

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 4, 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

Mayor Dunn announced that new appointments to the City's various boards, commissions, and committees will be made in January, 1997. The Mayor asked the Council to recommend any residents who would be interested in filling vacancies.

3. Public hearing on proposed 1997 budget

Mayor Dunn opened the public hearing.

Mrs. Nancy Stampleman submitted a letter from former Councilman Stampleman stating his opposition to the proposed increase in commuter parking fees, especially for resident commuters.

City Manager Culross explained that parking fees have not been increased in two years and that the increased fees would be in line with other communities. He also stated that Metropolitan Transit Authority approved this increase two years ago. Furthermore, New York State repealed the sales tax on municipal parking facilities which would make the proposed increase minimal.

Mrs. Peggy Peters, president of the Rye Free Reading Room (RFRR), respectfully requested that the contract for RFRR be increased by \$12,000. Mrs. Peters informed the Council that the percentage of the City's contribution to the library has decreased over the past seven years. She concluded by saying that the library is a free association which serves the entire Rye community.

Mayor Dunn closed the public hearing.

City Manager Culross summarized his December 3, 1996 memo as follows:

- The additional user fee adjustment proposed by the City Council would generate \$20,250.
- The City's cost of employee dental and hospitalization insurance is overstated by \$118,320 in the proposed budget.
- The City's taxable assessment roll has decreased by \$336,000 since the proposed budget was prepared. This will reduce tax revenues by \$24,770.
- Other miscellaneous adjustments and corrections in revenue estimates will increase revenues by \$46,445.

These adjustments would permit the City Council to reduce the appropriation of fund balance by up to \$160,245 or 11.0% without impacting the property tax rate.

The City Council has been asked to consider the following additions to the budget:

- Increase the contract with the Rye Free Reading Room by \$12,000
- Increase the Building and Vehicle Maintenance Internal Service Fund by \$68,000 to renovate the Council Room for cablecasting

Council discussion focused on:

Proposed 10% increase in commuter parking permits
Proposed increase in the burglar and fire alarms
Street Opening fees
Proposal to have a separate budget line for gifts and donations
Amount of Fund Balances to appropriate

Corporation Counsel Gardella explained that one of the proposed local laws would remove specific fees from Chapter 68, of the Code of the City of Rye allowing such fees to be established annually by Council resolution. Other proposed local laws would amend existing fees. He said public hearings for all of the proposed local laws would have to be scheduled for the December 18, 1996 City Council meeting.

City Manager Culross pointed out that the budget is predicated on these proposed local laws and that the City Council has the opportunity to discuss and amend them at this meeting.

At this point in the meeting, the following agenda items were taken out of order because they related to the public hearings for the budget amendments.

16.B Consideration of proposed local law amending Chapter 46, Alarm systems, of the code of the City of Rye with respect to fees

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 46, Alarm Systems, of the Code of the City of Rye with respect to fees" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 46, Alarm Systems, of the Code of the
City of Rye with respect to fees**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 46, Alarm Systems, of the Code of the City of Rye with respect to fees."

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

City Clerk

Dated:

16.C Consideration of proposed local law amending chapter 98, Fire Prevention, of the Code of the City of Rye with respect to fees

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 98, Fire Prevention, of the Code of the City of Rye with respect to fees" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 98, Fire Prevention, of the Code of the City of Rye
with respect to fees**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 98, Fire Prevention, of the Code of the City of Rye with respect to fees."

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

City Clerk

Dated:

12. Consideration of proposed local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 68, Building Construction, of the Code of
the City of Rye with respect to fees**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees."

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

City Clerk

Dated:

13. Consideration of proposed local law amending Chapter 167, Streets and Sidewalks, of the Code of the City of Rye with respect to fees

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 167, Streets and Sidewalks, of the Code of the City of Rye with respect to fees" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 167, Streets and Sidewalks, of the Code of
the City of Rye with respect to fees**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 167, Streets and Sidewalks, of the Code of the City of Rye with respect to fees."

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

City Clerk

Dated:

14. Consideration of proposed local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to increases in subdivision preliminary application fees

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to increases in subdivision preliminary application fees" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 170, Subdivision of Land, of the Code of
the City of Rye with respect to increases in subdivision preliminary
application fees**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to increases in subdivision preliminary application fees."

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

City Clerk

Dated:

15. Consideration of proposed local law amending Chapter 191-47, Vehicles and Traffic, of the Code of the City of Rye with respect to replacement stickers

City Manager Culross explained that this proposed local law would discourage fraudulent use of parking permits.

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye with respect to replacement stickers" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 191, Vehicles and Traffic, of the Code of
the City of Rye with respect to replacement stickers**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 191, Vehicles and Traffic, of the Code of the City of Rye with respect to replacement stickers."

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

City Clerk

Dated:

16. A. Consideration of proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to increases in site plan preliminary application fees

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

WHEREAS, a proposed local law entitled "A local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to increases in site plan preliminary application fees" 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 December 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:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on Proposed Law
amending Chapter 197, Zoning, of the Code of the City of Rye
with respect to increases in site plan preliminary application fees**

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 18th day of December, 1996, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to increases in site plan preliminary application fees."

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

City Clerk

Dated:

3. Continuation of the 1997 Budget Discussion

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 that the contract with the Rye Free Reading Room be increased by \$12,000.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

Councilman Latwin said that the way the RFRR is budgeted with the City is unacceptable because the City does not have adequate figures to justify any increase or the ability to plan based on the library's history of requesting additional funds from the City Council. Projecting to the future, he suggested considering a multi-year contract which would have to be substantiated much more tightly than it has in the past. The historical pattern is unacceptable, he said.

The Council endorsed the letter in support of the Rye Free Reading Room's fund raising campaign.

A discussion followed on the proposed 1997 budget appropriation to renovate the City Council Chambers to permit cable television coverage of Council meetings. It was decided to revisit this 1997 appropriation issue in February or March, after the City Manager had a thorough opportunity to investigate the cost and explore future school-city cablecasting coordination.

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

RESOLVED, that the City Council of the City of Rye postpones a budget appropriation determination on Council Chambers' construction renovation for cablecasting until February or March, 1997 to give the City Manager an opportunity to investigate further the costs and other issues involved in making the City Council Chambers ready for cablecasting.

Councilwoman Walsh reiterated her concern that the Car Park Rehabilitation Program in the City's Capital Improvement Program include curbing and island repair.

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

Mr. Norman MacMaster, Langeloh Court, expressed concern about the magnitude of the penalty imposed on him for failing to renew his commuter parking permit by the November 15, 1996 deadline. He also said that the renewal notice is not explicit enough to warn commuters of the severity of the penalty.

City Manager Culross summarized the evolution of the commuter permit renewal process. He said those who have permits have the first opportunity to renew and that this year's window of opportunity was from October 11, 1996 to November 15, 1996. Those who fail to renew by the deadline, lose the permit which is then offered to the next person on the ranked waiting list.

Councilwoman Walsh apprised the Council that Mrs. MacMaster suggested that the Council consider establishing a small grace period and attach a substantial monetary penalty for those who fail to renew by the deadline.

Mayor Dunn requested that the City Manager and the City Clerk consider this proposal. He said this matter will be placed on the agenda of a future City Council meeting. No action was taken by the Council on this matter.

5. Report on meeting with residents of Grandview and Evergreen Avenues, Elizabeth Street, Hillside Road and Julian Street concerning traffic patterns in this area

Mr. Christopher Bradbury, Assistant to the City Manager, told the Council that following the last City Council meeting, a meeting was held on November 25, 1996 with a resident group of the area and the Assistant Headmaster of Rye Country Day School (RCDS). Several key areas of concern were addressed:

- Speeding
- Limited sight distance when cars are parked on the Grandview side of the triangle
- Improved signage
- Traffic congestion on Grandview Avenue near (RCDS)

In response to these concerns, the following actions have been implemented:

- Increased police department enforcement of traffic laws
- Stop signs have been installed
- Two RCDS employees are enforcing traffic rules on school grounds
- Reviewing alternative areas in dropping off and picking up students at RCDS

The consensus of opinion was that it would be most beneficial to direct traffic toward Cedar Street. The group suggested the following recommendations:

- Establish one-way traffic on the north and south forks surrounding the triangle on Evergreen Avenue
- Place a stop sign on Evergreen Avenue where the north fork meets the south fork
- No parking on the Grandview side of the triangle

Mr. Bradbury concluded by saying that Ms. Ricketts and Mr. Noone have expressed concern about traffic and signage in the area.

Ms. Margaret Ricketts, Evergreen Avenue, expressed concern that her family would have no parking access to her house because of the stop sign. She recommended that white lines be painted on the street to stop traffic.

City Manager Culross explained there is no regulation that states it is illegal to park under a stop sign. In response to Ms. Ricketts' suggestion, City Manager Culross said that a white stop line would be painted on the pavement when weather permits.

Mr. James Noone, 50 Grandview Avenue, told the Council that he believes no traffic proposals should be approved until RCDS commits in writing how they will improve the traffic situation. He added that a traffic guard should be posted at the school during sporting events and during peak morning and afternoon hours.

Councilman Collins explained that there is no haste to make any decisions, and that this matter was brought to the Council by concerned residents.

Mr. Scott Nelson, headmaster of Rye Country Day School, clarified that students should park in the school parking lot. He is interested in working with the neighborhood to make the area safer for everyone. He will review the 1970 and 1980 reports mentioned in Mr. Noone's letter and will try to improve the situation.

Councilwoman Walsh commended RCDS for their willingness to cooperate with the residents of the area to find a solution to this matter. She also commended the residents for taking the time and effort to get the situation under better control. She added that this will be a continuing issue and that the City can help to alleviate some of the problems.

Extensive discussion between the residents and the Council focused on the following:

- Designating the north fork surrounding the triangle on Evergreen Avenue as one-way westerly and the south fork as one-way southerly,
- Designating a full-stop for traffic on Evergreen Avenue where the north fork meets the south fork,

- Prohibiting parking on the Grandview Avenue side of the triangle at the intersection of Evergreen and Grandview Avenues,
- Establishing a program of installing “Slow, Please” signs to control traffic, and
- Monitoring the traffic for a period of time to ascertain if the stop signs slow down traffic and/or create congestion.

In conclusion, Mr. Bradbury agreed to reconvene the resident groups in three months to revisit this issue.

6. Approval of amendment of Section 191-6, Vehicles and Traffic, of the Code of the City of Rye to designate the north fork surrounding the triangle on Evergreen Avenue as one-way westerly and the south fork as one-way southerly

Councilman Latwin made a motion, seconded by Councilwoman Cunningham, to amend the original proposal by designating a full stop sign traveling north on Evergreen Avenue where the south fork meets with the north fork.

Councilwoman Walsh made a motion to amend Councilman Latwin’s motion to designate the north fork a one way westerly.

Both Councilman Latwin and Councilwoman Cunningham accepted the amendment.

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to amend Section 191-6, Vehicles and Traffic, of the Code of the City of Rye to designate a full stop sign traveling north on Evergreen Avenue where the south fork meets with the north fork and to designate the north fork as one-way westerly.

7. Approval of amendment of Section 191-12, Vehicles and Traffic, of the Code of the City of Rye to designate a full-stop for traffic on Evergreen Avenue where the north fork meets the south fork

Councilman Collins made a motion, seconded by Councilman Latwin and unanimously carried, to accept the City Manager’s recommendation to amend Section 191-12, Vehicles and Traffic, of the Code of the City of Rye to designate a full-stop for traffic on Evergreen Avenue where the north fork meets the south fork.

8. Approval of amendment of Section 191-19, Vehicles and Traffic, of the Code of the City of Rye to prohibit parking on the Grandview Avenue side of the triangle at the intersection of Evergreen and Grandview Avenues

After a brief discussion, the Council agreed to amend the original proposal by prohibiting parking on all three sides of the triangle.

Councilman Burke made a motion, seconded by Councilman Latwin and unanimously carried, to amend Section 191-19, Vehicles and Traffic, of the Code of the City of Rye to prohibit parking on all three sides of the triangle abutting Grandview and Evergreen Avenues.

Referencing the December 4, 1996, Gannett Suburban Newspaper which reported accidents in Rye, former City Judge Richard Goldstein, Kirby Lane North, expressed concern over the number of traffic accidents that have occurred at the intersection of Ridge and Purchase Streets.

City Manager Culross explained that the project to install a full traffic light at the intersection was identified in the Capital Improvements Program but has never been funded in the budget.

Mr. Goldstein also expressed concern about the rock hazard at the intersection of the Boston Post Road and Purchase Street.

The City Manager said that the City is waiting for the results of a study of the Boston Post Road Corridor and there may be State and Federal funding available for this project.

9. Resolution supporting application for funding under Clean Water-Clean Air Bond Act to repair sanitary sewer collection systems throughout Westchester County

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

RESOLVED, that the City Council of the City of Rye hereby supports the application for funding under Clean Water-Clean Air Bond Act to repair sanitary sewer collection systems throughout Westchester County.

10. Consideration of request for a license to use a portion of the City's right-of-way abutting 130 Soundview Avenue for parking

City Manager Culross did not recommend consideration of this matter at this time. The Council did not take any action.

11. Consideration of request for a license to install a surface drain and pipe and connect same to the City's drainage pipe on Rye Golf Course property in the vicinity of the third hole

City Manager Culross explained that the City has installed a drain at the third hole of the golf course which would alleviate flooding there and in the yard of Mr. Ian Dunn, 21 Soundview Avenue.

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

RESOLVED, that the City Manager is hereby authorized to enter into a license agreement to install a surface drain and pipe and connect same to the City's drainage pipe on Rye Golf Course property in the vicinity of the third hole.

17. Draft unapproved minutes of the special meeting of the City Council held November 12, 1996 and the regular meeting held November 20, 1996

Motion was made by Councilman Latwin, seconded by Councilman Burke and unanimously carried, to approve the minutes of the special meeting of the City Council held November 12, 1996 as amended.

Motion was made by Councilman Collins, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 20, 1996 as submitted.

18. Miscellaneous communications and reports

Mayor Dunn informed City Manager Culross that Town of Rye Supervisor, Robert Morabito will be sending him a letter regarding the problem of unleashed dogs in the Rye Town Park.

19. New Business

There was no new business to be discussed.

35. Adjournment

Councilman Collins made a motion, seconded by Councilman Burke and unanimously carried, to adjourn into executive session to discuss litigation and personnel at 9:30 P.M.

The Council reconvened at P.M.

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

Respectfully submitted,

Alice K. Conrad
City Clerk