

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on September 18, 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. On behalf of the City Council, Mayor Dunn expressed appreciation to Councilman Burke for the souvenirs from his trip to Ireland.

B. Mayor Dunn congratulated City Manager Culross on beginning his nineteenth year of service as City Manager. He commended Mr. Culross for his efficient, innovative, and honest management of the City of Rye.

Councilwoman Cunningham expressed her appreciation to Mr. Culross for his professionalism.

C. Mayor Dunn reported on the September 12, 1996 meeting with the property owners of the Central Business District (CBD). He said that two commercial realty brokers remarked that Rye is a desirable place and there should be no problem renting stores. The vacancy rate in the CBD is commensurate with the nation's decline in business. However, the Mayor said that four new stores have been rented in the CBD. Mayor Dunn noted that there was some discussion on problems in the CBD and on the establishment of a Business Improvement District. The Mayor concluded by saying that the next meeting, which will be organized through the Rye Chamber of Commerce, will include tenants (merchants) as well as the property owners.

D. Mayor Dunn gave the following status report on the last meeting of the Rye Town Park Commission:

There was a lengthy discussion about realistic budgeting,

a set of financial controls for budgets and expenditures was adopted,

a draft of the budget will be presented at the October meeting, and

the Commissioners adopted a resolution that Rye Town Park should strive for a break-even budget. The goal is to find new sources of revenues, especially for capital expenditures.

The City Council discussed releasing escrow funds to Rye Town for the 1994 Rye Town Park deficit. A disagreement still remains between the City of Rye and Rye Town as to whether the taxable assessed valuation should be used in the calculation as opposed to the total assessed valuation.

Councilman Latwin suggested that the resolution to release the escrow funds include language that this payment would not set a precedent for the future.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to release \$70,000 in escrow to Rye Town to cover the 1994 Rye Town Park deficit, and be it further,

RESOLVED, that this decision to release the funds is designed to resolve this present dispute but sets no precedent for the future in regard to the calculation of the Total Assessed Valuation and that the Council reserves the right to maintain its interpretation which subtracts Tax Exempt Properties from the applicable assessed valuation.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

3. Public hearing on proposed local law amending Section 53-7 of the Rye City Code to exempt smaller satellite earth station dish antennae from regulation

Mayor Dunn opened the public hearing.

There was no one wishing to address the proposed local law.

The Mayor closed the public hearing.

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

CITY OF RYE
LOCAL LAW NO. 7-1996

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

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

Section 1. §53-7 of Chapter 53, of the Rye City Code is hereby amended to read as follows:

§53-7. Applications for dish antennae.

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for the installation of satellite earth station dish antennae, subject to the provisions of § 197-9D of the Code of the City of Rye. Satellite earth station dish antennae which measure one meter or less in diameter are permitted as of right in residential zones and are not subject to the provisions of this section or section 197-9D. Such antennae, which measure two meters or less in diameter, are permitted as of right in nonresidentially zoned areas.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

A brief Council discussion on cellular phone antenna resulted in requesting Councilwoman Walsh, in conjunction with Corporation Counsel Gardella, to research this issue and report to the City Council at its next meeting.

4. Public hearing on 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

Mayor Dunn opened the public hearing.

There was no one wishing to address the proposed local law.

The Mayor closed the public hearing.

Councilwoman Walsh reported that the Planning Commission did not recommend any modifications to the proposed local law at its last meeting.

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

CITY OF RYE

LOCAL LAW NO. 8 -1996

A local law amending §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.

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 3 Permitted Accessory Uses, Row B-2 Central Business Districts, Sub-section (3), of the Code of the City of Rye is hereby amended 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 3
PERMITTED ACCESSORY USES

* * *

B-2 Central Business Districts

- (1) The same accessory uses as are permitted in B-1 Districts.
- (2) Residence for caretaker or watchman necessary for protection of main use.
- (3) Indoor customer seating at tables or counters, subject to the requirements of 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. The floor space devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements, except that the floor space devoted to

customer seating shall be included in the calculation of required on-site parking for the underlying permitted retail use.

* * *

Section 2. This local law shall take effect immediately upon filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

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

Mr. Frank Visci, Redfield Street, urged the City Council to contact Westchester County to post speed limit signs and to reactivate the blinking light at the intersection of Milton and Playland Parkway.

Councilwoman Walsh responded to Mr. Visci by saying that the Council did take action to have the speed limit reduced and that the Council will follow-up on the signage.

Mr. George Ilse, chair of the Westchester County Parks, Recreation, and Conservation Board, will investigate the status of the speed limit signs and reactivating the blinking light.

6. Presentation by the Police Commissioner of the "Are you O.K." Program

Commissioner Pease informed the City Council that the Police Department is offering an automated telephone assurance system, called "Are You O.K.?" to senior citizens. This computer application calls residents at a specific time each day and asks them if they are all right. Upon receiving a voice response from the party being called, it logs an affirmative response and moves on to the next person on the list. If the person does not answer the phone, an alert is sounded at the police desk area and the officer at the desk dispatches a police car to check the welfare of the party.

In response to questions from the Council, Commissioner Pease clarified:

- The program is being offered to senior citizens at no charge.
- It is especially valuable to those who live alone or are in poor health.
- Computer contact will be from 6 A.M. to 1 P.M.
- Seniors may sign-up for the time they want to be called.

- It is estimated that 50 seniors will participate.
- Lt. McCarthy has publicized this program to the senior citizens and via the Internet. "Eye on Rye" is also publicizing this program.

Council discussed:

- The value of this program,
- liability of engaging in such a program, and
- the possibility of charging a fee after the first introductory year.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to approve the Police Department's initiating the "Are You O.K.?" Program.

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion carried.

7. Approval of the Rye Police Department Rules and Regulations, as revised

Mayor Dunn acknowledged the September 13, 1996 memo from City Manager Culross regarding the Police Department Rules and Regulations.

Councilman Burke commended Commissioner Pease for the excellent job he did in compiling the Police Department Rules and Regulations. He said the final product was well worth all the time and effort.

Councilman Burke made a motion, seconded by Councilman Latwin, to approve the Police Department Rules and Regulations as presented.

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion carried.

8. Discussion of Sewer Rehabilitation and Sewer System Evaluation Survey Compliance

Mayor Dunn acknowledged the September 6, 1996 demand from Westchester County Department of Environmental Facilities that the City of Rye supply a detailed report about the status of mandated sewer rehabilitation in the City of Rye or face enforcement activity.

The City Manager, who has supplied such a report, gave a brief history of the New York State mandate regarding sanitary sewer rehabilitation which was initiated in 1992 when the State and the County entered into a consent decree to eliminate the discharge of pollutants and reduce infiltration and inflow into sanitary sewers throughout the County.

Highlights of his summary included:

The City of Rye is under a directive from the Westchester County Department of Environmental Facilities to undertake certain repairs and enforcement activities as a result of the Sewer System Evaluation Survey (SSES) which was established to determine the quantity and location of infiltration and inflow.

The sewer rehabilitation, as set forth in the SSES, would cost the City of Rye approximately one million dollars.

Since 1992, Rye has proposed sewer district funding for any required improvements.

In 1995, the Westchester Municipal Officials Association proposed that the various sewer repairs identified in the SSES reports be funded through sewer districts.

The Westchester County Board of Legislators is considering the establishment of County sewer district funding for the improvements.

Funding for the City of Rye's sewer rehabilitation has been budgeted while the City has sought a hold harmless agreement from the County in the event that the County consolidates districts or funds similar projects through districts.

The consensus of the Council was to review this matter within two months.

9. User Friendly Report Update

Mayor Dunn acknowledged the User Friendly Study Group Report. He commended the City Manager and the staff for their excellent work.

Councilwoman Cunningham suggested that the City publicize the amnesty/relief program for pre-existing conditions because its deadline is December 31, 1997.

Councilman Latwin commended the staff and said that the report is exactly what the Council wanted.

10. Discussion of an amendment to the NYS Tax Law to provide for an exemption from the State's sales & use taxes for certain clothing and footwear during the week of January 18, 1997 through January 24, 1997

Mayor Dunn acknowledged the August 15, 1996 communication from County Executive Andrew O'Rourke apprising the City of the recent amendment to New York State Tax Law which would provide an exemption from the State's sales and use taxes for certain clothing and footwear during the week of January 18, 1997 through January 24, 1997.

Councilman Hutchings supported this exemption and added that it would be beneficial to know whether or not this idea stimulated business for the merchants.

Mayor Dunn asked Councilman Latwin to consult with the Rye Chamber of Commerce about its opinion of this program.

11. Resolution authorizing the City Manager to execute a Deed conveying 6 Ellis Court to Mr. and Mrs. David J. Turiano

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

WHEREAS, the City Council has approved of the sale of 6 Ellis Court, residential property taken through an In Rem tax proceeding by the City, to Mr. and Mrs. David J. Turiano for \$237,000.00 pursuant to Section 183.18 of the Rye City Code, now, therefore, be it

RESOLVED, that City Manager Frank J. Culross is authorized and directed to execute and deliver a deed conveying the above property to the Turianos upon receipt of the balance due on the purchase price pursuant to the Contract of Sale between the parties.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

12. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 1999

Councilman Burke made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the reappointments of Mr. George Goering and Mr. Jack Tabachnick to the Boat Basin Commission for two-year terms expiring January 1, 1999.

13. Designation of one member to the Boat Basin Nominating Committee

Councilman Burke made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the designation of Mr. Richard Dempsey to the Boat Basin Nominating Committee for the 1997 Boat Basin Commission Elections.

14. Four appointments to the Golf Club Commission, by the Council, for two-year terms expiring January 1, 1999

Councilwoman Cunningham made a motion, seconded by Councilman Latwin and unanimously carried, to approve the appointments of Mr. Kenneth McGuigan and Mr. Leonard Busch, and the reappointments of Mr. Vincent Merlino and Mr. Alan Robben to the Rye Golf Club Commission for two-year terms expiring January 1, 1999.

15. Designation of two members to the Golf Club Nominating Committee

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the designation of Mr. Pat Romano and Mr. Edward Schindo to the Golf Club Nominating Committee for the 1997 Golf Club Commission Elections.

16. One appointment to the Board of Assessment Review, by the Council, for a five-year term expiring September 30, 2001

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the reappointment of Mr. David Olson to the Board of Assessment Review for a five-year term expiring September 30, 2001.

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

Mayor Dunn designated Mr. C. Nicholas Hodnett as the Chairman of the Conservation Commission/Advisory Council.

Mayor Dunn initiated a discussion of the size of the Conservation Commission/Advisory Council. It was his opinion that fewer than nine members would be adequate for this Commission.

Councilwoman Cunningham said that the New York State Enabling Act authorized nine members. She expressed the opinion that nine members were essential to the functioning of the Commission, especially for the SEQRA process.

18. Consideration of request on behalf of Indian Village residents to use Mendota Avenue for a Halloween Parade on Thursday, October 31, 1996, from 3:30 P.M. to 5:30 P.M.

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request of residents of Indian Village to use Mendota Avenue for a Halloween Parade on Thursday, October 31, 1996 from 3:30 P.M. to 5:30 P.M.

19. Consideration of the request of the Recreation Department to use City Hall and the Village Green for the 20th Annual Turkey Run on Saturday, November 30, 1996

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the Recreation Department to use City Hall and the Village Green for their Annual Turkey Run on Saturday, November 30, 1996.

20. Bids for Skid Steer Loader

The following bids were received:

NAME OF BIDDER	BID AMOUNT
H. W. Brown 19 Wyckoff Avenue Brooklyn, NY 11237	\$17,900.00

Westchester Ford Tractor, Inc. P.O. Box K 14 Meadow Street Goldens Bridge, NY 10526	\$21,500.00
Hedco 1667 E. Jericho Turnpike Huntington, NY 11743	\$21,100.00
Sylvan Equipment Corp. 91 No. 12th Street Brooklyn, NY 11211	\$19,521.00

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

RESOLVED, that Bid No. 3-96, Skid Steer Loader, is hereby awarded to H.W. Brown Corp., the low bidder meeting specifications in the amount of \$17,900.00.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

21. Bids for Dock Electrification at the DePauw Municipal Boat Basin

The following bids were received:

NAME OF BIDDER	BASE BID	ALTERNATE BID
Talt Electric 104 North Street Rye, New York 10580	\$62,791.00	\$60,791.00

Stack Electric 15 S. MacQuesten Parkway Mt., Vernon, NY 10550	\$66,900.00	\$62,900.00
All Phase Electric 1611 Washington Blvd. Stamford, CT 06902	\$76,919.00	\$67,425.00
ISE Electrical 33 Nepperhan Avenue Elmsford, NY 10523	\$49,790.00	\$60,000.00
D&M Electric Contracting 691 Hillside Avenue North White Plains, NY 10603	\$60,564.00	\$58,932.00
A.Y. Electric, Inc. 58 So. Devoe Avenue Yonkers, NY 10705	\$53,100.00	\$3,140.00 \$53,100.00

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

RESOLVED, that Contract No. 9604, Dock Electrification at the DePauw Municipal Boat Basin, is hereby awarded I.S.E. Electrical, the low bidder meeting specifications in the amount of \$49,790.00

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

22. Draft unapproved minutes of the special meeting of the City Council held August 19, 1996 and the regular meeting held August 21, 1996

Councilman Collins made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the minutes of the special meeting of the City Council held August 19, 1996 and the regular meeting of the City Council held August 21, 1996 as submitted.

23. Miscellaneous communications and reports

Councilman Latwin apprised the City Council that all but one of the property owners within the Boston Post Road right-of-way from Library Lane to Central Avenue have agreed to the latest plan for the Boston Post Road beautification project, and that owner was close to agreement.

24. New Business

The City Council's continuing concern in regard to fence regulations was discussed. Councilwoman Walsh volunteered to research this matter with the Planning Commission and the chairman of the Board of Appeals.

25. Adjournment

Councilman Collins made a motion, seconded by Councilman Burke and unanimously carried, to adjourn into executive session to discuss litigation at 10:25 P.M.

The Council reconvened at 11:15 P.M.

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to schedule a special Council meeting for September 26, 1996 at 6:00 P.M. This will be an executive session to discuss litigation.

There being no further business to discuss, the meeting was adjourned at 11:30 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk