

MINUTES of the Regular Meeting of the City
Council of the City of Rye held in City Hall on August
21, 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. The Mayor informed the Council that Councilman Burke was absent because he was vacationing in Ireland.

2. Old Business

There was no old business discussed.

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

There were no residents wishing to discuss matters that did not appear on the agenda.

4. Update on the Use of Information Technology: Demonstration of Ryebespace

Mrs. Margaret Carey, Coordinator of Computer Services, provided an update on the progress of information technology in the City. She reported that Rye now has a home page on the Internet--Ryebespace--which has been officially online since the beginning of August (<http://www.ci.rye.ny.us>). During her demonstration, Mrs. Carey made the following comments:

Throughout history, information has been ushered in by new and powerful methods of communication, the most recent of which is the Internet.

Ryebespace:

provides access to the City of Rye's information about City services, schedules, departments, and general information. Exploring Ryebespace is facilitated by an internal "search engine"; improves and enhances government communication;

provides an additional avenue of communication via e-mail;

expands information available to the public by linking to the State and County web sites;

furnishes easy access and availability;

breaks down the constraints of the 9 to 5 workday by being online twenty-four hours a day;

affords citizens the ability to exchange information;

reduces paperwork and improves service;

strengthens interaction between the City and its citizens by using electronic mail;

paves the way for technological innovation and new applications such as electronic commerce; and

ensures information security by having "read only" documents.

Mayor Dunn and Councilman Hutchings commended Mrs. Carey and City Manager Culross and expressed appreciation for the very informative presentation on Ryebespace.

5. Update on Nature Center Building

Mrs. Ann Edmonds, on behalf of the Board of the Friends of Rye Nature Center (FRNC), informed the Council that the new building at the Nature Center will be used to meet the increase in demands for many programs offered at the Nature Center.

City Naturalist Tracy Kay apprised the Council that participation in after-school programs has doubled, and enrollment in preschool programs has tripled in the past four years. He explained that this rapid growth has stretched the existing facilities to the limit. Therefore, the Conservation Commission/Advisory Council (CC/AC) and FRNC have joined to raise funds for a new building. The first phase of this fundraising campaign has raised \$250,000 of the \$500,000 goal. Fundraising efforts

are running parallel to the design work and if all goes according to plan, by year's end there will be a request for authorization to develop bid documents for the project with a groundbreaking date targeted for the spring of next year. The second phase would raise an additional \$330,000 to equip the facility fully. The more public phase of the campaign will include:

- seeking additional foundation & corporate support for the project,
- securing \$20,000 in state aid for the project,
- expanding efforts to reach additional individuals & organizations within our service area, and
- handing out campaign letters with pledge card.

Mr. Kay concluded by saying that the Rye Nature Center staff is excited about the project and the effort and support provided by the members of the CC/AC and FRNC for the vision campaign.

In response to an inquiry from Councilman Collins, Mr. Kay explained that all fundraising has been done by staff and volunteers; no professional consultants have been engaged.

Mayor Dunn expressed his appreciation to Mr. Kay for his presentation.

6. Report on recycling and solid waste pickup

City Naturalist Tracy Kay, presented the report on recycling and solid waste pick-up.

Highlights of his presentation included:

Rye is currently recycling 27% of its municipal solid waste.

The addition of office paper, magazines, and junk mail to the list of recyclable items has increased paper totals.

Yard waste is at 17%. There may be a time that leaves will not be accepted in the incinerator. Therefore, it would be prudent to consider alternative solutions to Rye's excess leaves to encourage home composting.

Rye's load rejection rate at the Material Recovery Facility (MRF) has been very low compared to other communities.

The Department of Public Works is in the process of estimating how many of Rye's single family houses are recycling. DPW will distribute a card to deliver to non-recycling households that informs residents that recycling is mandatory.

Most apartments in Rye are recycling but the quantities are not high enough to consider that all apartments within each building are recycling. Recently, the DPW delivered door hangers with recycling information.

DPW has researched hydraulic lifts for its recycling trucks which would accommodate large rolling recycling containers.

The Council discussed the following:

- sorting capability at MRF;
- purchasing or leasing hydraulic lifts;
- placing orange stickers on rejected loads at curbside;
- enforcing recycling;
- educating residents and school children about recycling; and
- submitting periodic reports on solid waste and recycling.

Mr. George Ilse commented that recycling is physically prohibitive for some residents. Mr. Kay offered alternatives to using the recycling boxes, i.e. brown paper bags which would minimize this problem.

In response to an inquiry from Mayor Dunn, Mr. Kay explained that recycling has reduced the amount of trash collected per household.

In closing, Mr. Kay told the Council that various public facilities should also be encouraged to recycle.

Councilwoman Walsh suggested that a "shopping list" of recommended compliance strategies be compiled. This list would include numbers reflected in the shift from garbage collected to recycling and the amount of manpower and equipment necessary to improve Rye's recycling program.

Mr. Kay reported that the County is providing detailed reports either on a quarterly or every six-months basis.

Councilman Latwin suggested that not collecting trash from those who do not comply with the recycling laws would encourage compliance.

Mayor Dunn expressed his appreciation to Mr. Kay for his informative presentation.

The following agenda item was taken out of order:

17. Consideration of the request of the Rye Free Reading Room to use the Village Green on Saturday, October 19, 1996, for a Civil War Encampment

Councilman Hutchings informed the Council that the Civil War Encampment will consist of approximately 6 reproduction tents and 25 re-enactors occupying a portion of the Village Green. Throughout the day the camp will be open to individuals and families to visit and talk to the re-enactors about life during the Civil War. There will also be small programs consisting of an address by General McClellan to the people of Rye concerning Union activities, a discussion about the role of women during the Civil War, a march, and possibly a small skirmish.

City Manager Culross expressed concern about the discharge of firearms which is illegal in the City of Rye.

Councilman Hutchings suggested this request be approved with a provision that firearms will not be discharged.

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to authorize the City Manager to review the Civil War Encampment with the representatives of the Rye Free Reading Room to ensure safety of all the participants of the program and compliance with the City of Rye's Code.

14. Consideration of request from Mezzaluna Pizza & Pasta, Inc., for a license to maintain a walled terrace on City property along the access road to Car Park No. 1 adjacent to their property at 7 Elm Place

William A. Sullivan, Esq., representing Mezzaluna Pizza and Pasta, Inc. located at 7 Elm Place, apprised the Council that his client, Mr. Fratello, built a walled terrace along the southwestern side of the premises. His client subsequently discovered that this terrace encroached on City property, a distance from 4'3" to 5' over a course of approximately 52.85 feet along the access road to Municipal Parking Lot No. 1 from Elm Place. Mr. Sullivan respectfully requested that the City Council grant Mr. Fratello a license to maintain this encroachment.

Councilwoman Walsh suggested that a license should contain appropriate provisions such as:

- non-transferable to subsequent businesses;
- revoked by the City for cause; and
- require a fee.

Corporation Counsel Gardella added that a "hold harmless" insurance agreement would be necessary.

Councilman Latwin agreed with Corporation Counsel Gardella that the owner of the property should also be involved in this agreement to insure the availability of remedies in the event of a default.

After a brief Council discussion, Councilman Collins made a motion, seconded by Councilwoman Cunningham, to authorize the City Manager to negotiate a license agreement with appropriate provisions with Mr. Fratello and the owner of the property at 7 Elm Place.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Burke

The motion carried.

7. Appointment of Citizens' Financial Advisory Committee III

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Mr. Robert H. Niehaus, Mr. Robert L. Byrne, Mr. Edmond J. Downing, Mrs. Barbara Frank, Mr. Gregory McLaughlin, Mr. Douglas Monroe and Ms. Jayne Ryan to the Citizens' Financial Advisory Committee III. The Mayor designated Mr. Robert Niehaus as chairman.

8. Review of amendments to the City's Investment Policy

City Manager Culross recommended the following changes to the City's investment policy:

SECTION V. DIVERSIFICATION should be changed as follows:

The current text under "Institution" should be changed to read as follows:

No more than 75% of the overall portfolio may be deposited in a single bank.

A line should be added under the "Instrument" section as follows:

No more than 25% of the overall portfolio may be invested in the securities of a single issuer, except for the US Treasury.

Appendix A. DEPOSITORIES and

Appendix D. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

Remove National Westminster Bank and replace it with Fleet Bank (they merged, keeping the Fleet Name).

Add Hudson Valley Bank (located in Port Chester).

Councilwoman Cunningham made a motion, seconded by Councilman Collins, to approve the aforementioned amendments to the City's Investment Policy.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Burke

The motion carried.

9. Discussion of establishing a procedure for coordinating volunteer undertakings that benefit the City

Mayor Dunn acknowledged the July 17, 1996, communication from Mrs. Angel Morris expressing concern about the planting and the benches at Highland Road and recommending that there should be a file on volunteer groups' civic and beautification projects.

City Manager Culross volunteered to establish a central registry for volunteers undertakings and memorials that would be available for all City agencies and community organizations to review.

10. Report on Rye Town Park

Mayor Dunn presented an updated status report on the Rye Town Park Commission as follows:

The Mayor clarified that the Escrow funds were not released due to the inability of Rye Town to review documents sent to them by the City of Rye on August 6, 1996. These documents were a simple calculation and did not involve extensive scrutiny.

There is still a dispute over the exact amount that is due. Our calculation indicated the amount is between \$67,000 and \$70,000 while Rye Town claims that the figure is \$89,000. The main difference in the calculations is based on whether or not the total assessed valuation must be equalized.

There are better controls over budgetary and expenditure procedures. However, the revenue procedure, which is not as high a priority as the control of expenditures, would be established in the near future.

All purchase orders will be reviewed by the City of Rye Comptroller prior to presentation before the Rye Town Park Commission. This will provide the two commissioners representing the City of Rye with the opportunity to make an informed decision. Furthermore, the use of blanket purchase orders will provide protection against unwarranted small repetitive purchases.

There has not been a revenue procedure established as yet.

The Rye Town Park Commission refused to allow a super majority vote of the Supervisor of Rye Town and the Mayor of the City of Rye, as it would be in contradiction of the legislation which established Rye Town Park.

The main objective is to have Rye Town Park self-sustaining. This can be achieved through realistic budgeting. A review of free pass policies is in order, i.e., senior citizens, law enforcement officers, and complimentary passes.

Both Councilmen Hutchings and Collins agreed that much progress has been made on expenditures. The Rye Town Park should be viewed in the same way as other agencies requesting our support (i.e. Rye Free Reading Room, Square House, etc.). They agreed that Rye Town Park should be self-sustaining.

Councilwoman Walsh suggested that Rye Town Park should investigate aggressive alternative sources for funding capital projects.

11. Consideration of proposed local law amending Section 53-7 of the Rye City Code to exempt smaller satellite earth station dish antennas from regulation

Corporation Counsel Gardella said that this proposed local law will meet the new FCC regulations.

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

WHEREAS, a proposed local law entitled, " A local law amending Section 53-7 of the Rye City Code to exempt smaller satellite earth station dish antennas from regulation, 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 September 18, 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 Proposed Local Law
Amending Section 53-7 of the Rye City Code
to exempt smaller satellite earth station
dish antennas from regulation

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of September, 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 Section 53-7 of the Rye City Code to exempt smaller satellite earth station dish antennas from regulation, of the Code of the City of Rye".

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

Dated: City Clerk

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Burke

The resolution passed.

12. Consideration of proposed local law amending Section 197-86 of the Code of the City of Rye for the purpose of eliminating some restrictions on indoor customer seating as a use accessory to a retail use in the B-2 Central Business District

Councilwoman Walsh explained that the proposed amendment would eliminate the code provision that states that 25% of the floor space of a permitted retail use may be devoted to customer seating at tables or counters and the total seating capacity shall not exceed one seat for each 15 square

feet. She said that this amendment would allow flexibility and set a number for seating which will be subject to the Fire Code regulations. It would also eliminate an enforcement problem.

Councilwoman Cunningham recommended informing the Rye Chamber of Commerce about the public hearing on this proposed local law.

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

WHEREAS, the Rye City Council, at the suggestion of the Rye City Planning Commission, proposes to amend Chapter 197, Zoning, for the purpose of eliminating the current limitation on the amount of floor area that can be devoted to customer seating and the number of seats that can be placed in the customer seating area as a use accessory to a permitted retail use in the B-2 Central Business District, 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 Rye City Planning Commission has prepared Part 1 of 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 Short 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 Collins, Cunningham,
Hutchings, Latwin, and Walsh

NAYS: None

ABSENT: Councilman Burke

The resolution passed.

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

WHEREAS, a proposed local law entitled " A local law amending Section 197-86 of the Code of the City of Rye for the purpose of eliminating some restrictions on indoor customer seating as a use accessory to a retail use in the B-2 Central Business District, 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 September 18, 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 Proposed Local Law
Amending Section 197-86 of the Code of the Rye City Code
for the purpose of eliminating some restrictions on indoor customer seating
as a use accessory to a retail use in the B-2 Central Business District

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of September, 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 Section 197-86 of the Rye City Code for the purpose of eliminating some restrictions on indoor customer seating as a use accessory to a retail use in the B-2 Central Business District, of the Code of the City of Rye".

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

Dated: City Clerk

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Burke

The resolution passed.

13. Authorization for the City Manager to enter into a Federal Equitable Sharing Agreement among the Federal Government, the City of Rye Police Department, and the Rye City Council

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

RESOLVED, that the City Manager be, and is hereby authorized to enter into a Federal Equitable Sharing Agreement among the Federal Government, the City of Rye Police Department, and the Rye City Council.

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Burke

The resolution passed.

15. Consideration of the request from residents of Overlook Place for controlled traffic on September 7, 1996 for a "Block Party"

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request from residents of Overlook Place for controlled traffic on September 7, 1996 for a "Block Party".

16. Consideration of the request of The Rye Historical Society that Haviland Lane be closed to vehicular traffic on September 29, 1996, in conjunction with the Society's outdoor clambake

Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of The Rye Historical Society that Haviland Lane be closed to vehicular traffic on September 29, 1996, in conjunction with the Society's outdoor clambake.

18. Consideration of the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, May 10, 1997

Councilman Collins made a motion, seconded by Councilman Latwin and unanimously carried, to approve the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, May 10, 1997.

19. Designation of the Chairman of the Conservation Commission, by the Mayor

Mayor Dunn requested that this agenda item be postponed to the next Council meeting.

20. Draft unapproved minutes of the regular meeting of the City Council held July 17, 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 July 17, 1996 as amended.

21. Miscellaneous communications and reports

A. Councilman Latwin reported that he had submitted a draft of the sign ordinance to the Board of Architectural Review (BAR). He said this draft was based on the comments received and the ordinances provided by the BAR.

B. Mayor Dunn announced that Westchester County Parks Commission has given final approval for the reduction of the speed limit on Playland Parkway to 30 miles per hour. He said that the City is urging the County to post the new speed limit prior to the opening of school in September.

C. Mayor Dunn announced that he had written to Senator Suzi Oppenheimer and Assemblyman Tocci regarding the Multi-modal Transportation Improvement Program Bill. He said the purpose of this communication was to request consideration of funding for the repair of the rock slide on Boston Post Road.

22. New Business

Mayor Dunn apprised the Council that a meeting has been scheduled for September 9, 1996 at 5:00 P.M. in the Council Chambers for Central Business District (CBD) building owners. The purpose of this meeting is to discuss what can be done to improve the economic climate of the CBD.

Councilwoman Walsh apprised the Council that New York Times published an article entitled, "Prominent Downtown Vacancies Worry Bronxville". She will circulate a copy of this August 11, 1996 article to the members of the Council.

23. Adjournment

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss sale and lease of assets at 10:30 P.M.

The Council reconvened at 11:45 P.M.

Councilman Collins made a motion, seconded by Councilman Hutchings to schedule a special Council meeting for September 11, 1996 at 8:30 P.M. This will be an executive session to discuss wage negotiations.

There being no further business to discuss, the meeting was adjourned at 11:50 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk