

MINUTES of the Regular Meeting of the City
Council of the City of Rye held in City Hall on
November 20, 1996 at 8:00 P.M.

PRESENT:

EDWARD B. DUNN, Mayor
EDWARD J. COLLINS
CAROLYN C. CUNNINGHAM
ROBERT H. HUTCHINGS
JOSEPH L. LATWIN
Councilmen

ABSENT: JAMES K. BURKE
KATHLEEN E. WALSH

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 out of town and Councilwoman Walsh was ill.

2. Old Business

There was no old business to be discussed.

3. Public hearing on a proposed local law amending Chapter 191 for the purpose of designating an additional *No Left Turn* location within the City and on proposal of City Manager to designate one-way streets, stop signs, and no parking on Evergreen and Grandview Avenues

Mayor Dunn explained that a local law amending Chapter 191 for the purpose of designating an additional *No Left Turn* location within the City and a proposal of the City Manager to designate one-way streets, stop signs, and no parking on Evergreen and Grandview Avenues will be discussed at this meeting. Realizing that there are differences of opinion among the residents, he said that this is not the forum to resolve the matter. He, therefore, suggested that speakers identify the points they agree with in the proposed local law and the proposal and then indicate their reasons for disagreement on certain other points.

Mayor Dunn opened the public hearing.

Mrs. Susan Fraser, Hillside Road, expressed concern about the heavy traffic situation in the area. She explained that the catalyst for the proposed actions was the recent near-fatal accident involving several Rye Country Day School students. After a meeting with several residents of the area, Mr. Christopher Bradbury, Assistant to the City Manager, and Mr. Scott Nelson, Headmaster of Rye

Country Day School, these proposals were created to help find a solution which would benefit everyone and create a safer neighborhood.

Mr. James Noone, 50 Grandview Avenue, presented a petition signed by several area residents. He expressed the opinion that one proposal which would make Evergreen Avenue safer would subsequently make Grandview Avenue less safe. He added that “*No Parking*” signs in the area are faded/missing, and many drivers disregard the “*No Right Hand Turn*” sign on Grandview Avenue. Mr. Noone summarized several points raised in the petition:

- Residents of Evergreen Avenue, Elizabeth Street, and Grandview Avenue should not be inconvenienced by limited access to these roads.
- The proposal to make Evergreen Avenue a one-way street will funnel northbound traffic exiting the school onto Grandview Avenue, thereby making Grandview Avenue a more trafficked street.
- Rye Country Day School should limit student driving privileges, students should not be allowed to leave campus during school hours, and parents should pick up and drop off students on school grounds.
- Rye Country Day School should finance any expenses related to the correction of the traffic problems.
- Rye Country Day School should be prohibited from building new facilities which will increase traffic flow in the area.

Mayor Dunn summarized the November 12, 1996 letter mailed to residents of the area from Mr. Christopher Bradbury. He also acknowledged receiving the October 14, 1996 letter from the Ricketts family expressing concern about the proposed traffic changes in their area.

Mrs. Susan Exum, 31 Evergreen Avenue, said that parking should not be allowed on both sides of the triangle because vision is impaired.

Ms. Paula Groglio, 34 Elizabeth Street, presented photographs she took during the course of a day which showed the increasing amount of traffic. She suggested three proposals for a better traffic flow in and out of Rye Country Day School.

Mrs. Marie Tobey, Grandview Avenue, said that it is hazardous to exit from Grandview Avenue to High Street. She suggested better signage and perhaps a bump in the road to impede speeding.

Councilman Latwin explained that traffic bumps are illegal.

Mr. John Fullerton, 77 Hillside Road, suggested that the Council ask Rye Country Day School to submit a formal plan regarding the traffic problems.

Mrs. Lynn MacDonald, 10 Evergreen Avenue, and Mrs. Doris Mathieson, Cope Circle said that it is not always Rye Country Day School students who drive in a hazardous manner in the area. Mrs. Mathieson suggested that enforcement of traffic rules be increased.

Mr. Scott Nelson, Headmaster of Rye Country Day School (RCDS), informed the Council that RCDS takes a strong stand with students who drive inappropriately. He said that the school has adequate parking for students and does not want students parking in restricted areas. He added that allowing no parking on the island during school hours would be helpful. RCDS would support controlling the flow and speed of traffic in the area, and any residents who observe students driving in an unsafe manner should report the incident to the school. Mr. Nelson stressed the fact that RCDS wishes to be a good neighbor and would support any decision made by the City to increase traffic safety in the area. In response to an inquiry from Councilwoman Cunningham, Mr. Nelson advised that RCDS has resources to enforce traffic regulations on school grounds.

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to accept the City Manager's recommendation to approve the following amendments to the Vehicle & Traffic Regulations of the Rye City Code:

1. Amend Section 191-12 of the Code to change the Hillside Road and Grandview Avenue intersection from a two-way stop to a four-way stop.
2. Amend Section 191-12 of the Code to designate full-stop for traffic where Evergreen Avenue meets Elizabeth Street.

In conclusion, Mayor Dunn suggested that a committee be established, consisting of two or three representatives from different streets and Rye Country Day School, to discuss concerns and consider traffic improvements. He asked Mr. Christopher Bradbury to schedule a meeting with this committee and to present a status report at the next City Council meeting scheduled for December 4, 1996.

The public hearing will be continued at the next meeting.

4. Public hearing on a proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to site development plan approvals for lots with existing buildings

Mayor Dunn opened the public hearing.

There being no one who wished to speak, Mayor Dunn closed the public hearing.

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

ROLL CALL:

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

NAYS: None

ABSENT: Councilmen Burke and Walsh

The local law was adopted.

5. Public hearing on a proposed local law providing for the creation of a records management program in the City of Rye

Mayor Dunn opened the public hearing.

There being no one who wished to speak, Mayor Dunn 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. 11-1996**

A LOCAL LAW PROVIDING FOR THE CREATION OF A RECORDS MANAGEMENT PROGRAM IN THE CITY OF RYE

BE IT ENACTED, by the City Council of the City of Rye as follows:

Section 1. **DEPARTMENT, OFFICER**

There shall be a records management program established under the aegis of the City Clerk of Rye. The City Clerk is designated as the City's Records Management Officer. The officer will be responsible for administering the non-current and archival public records and storage areas for the City in accordance with local, state and federal laws and guidelines.

Section 2. **POWERS AND DUTIES**

The City Records Management Officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the non-current and archival public records kept, filed or received by the officers and departments of the City of Rye.

(A) The Records Management Officer shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:

- (1) Obsolete and unnecessary records according to New York State Archives Records Retention and Disposition Schedules (MU-1) thereby subject to disposition;
- (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention-, or
- (3) Records not subject to disposition according to State Law.

(B) Establish guidelines for proper records management in any department or agency of City government in accordance with local, state, and federal laws and guidelines.

(C) Report annually to the City Council on the powers and duties herein mentioned including, but not limited to, the cost-benefit ratio of programs effectuated by the program.

(D) Oversee all requests for records storage equipment, microfilm equipment, etc., and coordinate and participate in planning for the expansion of micrographics and automated data processing systems.

(E) Establish an Inactive Records Storage Area for the storage, processing and servicing of all non-current and archival records for all City departments and agencies.

(F) The Records Management Officer shall perform the following functions with respect to the City:

(1) Advise and assist City Departments in reviewing and selecting records to be transferred to the Inactive Records Storage Area for storage and/or preservation.

(2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing, and servicing of archival materials.

(3) Establish and maintain an adequate repository for the proper storage, conservation, processing, and servicing of archival records.

(4) Promulgate rules governing public access to, and use of, records in the archives, subject to the approval of the Records Advisory Board.

(5) Develop a confidentiality policy for archival records designated confidential, providing such policy does not conflict with any Federal or State statutes.

(6) Provide information services to other City of Rye offices.

(7) Develop a procedure whereby historically important records are to be identified at the point of generation.

(8) Collect archival materials which are not official City of Rye records but which have associational value to the City or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff, and cost limitations, and to the potential endangerment of such materials if they are not collected by the Archives.

Section 3. **RECORDS ADVISORY BOARD**

There shall be a Records Advisory Board designated to work closely with and provide advice to the Records Management Officer. The Board shall consist of representatives appointed by the Mayor or City Manager. (It may consist of the City Auditor, the City Historian, one or two representatives of the City Council or others who may be beneficial to the duties of a Records Advisory Board). The Board shall meet periodically and have the following powers and duties:

- (A) Provide advice to the City Records Management Officer on the development of the records management program;
- (B) Review the performance of the program on an ongoing basis and propose changes and improvements;
- (C) Review retention periods not covered by the SARA Schedule MU-1 or retention period changes recommended by Department Heads.
- (D) Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

Section 4. **CUSTODY**

The Records Management Officer shall maintain physical custody and official responsibility of all records in his/her possession. Department heads shall retain constructive control and authority over all department records, regardless of their physical location.

Section 5. **REPLEVIN.**

The City Attorney may take steps to recover local government records which have been alienated from proper custody, and may, when necessary, institute actions of replevin.

Section 6. **DISPOSAL OF RECORDS**

No records shall be destroyed or otherwise disposed of by a department of the City unless a Records Disposal Form has been executed. Records will not be destroyed if they are required for any pending audit, litigation or other investigation.

Section 7. **DEFINITIONS**

(A) "Archives" means those official records which have been determined by the Records Management Officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the City.

(B) "Records" means any documents, books, papers, photographs, sound recordings, microfilm, or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official City business.

(C) "Records Management" means the planning, controlling, directing, organizing, training, promotion and other managerial activities involved in records maintenance, use and disposition, including records preservation, disposal, records centers or other storage facilities.

(D) "Records Disposition" means:

(1) The removal by the City, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(i) the disposal of temporary records by destruction or donation; or

(ii) the transfer of records to the Inactive Records Storage Area for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation- and

(2) The transfer of records from one City Agency to any other City Agency.

(E) "Inactive Records Storage Area" means an establishment maintained by the City primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in active office space and equipment.

(F) "Servicing" means making information in records available to any City Department for official use or to the public.

Section 8. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

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

NAYS:None

ABSENT: Councilmen Burke and Walsh

The local law was adopted.

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

Mr. & Mrs. Peter Maccio, 30 Maple Avenue, expressed their concern regarding the smoking policy at City Hall. Mrs. Maccio, a City employee, said that the presence of secondhand smoke in the building is resulting in aggravating her asthma and causing illness. Mr. Maccio cited that Paragraph 2 of the City of Rye's smoking policy states that the rights of a non-smoker to a smoke-free work area shall prevail. Both explained that second-hand smoke emanating from the smoking room is intolerable and there should be a change in the City smoking policy to provide a smoke free work place.

City Manager Culross explained that he has promulgated a smoking policy for City Hall and other City buildings that complies with all New York State and Westchester County Health Department regulations. He added that any regulations that are more restrictive than the Health Department regulations would require discussion with the Labor Unions representing City employees.

In conclusion, it was decided that the City Manager would pursue this issue with the Labor Unions involved.

7. Resolution scheduling a public hearing on the proposed 1997 budget

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

WHEREAS, it is now desired to call a public hearing on the proposed 1997 budget, 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 December 4, 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 budget.

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

PUBLIC NOTICE
CITY OF RYE

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on the 4th day of December, 1996, at 8:00 p.m. at City Hall, Boston Post Road, in said City, on the Tentative General Fund, Cable TV Special Revenue Fund, Nature Center Special Revenue Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 1997 to December 31, 1997, and at such time and place any person interested in said Tentative Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF TENTATIVE BUDGETS

| <u>Fund/Program</u> | <u>Tentative Budgets</u> |
|--|--------------------------|
| General Fund | |
| General Government Support | \$2,296,592 |
| Public Safety | 6,693,386 |
| Community Environment | 5,178,154 |
| Culture and Recreation | <u>1,807,774</u> |
| Total - General Fund | <u>15,975,906</u> |
| Rye Cable TV Special Revenue Fund | <u>84,789</u> |
| Rye Nature Center Special Revenue Fund | <u>362,387</u> |
| Debt Service Fund | <u>55,792</u> |
| Capital Projects Fund | <u>1,625,000</u> |
| Boat Basin Enterprise Fund: | |
| Operating | 375,221 |
| Capital | <u>10,000</u> |
| Total - Boat Basin Fund | <u>385,221</u> |
| Rye Golf Club Enterprise Fund: | |
| Operating | 2,572,146 |
| Capital | <u>371,000</u> |
| Total - Golf Club Fund | <u>2,943,146</u> |
| Risk Retention Internal Service Fund | <u>462,300</u> |

| | | |
|----------------------------------|------------------------------|---------------------|
| Building and Vehicle Maintenance | | |
| Internal Service Fund | Operating | 1,643,984 |
| | Capital | <u>1,145,500</u> |
| | Total - Building and Vehicle | |
| | Maintenance Fund | <u>2,789,484</u> |
| | TOTAL - All Funds | <u>\$24,684,025</u> |

Copies of the proposed budgets will be available for inspection by the public at the City Clerk's office during the regular business hours of said office and at the Rye Free Reading Room.

ROLL CALL:

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

NAYS:None

ABSENT: Councilmen Burke and Walsh

The resolution passed.

8. Authorization for the City Manager to accept a Cash Legacy from the Estate of Flora L. Neumeister to the Rye Police Department in the amount of \$10,000

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

RESOLVED, that the City Manager be, and is hereby authorized to accept a Cash Legacy from the Estate of Flora L. Neumeister to the Rye Police Department in the amount of \$10,000.

ROLL CALL:

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

NAYS:None

ABSENT: Councilmen Burke and Walsh

The resolution passed.

9. Acceptance of an offer from Ernesto Capalbo to purchase a 6,439.6 square foot parcel of land from the City and authorization for the City Manager to execute a Deed conveying this parcel to Mr. Capalbo

City Manager Culross clarified the location of this land.

Councilman Latwin suggested selling this land with a Quit Claim Deed and without any representation as to the quality of the property's environmental condition.

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

RESOLVED, that the City Manager be, and is hereby authorized to accept an offer from Ernesto Capalbo to purchase a 6,439.6 square foot parcel of land from the City and to execute a Deed conveying this parcel to Mr. Capalbo

ROLL CALL:

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

NAYS: None

ABSENT: Councilmen Burke and Walsh

The resolution passed.

10. Draft unapproved minutes of the regular meeting of the City Council held November 6, 1996

Motion was made by Councilwoman Cunningham, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 6, 1996 as submitted.

11. Miscellaneous communications and reports

A. Mayor Dunn acknowledged the October 21, 1996 letter from Mr. Joseph Rue of Rye Country Day School (RCDS) requesting adoption of a portion of the Boston Post Road for maintenance and beautification and the erection of a sign stating RCDS's sponsorship of the project.

City Manager Culross explained that former Councilman Flick had initiated the idea of "Adopt a Highway". As a result, a policy that there would be no signs in residential and park areas was established. He suggested sending RCDS letters of recognition and appreciation.

Councilwoman Cunningham suggested that a registry of those who perform good deeds be kept in City Hall.

B. Councilwoman Cunningham informed the Council that the lighting on the Playland Access Road is very poor.

C. Councilman Hutchings reported that he had interviewed the editor of Rye's new newspaper, *The Rye Record*. He added that the first issue of this newspaper is being mailed to residents during the week of November 18, 1996.

D. Councilwoman Cunningham acknowledged the November 6, 1996 letter from Mr. Kenneth M. Bialo, Trustee, Village of Larchmont, forwarding a sample of letters he sent to Senators Oppenheimer and Spano, Assemblymen Brodsky and Tocci and various other elected officials requesting their assistance in obtaining financing under the Clean Water/Clean Air Bond Act for sewer repairs in Westchester that have been ordered by the State Department of Environmental Conservation.

Mayor Dunn said that at the most recent Municipal Officials Association meeting, the County Executive was in support of obtaining financing also.

Since this matter had not been brought to the Council's attention twenty-four hours in advance, Councilman Collins made a motion, seconded by Councilwoman Cunningham, to waive the 24 hour rule to consider this matter.

ROLL CALL:

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

NAYS: Councilman Latwin

ABSENT: Councilmen Burke and Walsh

The resolution passed.

Councilman Latwin voted nay because he expressed the feeling that a vote was unnecessary.

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

RESOLVED, that the City Manager is hereby authorized to draft an appropriate letter and resolution stating that the City Council of the City of Rye supports obtaining financing under the Clean Water/Clean Air Bond Act for sewer repairs in Westchester that have been ordered by the State Department of Environmental Conservation.

ROLL CALL:

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

NAYS: None

ABSENT: Councilmen Burke and Walsh

The resolution passed.

12. New Business

There was no new business to be discussed.

13. Adjournment

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss personnel and litigation at 9:40 P.M.

The Council reconvened at 10:15 P.M.

There being no further business to discuss, the meeting was adjourned at 10:20 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk