He added that while advertising for bids was not required, it has been determined that such advertising was the most appropriate method of sale.

Mr. Joseph Viger, Fairlawn Street, advised the Council that he has been negotiating the purchase of this property for over a year and asked if he could have additional time to enter into a contract with the property's former owners.

Corporation Counsel Gardella advised that it was now too late to enter into a contract with the former owners.

Mayor Dunn pointed out that the City has a fiduciary responsibility to dispose of this property in a timely manner.

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

**RESOLVED**, pursuant to Section 183-19 of the Rye City Code, the City Council of the City of Rye hereby fixes the price for the sale of 6 Ellis Court, also known as Sheet 146.11, Block 3, Lot 43.3 on the current Tax Assessment Map of the City of Rye, at two hundred twenty-five thousand dollars (\$225,000).

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

11. Consideration of request of the American Legion Rye Post 128 to hold Memorial Day services on Monday, May 27th, on the Village Green

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of the American Legion Rye Post 128 to hold Memorial Day services on Monday, May 27th, on the Village Green.

12. Consideration of the request of the Festival 'Round the Green to use the Village Green and City Hall for the 1996 Festival 'Round the Green to be held September 21, 1996

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the Festival 'Round the Green Committee to use the Village Green and City Hall for the 1996 Festival 'Round the Green to be held September 21, 1996.

13. Consideration of the request of the American Diabetes Association to use city streets for their Walktoberfest on Sunday, October 6, 1996

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request of the American Diabetes Association to use city streets for their Walktoberfest on Sunday, October 6, 1996.

14. Authorization for the City Manager to enter into a cooperation agreement with the County of Westchester for participation in the Urban County Consortium to qualify for Community Development Block Grant funds for FY 1997-1999

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

**WHEREAS**, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974 as amended, to make grants to states and other units of general local government to help finance Community Development Programs; and

**WHEREAS**, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more municipal corporations, to apply for, accept and expend funds made available by the federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

**WHEREAS**, the Community Development Act of 1974 as amended, and any “Eligible Activities” thereunder are not inconsistent with the statutes or Constitution of the State; and

**WHEREAS**, a number of municipalities have requested Westchester’s participation, and the County of Westchester has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds as an Urban County; and

**WHEREAS**, participation by the County of Westchester as an Urban County in the Community Development Program requires that the City of Rye and the County of Westchester cooperate in undertaking, or assisting in undertaken, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 18 of the New York State Constitution.

**WHEREAS**, this Board deems it to be in the public interest for the City of Rye to enter into a Cooperation Agreement with the County of Westchester for the aforesaid purposes.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Manager be and hereby is authorized to execute a Cooperation Agreement between the City of Rye and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community development Act of 1974 as amended.

**ROLL CALL:**

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

**NAYS:**None

**ABSENT:** None

The resolution passed.

15. Bids for Alterations and Renovations to the Milton Firehouse

Acknowledging the bids and recommendation received for alterations and renovations to the Milton Firehouse, Councilman Hutchings expressed concern that the low bidder had previously been declared in default on another bid for failure to submit required bonds and insurance.

Corporation Counsel Gardella advised the Council that this would not preclude a bid being awarded to this bidder.

BID TABULATION  
CONTRACT #9601  
STAIR ENCLOSURE AT THE MILTON FIREHOUSE

<u>Bidder</u>		<u>Amount Bid</u>
Scavone Construction	Base Bid	\$60,625.00
604 White Plains Road	Add No. 1	\$ 1,050.00
Eastchester, New York 10709	Total Bid	\$61,675.00
N. Picco & Sons Contracting Co., Inc.	Base Bid	\$64,900.00
154 E. Boston Post Road	Add No. 1	\$ 2,000.00
Mamaroneck, New York 10543	Total Bid	\$66,900.00
DiMar Contracting, Inc.	Base Bid	\$68,400.00
63 Maple Avenue	Add No. 1	\$ No Bid
Tuckahoe, New York 10707	Total Bid	\$68,400.00

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

**RESOLVED**, that the award for the stair enclosure at Milton Fire House be, and is hereby awarded to Scavone Construction Corporation, the lowest bidder meeting specifications in the total amount of \$61,675.00, conditioned upon timely submission of the necessary bond and insurances.

ROLL CALL:

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

NAYS:None

ABSTAIN: Councilman Hutchings

ABSENT: None

The resolution passed.

16. Draft unapproved minutes of the regular meeting of the City Council held May 1, 1996

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 May 1, 1996 as amended.

17. Miscellaneous communications and reports

A. Councilman Hutchings reported that the first Channel 14 "Eye On Rye" program, Rye Community Unity Day, aired on May 8, 1996. He said the goal is to have each Council member and the Mayor tape eight shows for the year. He respectfully requested that the date for the submission of the RCTV Excellence Initiative Committee's report be open ended rather than having a June deadline to afford the committee an opportunity to make broader plans and learn more about necessary improvements. The Council unanimously agreed with Councilman Hutchings' proposal.

B. Mayor Dunn advised that he would be traveling to Rye England and would like to follow the custom of bringing greetings from our community. Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to adopt the following resolution:

***WHEREAS**, the City of Rye, State of New York, in the United States of America was settled in 1660 by persons from Rye, England, and other communities in Sussex, England; and*

***WHEREAS**, there has always been a bond of close kinship, friendship, and affection between the citizens and officials of the City of Rye, State of New York, in the United States of America and the citizens and officials of the ancient Town of Rye, Sussex, England; and*

***WHEREAS**, numerous other people, including officials of the two communities, have visited each other during trips abroad; and*

***WHEREAS**, Rye, New York, United States of America, has selected Rye, Sussex, England, as its sister City, and*

***WHEREAS**, the Council of the City of Rye on the 15th day of May, 1996, voted unanimously to convey to the officials and residents of the Town of Rye, Sussex, England, their warm regards, felicitations, and renewed expressions of kinship, friendship, and affection; and*

***WHEREAS**, the Honorable Edward B. Dunn, Mayor of the City of Rye, State of New York, United States of America, will be in Rye, Sussex, England, on June 3rd and 4th, 1996;*

***NOW, THEREFORE**, be he authorized to deliver the original of this Proclamation and Resolution to the proper authorities of the ancient Town of Rye, Sussex, England, and by such delivery to reaffirm and strengthen the ties of friendship and common heritage which have so long united the citizens of the respective communities of Rye on opposite sides of the ocean which divides them.*

***GIVEN UNDER MY HAND** and the great seal of the City of Rye this 15th day of May, 1996.*

*EDWARD B. DUNN, Mayor*

*James K. Burke*

*Robert H. Hutchings*

*Edward J. Collins*

*Joseph L. Latwin*

*Carolyn C. Cunningham*

*Kathleen E. Walsh*

*MEMBERS OF THE COUNCIL*

C. In response to an inquiry from Councilman Collins, City Manager Culross explained that the penalties for false burglary and fire alarms are as follows: no fine for the first false alarm, \$20 for the second, \$50 for the third and fourth, and \$100 for the fifth and over.

D. Councilman Collins also reported that a resident expressed concern about vehicles making a right turn on red at high speed at the intersection of Milton Road and Playland Parkway and requested enforcement.

E. Councilwoman Cunningham advised that Sunday, May 19, 1996 is Rye Community Unity Day and urged everyone to participate.

Councilwoman Walsh commended Mr. Christopher Bradbury, Assistant to the City Manager, City Clerk Alice Conrad, and the Police Department for their efforts in planning the Rye Community Unity Day.

18. New Business

There was no new business to be discussed.

12. Adjournment

Councilman Burke made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting.

There being no further business to discuss, the meeting was adjourned at 11:15 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk