

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

PRESENT:

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

ABSENT: CAROLYN C. CUNNINGHAM

1. Roll Call

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

2. Old Business

Councilwoman Walsh stated that the New York State Senate and Assembly has adopted the Zero Tolerance Legislation which will become effective in October. Prior to this, she said that Police Commissioner Pease and Detective Hunter would like to educate students about this legislation.

Mayor Dunn suggested that the Rye City School Board and the Rye Youth Council should work with the Police Department during August so that any plans can be implemented when the school year begins in September.

Councilwoman Walsh will submit a status report at the September meeting.

3. Public hearing on proposed local law amending Section 197-86 of the Code of the City of Rye with respect to seasonal outdoor seating accessory to retail and restaurant uses

Mayor Dunn acknowledged the July 1, 1996 memo from City Planner Frederick E. Zepf which contained three versions of a proposed local law amending Section 197-86 of the Code of the City of Rye with respect to seasonal outdoor seating accessory to retail and restaurant uses. The Mayor suggested that the Council members first decide on which version they prefer. Depending on that option, the Council could then adopt the appropriate SEQRA resolution.

City Planner Frederick Zepf explained the three versions:

Draft Version "A" - The original draft local law revised to include the month of April in the outdoor seating season, but does not include the B-1 Districts.

Draft Version "B" - The original draft local law revised to include the month of April in the outdoor seating season, and includes the B-1 Districts that run down both sides of the Boston Post Road from approximately City Hall to Central Avenue, terminating on the easterly side with the Post Road Market, and on the westerly side with the Black Bass Grille.

Draft Version "C" - This version encompasses both Draft Versions A and B.

In response to an inquiry regarding the Black Bass Grille, Mr. Zepf explained that the outdoor seating would be on the Central Avenue side in the right-of-way. He added that there is an issue of using public property for private use.

Mayor Dunn noted that a license could be granted for such use.

The consensus of the Council was that Draft Version "C" would allow an experiment on the broadest basis to measure the success of seasonal outdoor seating.

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

WHEREAS, the Rye City Council, proposes to amend Chapter 197, Zoning, for the purpose of permitting limited seating as a use accessory to a permitted retail use in the B-2 Central Business District and the B-1 Neighborhood Business Districts on the westerly side of Boston Post Road, between the B-2 Central Business District and Central Avenue, and on the easterly side of Boston Post Road, between Cross Street and Central 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 has prepared a Short Environmental Assessment Form, and finds that there are no other involved agencies, and, be it further

RESOLVED, that the Rye City Council has prepared a Short Environmental Assessment Form, and has provided a suggested Part 2 and Part 3, and, be it further

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

RESOLVED, that the Rye City Council finds that the proposed action is an unlisted action, and, be it further

RESOLVED, that based on the Short 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 Short 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.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Cunningham

The resolution passed.

Mayor Dunn opened the public hearing.

Councilman Latwin suggested amending Section 2. §197-86 Table of Regulations 6 (a) by extending the limitations, regarding storing the tables, chairs and related equipment, to other days of non-use other than during the months of November-March. He also recommended that the phrase “abutting the street” be amended to read “abutting the right-of-way”.

In response to Councilwoman Walsh, Corporation Counsel Gardella said that the Planning Commission has authority to set conditions on approvals under the proposed legislation. They could include in those conditions Councilman Latwin's proposed restrictions.

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

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

CITY OF RYE
LOCAL LAW NO. 5-1996

A local law amending §197-86 of the Code of the City of Rye with respect to seasonal outdoor seating accessory to retail and restaurant uses.

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

Section 1. §197-86. Table of Regulations, Table B Business District Use Regulations, Column 2 Uses Permitted Subject to Additional Standards and Requirements, Row B-1 Neighborhood Business Districts of the Code of the City of Rye is hereby amended by adding thereto two new sub-sections, to be known as sub-sections (12) and (13), to read as follows:

§197-86. Table of regulations.

Use, area, height, yard, coverage and floor area ratio requirements in the various districts shall be as follows, subject to such exemptions and limitations as are specified in other sections of this chapter.

* * *

TABLE OF REGULATIONS: TABLE B
BUSINESS DISTRICT USE REGULATIONS
COLUMN 2
USES PERMITTED SUBJECT TO ADDITIONAL
STANDARDS AND REQUIREMENTS
(SUBJECT TO THE REQUIREMENTS
AND PROVISIONS OF §197-10)

* * *

B-1 Neighborhood Business Districts

- (1) Garages for more than five (5) motor vehicles and filling stations without canopies, subject to limitations as to maximum size or capacity.
- (2) Garages and parking lots for more than five (5) motor vehicles and filling stations without canopies.
- (3) Accessory electric motors exceeding three (3) horsepower per motor.
- (4) Government-owned and -operated outdoor amusement places only if at least two hundred (200) feet from any residence district and other government-owned and -operated indoor amusement activities, provided that soundproofing is deemed by the Commission adequate to eliminate adverse effect.
- (5) Lodging houses.

- (6) Uses permitted subject to additional standards and requirements in RT Districts, without the special limitations and requirements specified in Table A, to the extent that the Commission finds such requirements to be unnecessary, except private recreational uses, nursery schools, agricultural uses, railroad passenger stations and electric substations, temporary real estate sales offices and religious headquarters offices.
- (7) Outdoor sales of seasonal goods other than motor vehicles, under temporary permits.
- (8) Service business offices, such as woodworking, plumbing, roofing or electrical, including necessary shop and material storage facilities, provided that all materials and all operations, including loading of trucks for service calls and overnight truck parking, are enclosed within a building, provided that the building exterior conforms to the character of retail business and other permitted uses and structures in the vicinity and provided that the operations are conducted at a level of noise and other effects consistent with such character.
- (9) Social clubs and lodges, except where a chief activity is conducted primarily for gain.
- (10) In B-1 Neighborhood Business Districts completely surrounded by residentially-zoned property or abutting residentially-zoned property and a city recreational facility, business operation is limited to the-hours of 7:00 a.m. to 9:30 P.M., except where such regulation is preempted by state law or regulation.

- (11) Fast-food restaurants: an establishment that offers quick service of packaged foods for consumption in the building and for carry-out, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly or heated in a device such as a microwave oven. In addition, orders are not generally taken at the customer's table and not generally served to a customer by a restaurant employee at the same table or counter where the items are consumed, and where food is generally served in disposable wrapping or containers and on a lot having frontage on an arterial highway or a county road as designated on September 1, 1958, and more than one hundred fifty (150) feet from a residence district. This category of restaurants also includes any restaurant with drive-up or drive-through service facilities.
- (12) Retail use seasonal outdoor customer seating annual permit. (This sub-section shall remain in effect until November 1, 1997, unless it is specifically re-enacted and re-filed prior to said date.) On the westerly side of Boston Post Road, between the B-2 Central Business District and Central Avenue, and on the easterly side of Boston Post Road, between Cross Street and Central Avenue, the Planning Commission may annually permit a permitted retail use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:
- (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to

§197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.

- (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
- (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
- (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
- (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.

- (h) Such other conditions and requirements as the Planning Commission may deem appropriate.
 - (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.
- (13) Restaurant use seasonal outdoor customer seating annual permit. (This subsection shall remain in effect until November 1, 1997, unless it is specifically re-enacted and re-filed prior to said date.) On the westerly side of Boston Post Road, between the B-2 Central Business District and Central Avenue, Planning Commission may annually permit a permitted restaurant use to devote outdoor areas of the property on which they are located to seasonal outdoor customer seating at tables or counters, to develop portions of the street abutting their property for seasonal outdoor customer seating at tables or counters, if there is a valid license permitting said use of the abutting street, and to a limited degree, extensions of an on-site seasonal outdoor customer seating area onto abutting property if there is a valid lease permitting said use of the abutting property, from April through October, subject to the following limitations:
- (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to §197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.

- (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
- (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
- (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
- (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
- (h) Such other conditions and requirements as the Planning Commission may deem appropriate.

- (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.

Section 2. §197-86 Table of Regulations, Table B Business District Use Regulations, Column 2 Uses Permitted Subject to Additional Standards and Requirements, Row B-2 Central Business Districts of the Code of the City of Rye is hereby amended by adding thereto two new sub-sections, to be known as sub-sections (6) and (7), to read as follows:

§197-86. Table of regulations.

Use, area, height, yard, coverage and floor area ratio requirements in the various districts shall be as follows, subject to such exemptions and limitations as are specified in other sections of this chapter.

* * *

TABLE OF REGULATIONS: TABLE B
BUSINESS DISTRICT USE REGULATIONS
COLUMN 2
USES PERMITTED SUBJECT TO ADDITIONAL
STANDARDS AND REQUIREMENTS
(SUBJECT TO THE REQUIREMENTS
AND PROVISIONS OF §197-10)

* * *

B-2 Central Business Districts

- (1) Uses permitted subject to additional standards and requirements in B-1 Districts and as limited therein.
- (2) Terminals for buses or other transportation of persons, for community service only.
- (3) Outdoor amusement places only if at least two hundred (200) feet from any residence district: bowling alleys and other noisy indoor amusement activities, provided that soundproofing is deemed by the Commission adequate to eliminate adverse effect.
- (4) Uses permitted subject to additional standards and requirements in RT Districts and as limited therein.
- (5) Social clubs and lodges, except where a chief activity is conducted primarily for gain.
- (6) Retail use seasonal outdoor customer seating annual permit. (This sub-section shall remain in effect until November 1, 1997, unless it is specifically re-enacted and re-filed prior to said date.) The Planning Commission may annually permit a permitted retail use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:
 - (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to

§197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.

- (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
- (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
- (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
- (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.

- (h) Such other conditions and requirements as the Planning Commission may deem appropriate.

- (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.

- (7) Restaurant use seasonal outdoor customer seating annual permit. (This subsection shall remain in effect until November 1, 1997, unless it is specifically re-enacted and re-filed prior to said date.) The Planning Commission may annually permit a permitted restaurant use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:
 - (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to §197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.
 - (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.

- (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
- (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
- (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
- (h) Such other conditions and requirements as the Planning Commission may deem appropriate.
- (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit,

or that there are outstanding notices of violation concerning the property
or the Applicant's use.

Section 3. This local law shall take effect immediately upon filing in the office of the Secretary of State. The new sub-sections created by this local law shall remain in effect until November 1, 1997, unless they are specifically re-enacted and re-filed prior to said date.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

The local law was adopted.

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

Mrs. Susan Schack, speaking on behalf of her mother, Mrs. Augusta Sachs, owner of property located at 1103 Boston Post Road, thanked the Council for the opportunity to discuss and resolve the problems with the A&P property.

Responding to Mrs. Schack, Councilwoman Walsh clarified the difference between an environmental review and an environmental impact study. Councilwoman Walsh explained that a negative declaration in an environmental review would not necessitate an environmental impact study. She added that specific site plans may require additional environmental reviews, but in general, the area in question has been given a negative declaration. She stressed that rezoning involves no physical change.

Councilman Latwin further clarified the difference between legal and illegal non-conforming properties.

Mayor Dunn assured Mrs. Schack that her environmental concerns would be addressed by the Planning Commission at the time of site plan approval for any change to the property.

Mr. Norman Levy, 25 Loder Street, expressed concern regarding the type of structures that would be allowed in this rezoned area.

Mrs. Patricia Larkin, School Street, questioned why the City allowed this particular area to become so neglected.

Mayor Dunn said that making this zoning change would substantially improve the appearance of the area in question.

A motion was made by Councilwoman Walsh, seconded by Councilman Latwin, to adopt the following local law:

CITY OF RYE

LOCAL LAW NO. 6 -1996

A local law amending Chapter 197 Zoning of the Code of the City of Rye.

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

Section 1. §197-8, Apartment Regulations, Subdivision C. of the Code of the City of Rye is hereby amended to read as follows:

- C. There shall be garage or parking space as required by §197-28. In order that some of these spaces may be convenient for use by visitors as well as occupants, one-half (1/2) of the required car spaces shall be directly accessible and within one hundred (100) feet by the normal approach from

the street to the main entrance of the residential building they serve. At least two-thirds (2/3) of the required car spaces shall be outdoor spaces. However, the Planning Commission, when acting on a particular site plan, may approve covered or garage parking up to two-thirds (2/3) of the required car spaces if it finds that the design and location of such spaces is such that it is reasonable to expect that visitors and occupants will actually park their cars there in normal usage except when a particular site abuts the B-2 Central Business District all spaces may be coverage or garaged.

Section 2. §197-86. Table of Regulations, Table B - Business District Use Regulations, Column 2 - Use Permitted Subject to Additional Standards and Requirements, Row B-1 Neighborhood Business Districts of the Code of the City of Rye is hereby amended by adding thereto a new Subdivision, to be known as subdivision (12), to read as follows:

- (12) Dwelling units housing three (3) or more families on one (1) lot fronting on Boston Post Road between Purchase Street and Purdy Avenue, except for those properties also fronting on Purdy Avenue.

Section 3. §197-86. Table of Regulations, Table B - Business District Use Regulations, Columns District, Use and 4 through 14, Row B-1 Neighborhood Business Districts of the Code of the City of Rye are hereby amended to read as follows:

**TABLE OF REGULATIONS: TABLE B BUSINESS DISTRICTS
 AREA, YARD, HEIGHT AND MISCELLANEOUS REGULATIONS**

		4	5	6	7	8	9	10
					Minimum Yard Dimensions (feet)			
	Use	MAXIMUM RATIO OF FLOOR Area to Lot Area	Minimum Size of Lot (e) (acres or sq. ft.) per: a. Family or Equiv. (a) or b. Nonresidential Use	Minimum Width (feet) at Main Building. See Also §197.36.	Front . See (b) and (c)	One Side . See (b) and (c)	Total of Two Side Yards	Rear . See (b), (c) and (f)
B-1	Permitted residential uses (d)	0.5	5,000	50	25	8	20	30
	Single-family house	0.5	8,000	60	25	8	20	30
	Two-family house	1.0	_____	80	10	(c)	(c)	(c) (f)
	Apartment Houses	0.5	_____	1	(c) 5	(c)	_____	Bldg. Hgt. (c) (f)
	All other main building							

* * *

Section 4. §197-28.A., Schedule of parking requirements, use category "Structures for 3 or more families on same lot", is hereby amended to read as follows:

§197-28. Schedule of off-street parking requirements.

A. Schedule of parking requirements. Off-street automobile parking facilities shall be provided as follows:

Use	Number of Spaces per unit (by Parking District)			Unit of Measure - ment and
	A	B	C	Conditions

* * *

Structures for 3 or more fam- ilies on same lot	2 (First Floor) 0.7 (Other floors), except as otherwise provided	1	2	Dwelling unit *****
--	--	---	---	------------------------

* * *

***** The Planning Commission, in a particular case, when a property abuts the B-2 Central Business District, may permit one half (1/2) of the on-site parking to be indirectly accessible.

Section 5. 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,
Hutchings, Latwin and Walsh

NAYS:None

ABSENT: Councilwoman Cunningham

The local law was adopted.

6. Report on proposed sale of In Rem Property located at 6 Ellis Court

City Manager Culross informed the Council that nine bids had been received for the in rem sale of 6 Ellis Court.

Mr. Joseph Viger, 59 Fairlawn Street, told the Council that he believed he had a legal right to the property by virtue of a previous contract with the former owners. He said he had spent substantial funds for the development of the property and the preservation of the building. He expressed the feeling that the City is benefiting at his expense and concluded by saying that he may have to litigate.

City Manager Culross explained that it is standard practice to award the property to the highest bidder.

Corporation Counsel Gardella advised the Council that foreclosure of this property could not be postponed any longer. He said that the foreclosure process was conducted legally through the court and according to the City of Rye Code.

Mayor Dunn explained that the Council is bound by what the law states regarding this issue.

The consensus of the Council was that the City must accept the highest bid for this property.

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

RESOLVED, that the City of Rye hereby awards the bid of property located at 6

Ellis Court to Mr. and Mrs. David A. Turiano,
the highest responsible bidder, in the amount of
\$237,000.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

The resolution passed.

7. Discussion of the appointment of a Citizens' Financial Advisory Committee III

Referencing his July 15, 1996 memo, Mayor Dunn said that the establishment of a Citizens' Financial Advisory Committee would assist in reviewing budget procedures and assumptions. This Committee would be composed of four to seven people with financial and business experience. The consensus of the Council was to create a Citizens' Financial Advisory Committee III. The Mayor said the members would be appointed at the August Council meeting.

8. Consideration of request of the Board of Architectural Review that a consultant be engaged to assist in developing a new sign ordinance and authorization to transfer \$10,000 from Contingency to Consultants for this purpose

Mr. Nicholas Everett, chairman of the Board of Architectural Review (BAR), requested that a consultant be engaged to provide guidance and advice to the BAR in developing a new sign ordinance. The estimated expense of hiring a consultant would be \$10,000. He said that no member of the BAR feels comfortable drafting legislation for signs.

Councilman Hutchings advised that he had spoken to a resident who was willing to donate his services.

Councilman Latwin also offered his assistance in developing the ordinance.

It was decided that Councilman Latwin would work in conjunction with the BAR to draft the appropriate legislation for a sign ordinance.

Councilwoman Walsh thanked the members of the BAR for all their time and effort given to this project.

9. Discussion of electrical inspection services

Councilman Hutchings expressed the opinion that the City of Rye's present code gives a monopoly to one organization for electrical inspection services. He said it would be more advantageous for the City to make it more competitive.

City Manager Culross recommended that no action be taken regarding Tri-State Inspection Agency, Inc., and that the Building Inspector will monitor other Westchester communities in regard to this issue.

The consensus of the Council was to take no action on this matter.

10. Resolution transferring \$1,769.74 from the Trust & Agency Fund to the General Fund Road Maintenance Account to reimburse the City for completion of unsatisfactory street repair work performed by certain contractors under their street opening permits

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

WHEREAS, the following funds were placed on deposit with the City of Rye, by the contractors named herein and for the amount stated herein, for Street Opening Permits:

Aleat Construction, 17 Purdy Avenue, Two hundred sixty nine and 74/100 (\$269.74) dollars;
Paul DiBiccara Construction, 4 Adelaide Street, Five hundred (\$500.00) dollars;
Dissette Construction, Beary Court & Forest Avenue, One thousand (\$1,000.00) dollars; and,

WHEREAS, the aforementioned contractors did not satisfactorily complete the work on the street(s) as required under the terms of the Street Opening Permit; and,

WHEREAS, under the terms of the Street Opening Permit, such funds placed on deposit may be used to reimburse the City of Rye for the completion of such work,

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Rye that the amount of One thousand seven hundred sixty-nine and 74/100 (\$1,769.74) dollars be transferred from the Trust & Agency Fund to the General Fund, Account 5110.2 to reimburse the City for the completion of work on the aforementioned streets.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

The resolution passed.

11. Adoption of 1996/1997 tax levy for the Rye Neck Union Free School District

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

WARRANT FOR SCHOOL TAXES
RYE NECK UNION FREE SCHOOL DISTRICT

TO: Michael A. Genito, Comptroller of the City of Rye

WHEREAS, the lawful authorities of the Rye Neck Union Free School District have fixed the amount of taxes to be raised for said district for the fiscal year beginning July 1, 1996 and ending June 30, 1997, in the amount of \$11,898,379.00 and have duly apportioned to the parts of said district lying within the City of Rye the amount of \$2,898,326.00 and they have established a tax rate in the amount of \$234.444 per \$1,000 of assessed value, for the levy of the aforesaid School District taxes for the parts of said district lying within the City of Rye.

NOW, THEREFORE, in pursuance with the relevant provisions of the City Charter, you are hereby commanded to collect the taxes in the amount of \$2,898,326.00 from the part of Rye Neck Union Free School District lying within said City, at the rate of \$234.444 per \$1,000 of assessed value as fixed by the City Council.

IN WITNESS WHEREOF, the Council of the City of Rye has caused this warrant to be signed by its Mayor and the corporate seal of the City to be affixed hereto this 17th day of July, 1996.

MAYOR, CITY OF RYE

Attest:

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Cunningham

The resolution passed.

12. 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. John J. Thompson III to the Poningoe Hook & Ladder Company.

13. Consideration of the request from residents of Sanford Street for controlled traffic on August 4, 1996 for a "Block Party"

Councilman Burke made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request from residents of Sanford Street for controlled traffic on August 4, 1996 for a "Block Party".

14. Consideration of the request of the National Multiple Sclerosis Society to use city streets for their Annual Walk-a-thon on Sunday, April 20, 1997

Councilman Collins made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request of the National Multiple Sclerosis Society to use city streets for their Annual Walk-a-thon on Sunday, April 20, 1997.

15. Bids for Sidewalk Repairs

The following bids were received:

Tabulation on separate pages

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

RESOLVED, that Contract No. 9602, Sidewalk Repairs, be awarded to Barreto Construction Corp., the lowest bidder meeting specifications, in the amount of \$34,080.00. and be it further

RESOLVED, that the City Engineer is hereby authorized to spend up to \$120,000.00 which was budgeted for the 1996 Sidewalk Repairs.

ROLL CALL:

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

NAYS:None

ABSENT: Councilwoman Cunningham

The resolution passed.

In response to an inquiry from Councilman Hutchings, City Manager Culross explained that the City does not have a sufficient number of police officers to monitor and thereby deter vandalism on sites having wet concrete.

16. Draft unapproved minutes of the regular meeting of the City Council held June 19, 1996, and the special meeting held June 27, 1996

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held June 19, 1996 as submitted.

Councilman Latwin made a motion, seconded by Councilman Collins and unanimously carried, to approve the minutes of the special meeting of the City Council held June 27, 1996 as submitted.

17. Miscellaneous communications and reports

A. Councilman Latwin informed the Council that the next meeting regarding the Boston Post Road Beautification Project will be July 23, 1996 at 5:00 P.M.. Mayor Dunn commented that there were some business owners who expressed concern regarding this project. However, he said that the overall benefits appear to be substantial.

B. In response to an inquiry from Councilman Latwin, Mayor Dunn agreed that the law regarding satellite dishes could probably be eliminated from the Rye City Code in the future.

C. Councilwoman Walsh advised the Council that the Rye Historical Society does not require a Certificate of Appropriateness to install a marker in front of the Square House.

D. Mayor Dunn acknowledged the July 9, 1996 memorandum from Mr. Joel R. Dichter of Klein, Zelman, Rothermel regarding the Connecticut-American Water Company.

18. New Business

A. Mayor Dunn reported that the sewer program was discussed at the July 16 meeting of the Municipal Officials Executive Committee and there are no legal impediments for the County to pay for laterals. He added that this subject will be reviewed one more time with the County Legislators within the week.

B. Mayor Dunn acknowledged a letter from Mr. Gordon Camble, chairman of the Rye Health and Care Limited, Rye, England, requesting a contribution to their fundraising campaign for a "State of the Art" Community Care Center.

Councilwoman Walsh volunteered to present this request to the Rye Rotary.

C. City Manager Culross reported that at the last meeting of the Special Committee on Whitby Castle, there was discussion about renovating the stone building and demolishing the 1920's addition. A new addition would be built consisting of two banquet halls, which could accommodate approximately 275 people. Locker facilities would be located in a separate facility. The cost estimate for renovation is approximately \$5 million. City Manager Culross added that it would be beneficial to have an operator for the facility before presenting a final plan to the community. A public referendum could possibly be prepared in late winter/early spring.

Mayor Dunn thanked the Committee for working so diligently.

D. Mayor Dunn reported that a special meeting of the Rye Town Park Commission is scheduled for July 22, 1996.

19. Adjournment

Councilman Burke made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn into executive session to discuss personnel and litigation at 10:10 P.M.

The Council reconvened at 11:15 P.M.

There being no further business to discuss, the meeting was adjourned at 11:20 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk