

MINUTES of the Organizational and Regular
Meeting of the City Council of the City of Rye held in
City Hall on January 8, 1997 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. State of the City Remarks by the Mayor

Members of the City Council:

“It gives me great pleasure to report that our City is in excellent health.

“One of the best overall measures of performance of the City is the interest in purchasing homes. Real estate agents continue to report high demand. Our City Assessor reports that last year’s average increase in home prices in Rye exceeded that of most other municipalities in Westchester. To me, the most interesting evidence of confidence in Rye is the number of homes being totally or substantially reconstructed.

“Similar prosperity can be seen in commercial real estate as well. After a drop early in the year, our storefronts along Purchase Street are again full. While occupancy levels fluctuate and stores come and go, it is clear that Rye has one of the highest value, non-mall, shopping districts in the County.

“1996 was yet another fine year for Rye’s City government. Bad weather always puts a strain on local governments and last year we had more than our share of wind and snow damage. However, not only did we end the year on budget, but City Council was able to approve our third consecutive budget without a tax increase. We accomplished this by mixing a careful, conservative fiscal policy with innovative new solutions to long-term budget problems. This is the Rye model for responsible government, and it is a model that works.

“In fact, the *Daily Item* recently named Rye the “best bargain” for taxpayers among Westchester County’s Sound Shore communities. Their survey indicated that Rye has the lowest tax rate of any of the full-service municipalities, while continuing to provide an exemplary level of city services to our taxpayers.

“The challenge for Rye in 1997 will be to build on these successes. I would like to use this opportunity to review some of the major initiatives for the year.

“The immediate challenge will be meeting the City Council’s goal of continuing our no-tax-increase budgets into 1998 and beyond. To emphasize this policy, the City Council established bonus payments to the administrative staff in the 1997 budget, payable primarily on the basis of their contribution toward making a more efficient City government. In other words, we are saying to our administrative staff: “You help us find ways to provide services without raising taxes, and we will share the benefits with you.” We hope to introduce this concept into some or all of our union agreements in the future.

“This evening, I want to propose another action aimed at promoting long-term fiscal stability in Rye. Citizens pay their taxes and expect us to use every dollar wisely. Three times in the recent past, we have turned to our own citizens to help us do just that. These citizens, through ad hoc citizens financial Advisory Committees, have offered invaluable service. The most recent CFAC, which was just disbanded a few weeks ago, was instrumental in helping us achieve our third consecutive no-tax-increase budget.

“In light of these successes, and the ever-present fiscal challenges facing our City, I will propose at our next Council meeting that the City Council establish a *permanent* Finance Committee. This seven-member standing committee would advise the City Council on appropriate tax and financial policies for the City, with particular attention to holding down property taxes. By helping us get the most out of every tax dollar and set smart fiscal policy, this Finance Committee will serve as a constant reminder of our commitment to the taxpayers of Rye.

“Another long-term challenge for Rye is the redevelopment of Whitby Castle at Rye Golf Club. As I have reported to you previously, a great deal of work has been done during 1996. The Whitby Castle committee selected a consulting group and developed with them a plan for the reopening of Whitby Castle. This process has involved several public reviews. There will be a final review before a proposal is accepted, probably in February.

“The current proposal involves the restoration of the historic portion of the Castle and the construction of a new restaurant/catering facility. This \$5.4 million project will allow us to attract a restaurant and catering group to the Castle, providing the rent revenue needed to offset construction costs.

“This is the key element of our proposal. The consultants believe we can structure this project so that there will be no increase in taxes and little or no increase in fees to users of the Golf Club. While \$5.4 million is a large amount, we believe it is not unreasonable given our Triple-A bond rating.

“The proposal also includes a satisfactory parking plan which will provide greater safety to pool users and assure that the restaurant/catering operation does not interfere with golf and swimming facilities. The proposal provides for a new golf locker room and pro shop as well.

“I believe this may be the best available solution to the ongoing dilemma presented to us by conditions at Whitby Castle. However, the last word belongs to you, the taxpayers. Once the Rye Golf Club Commission and the City Council have been satisfied with the recommendations of the consultants, a referendum on this bond issue will be presented to the voters of Rye. Currently, we expect this vote to take place in June of 1997.

“The next important project for our City in 1997 is the ongoing review of our City Master Plan. During 1996, a great deal of work has been done on this plan, primarily by the Planning Commission and the members of the Planning Department. In 1997, we will hold a series of public hearings to include input from across the community. Spearheading this work has been City Council member Kathie Walsh.

“Another project for 1997 is the completion of a restructure of the governance of the Rye City television operation. In 1996, after three arduous years of work, the Rye Cable Television Commission members completed the renegotiation of a ten-year franchise agreement with TCI Cable of Westchester. In exchange for offering an extension of the non-exclusive franchise, the City will receive increased income and the use of a third channel. We look forward to the development of joint plans between the City and the School District for the creation of a single, high-quality studio at the High School as well as the restructure of the governance of our three channels, numbers 14, 15 and 16.

“One more ongoing matter involves Home Depot’s plans for a store on Midland Avenue, just across the Port Chester line, and our efforts to block this action. As you may remember, we were able to have the original Port Chester Village Environmental Impact Study thrown out in court. Port Chester then completed a new Environmental Impact Study and again we sued. In a separate suit, the Rye Citizens Committee also protested. In September of last year, our suit was dismissed by the State Supreme Court and, soon thereafter, we filed notice of appeal with the Appellate Division. The Rye Citizens Committee suit has not been ruled upon.

“There is some good news in this area. After an initial loss in the State Supreme Court, the Appellate Division upheld the law passed by City Council prohibiting left turns by trucks over five tons headed south on the Boston Post Road onto Peck Avenue. This law was passed by the City Council in an effort to maintain the residential character of Peck Avenue and reduce the flow of large trucks through that area. With the victory at the Appellate Division, the City Council will now need to determine the appropriate steps toward the enforcement of that law.

“I would like to conclude this evening with a personal story:

“My wife, Giovannella and I found our current home in May of 1984 and fell in love with it. We bought it for what, at the time, seemed like an enormous amount of money. A few years later, I came home

from work one day and proudly announced to my wife that, based on some conversation, I was confident we could sell the house for substantially more than we paid for it.

Giovannella barely even looked up, and said off-handedly: "What do I care? I want to live here the rest of my life."

"I was crestfallen. At that point, I had spent my entire working life in the financial industry where success is measured by profit or loss. The fact that my wife and I had experienced what bankers call a "capital gain on our primary dwelling" seemed very important to me.

"But upon reflection, I realized my wife was absolutely right. The reason we work so hard isn't the fiscal "bottom line." Good government is a merely the means to an end. We're trying to keep taxes flat and our community strong because we want to make our lives here, and help our neighbors do the same.

"Our goal, as the Mayor and City Council, must always be to help Rye remain a safe place for our children to grow up, an enriching place for our families and a wonderful place to build our futures.

"I am pleased to report that, in 1996, we took a step closer to this goal; I pledge to work as hard as I can to do the same in 1997.

HAPPY NEW YEAR! "

3. Old Business

There was no old business to be discussed.

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

There were no residents present who had matters to discuss that did not appear on the agenda.

5. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to approve Mayor Dunn's reappointment of Councilman Collins as Trustee of the Police Pension Fund.

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion carried.

6. Three appointments to the Board of Appeals for three-year terms, by the Mayor with Council approval

Councilman Latwin made a motion, seconded by Councilman Burke and unanimously carried, to approve Mayor Dunn's reappointment of Ms. Patricia A. Higgins and Mr. Jonathan D. Kraut and the appointment of Mr. Alan S. Weil to the Board of Appeals for three-year terms expiring January 1, 2000.

7. Two appointments to the Board of Architectural Review for three-year terms, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve Mayor Dunn's reappointment of Mr. David Gross and Mr. Joseph R. Viger to the Board of Architectural Review for three-year terms expiring January 1, 2000.

8. One appointment to the Board of Ethics for a three-year term, by the Mayor with Council approval

Councilman Collins made a motion, seconded by Councilman Hutchings and unanimously carried, to approve Mayor Dunn's reappointment of Mrs. Mary Ann Ilse to the Board of Ethics for a three-year term expiring January 1, 2000.

9. Two appointments to the Cable Television Commission for three-year terms and two appointments for the terms expiring January 1, 1999, by the City Council

Mayor Dunn stated that he would ask Ms. Marjorie Bancel, Mrs. Doris Blank, Mr. Robert Connor and Mr. Mark Jamison to remain on the Cable Television Commission until the current review of the activities of the Commission has been completed.

10. Two appointments for the Commission on Human Rights for three-year terms and one appointment to fill the unexpired term ending January 1, 2000, by the Mayor

Councilman Collins made a motion, seconded by Councilman Burke and unanimously carried, to approve Mayor Dunn's appointment of Mr. James Michael Shea to the Commission on Human Rights for a three-year term expiring January 1, 2000.

11. Discussion of the Community Residence Advisory Committee

Mayor Dunn proposed to disband the Community Residence Advisory Committee and consolidate it with the Commission on Human Rights.

12. One appointment to the Conservation Commission/Advisory Council for a three-year term, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve Mayor Dunn's reappointment of Mr. C. Nicholas Hodnett to the Conservation Commission/Advisory Council for a three-year term expiring January 1, 2000.

13. Designation of the Chairman of the Conservation Commission/Advisory Council, by the Mayor

Mayor Dunn redesignated Mr. C. Nicholas Hodnett as chairman of the Conservation Commission/Advisory Council.

14. Two appointments to the Landmarks Advisory Committee for three-year terms and one appointment to fill the term ending January 1, 1999, by the Mayor with Council approval

Councilman Collins made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve Mayor Dunn's reappointment of Ms. Stephanie Thompson to the Landmarks Advisory Committee (LAC) for a three-year term expiring January 1, 2000.

Although their terms have expired, Mayor Dunn will ask Mrs. Diane Moran and Mr. Russell Cecil to remain on the LAC through the architectural design and renovation planning phase of the Whitby Castle project.

15. Designation of the Chairman of the Landmarks Advisory Committee, by the Mayor

Mayor Dunn redesignated Mrs. Diane Moran as chairman of the Landmarks Advisory Committee.

16. Two appointments to the Planning Commission for three-year terms and one appointment for the term ending January 1, 1999, by the Mayor with Council approval

Councilwoman Walsh made a motion, seconded by Councilman Latwin and unanimously carried, to approve Mayor Dunn's reappointment of Dr. Michael Klemens and Mr. Brian Spillane for a three-year term expiring January 1, 2000, and the appointment of Mr. Peter Larr for the term expiring January 1, 1999, to the Planning Commission.

Mayor Dunn said that he would ask Mr. Paul Benowitz to remain active in his work on the revision of the Master Plan.

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

Mayor Dunn designated Dr. Michael Klemens as chairman of the Planning Commission.

18. One appointment to the Recreation Commission for a three-year term, by the Mayor with Council approval

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve Mayor Dunn's appointment of Mr. Thomas Fendler to the Recreation Commission for a three-year term expiring January 1, 2000.

19. One appointment to the Rye Golf Club Commission to fill the existing vacancy until the next election, by the City Council

Councilwoman Cunningham made a motion, seconded by Councilman Burke and unanimously carried, to approve Mayor Dunn's appointment of Mr. Frank Adimari to the Rye Golf Club Commission to fill the existing vacancy until the next Rye Golf Club Commission election.

20. Nine appointments to the Rye Playland Advisory Committee for two-year terms, by the Mayor with Council approval

Mayor Dunn requested that the Council defer any action on appointments to the Rye Playland Advisory Committee until after their next meeting.

21. Designation of the Chairman of the Rye Playland Advisory Committee, by the Mayor

There was no action on this agenda item.

22. Designation of a Senior Citizens' Advocate for a one-year term, by the Mayor

Mayor Dunn redesignated Mrs. Anne Pastor as Senior Citizens' Advocate for a one-year term.

23. Designation of the City Historian

Councilman Collins made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve Mayor Dunn's designation of Mr. Daniel Kelly as the City Historian.

24. Designation of the City Council's Audit Committee by the Mayor

Mayor Dunn redesignated Councilmen Collins, Cunningham, and Walsh as the City Council's Audit Committee.

25. Designation of the following City Council Liaisons by the Mayor

Mayor Dunn designated the following City Council Liaisons:

Ambulance Corps	Councilman Burke
Board of Appeals	Councilman Latwin
Board of Architectural Review	Councilwoman Cunningham
Boat Basin Commission	Councilman Burke
Cable Television Commission	Councilman Hutchings
Conservation Commission/Advisory Council	Councilman Latwin
Human Rights Commission	Councilman Latwin
Landmarks Advisory Committee	Councilman Collins
Rye Playland Advisory Committee and County Recreation Commission	Councilman Burke
Recreation Commission	Councilman Hutchings
Rye-CAN Coordinator	Councilman Hutchings
Rye CARES	Councilwoman Walsh
Rye Free Reading Room	Councilman Hutchings
Rye Golf Club Commission	Councilwoman Cunningham
Rye City School Board	Mayor Dunn

26. Designation of the days and time of regular meetings of the City Council

Councilman Collins made a motion, seconded by Councilman Burke and unanimously carried, to approve the designation of the days of regular meetings of the City Council, as follows:

Wednesday, January 8	Wednesday, July 16
Wednesday, January 22	
Wednesday, February 5	Monday, August 11 (Special/Capital Improvements)
Wednesday, February 19	Wednesday, August 13
Wednesday, March 5	Wednesday, September 10
Wednesday, March 19	Wednesday, October 8

Wednesday, April 2
Wednesday, April 16

Wednesday, October 22

Wednesday, May 7
Wednesday, May 21

Wednesday, June 18

Wednesday, November 5
Monday, November 10
(Special/Budget)
Wednesday, November 19

Wednesday, December 3
Wednesday, December 17

27. Designation of official City newspapers

Councilman Collins made a motion, seconded by Councilman Hutchings, to approve the designation of the Gannett Suburban Newspaper and the Rye Chronicle as the official City of Rye newspapers.

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion carried.

28. Designation of the amounts of faithful performance bonds

Councilman Burke made a motion, seconded by Councilwoman Cunningham, to approve the designation of the amounts of faithful performance bonds, as follows:

A. City Comptroller	\$1,000,000
B. City Clerk	\$ 500,000
C. City Marshal	\$ 100,000

ROLL CALL:

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

NAYS:None

ABSENT: None

The motion carried.

29. Resolution amending certain Rye Golf Club fees for 1997

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

RESOLVED that the following Rye Golf Club fees are hereby amended, effective January 1, 1997:

The capital surcharge for resident individual pool membership shall be \$15.00 (not \$10.00);

The capital surcharge for resident junior pool membership shall be \$10.00 (not \$15.00);

The capital surcharge for non-resident family pool membership shall be \$30.00 (not \$15.00);

The capital surcharge for non-resident Pool for Two membership shall be \$25.00 (not \$30.00);

The capital surcharge for non-resident individual pool membership shall be \$15.00 (not \$25.00);

Golf Outings (per person) shall be \$65.00 (not \$55.00).

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

30. Consideration of proposed local law amending Chapter 197-50, Fences and terraces, of the Code of the City of Rye, with respect to fence heights

Councilman Latwin summarized his December 16, 1996 memo to the City Council regarding his draft of an amendment to Chapter 197-50, Fences and terraces, of the Code of the City of Rye, that would allow the following fences:

1. not over (6) six feet high above the average natural grade and placed within 1 foot of the property line that abuts I-95 or I-287;

2. not more than (6) six feet high above the average natural grade and placed within 1 foot of the property line that abuts property in a business district that is actually used as a business, provided that the fence, hedge or wall shall not exceed four (4) feet in height from the roadway to the nearer of the structure on the lot or the structure on that adjoining business lot; or
3. not over (6) six feet high above the average natural grade, where the fence, hedge or wall is: (1) within one foot of the property line; (2) within ten (10) feet from a roadway on a corner lot; and (3) the average natural grade at the location of the fence, hedge or wall is at least four(4) feet higher than the average natural grade on the property within six (6) feet from the fence, hedge or wall.

Councilman Latwin informed the Council that Mr. Martin Edelman, chairman of the Board of Appeals, will discuss this proposed amendment with the Board of Appeals at its January 16th meeting.

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

WHEREAS, a proposed local law entitled "A local law Amending Chapter 197-50, Fences and terraces, of the Code the City of Rye, with respect to fence heights" has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, 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 January 22, 1997 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 197-50, Fences and terraces, of the Code of the City of Rye,
with respect to fence heights**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 22nd day of January, 1997, 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 197-50, Fences and terraces, of the Code of the City of Rye, with respect to fence heights".

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

City Clerk

Dated:

31. Consideration of proposed local law amending Chapter 167-50, Repair of Sidewalks, of the Code of the City of Rye

The Council discussed the proposed local law which would shift sidewalk liability to abutting property owners.

Councilwoman Cunningham questioned whether the City's existing law of five days notice to the property owners was sufficient.

Councilman Latwin expressed his concern that dangerous conditions be promptly remedied.

Corporation Gardella suggested that the Department of Public Works report on this issue.

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

WHEREAS, a proposed local law entitled "A local law Amending Chapter 167-50, Repair of Sidewalks, of the Code the City of Rye" has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, 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 January 22, 1997 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 167-50, Repair of Sidewalks, of the Code of the City of Rye

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 22nd day of January, 1997, 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 167-50, Repair of Sidewalks, of the Code of the City of Rye.

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

City Clerk

Dated:

32. Draft unapproved minutes of the regular meeting of the City Council held December 18, 1996

Councilwoman Cunningham made a motion, seconded by Councilman Burke and unanimously carried, to approve the minutes of the regular meeting of the City Council held December 18, 1996, as amended.

Councilwoman Cunningham stated that the language in Local Law # 12-1996 amending Chapter 46, Alarm Systems, of the Code of the City of Rye with respect to fees, which was adopted at the December 18, 1996 Council meeting should be clarified stating that the fee for each alarm permit is \$25.00 annually.

33. Miscellaneous communications and reports

A. Mayor Dunn announced that the Rye Historical Society, through the office of the Commissioner of Parks, Recreation, and Historic Preservation, State of New York, has been awarded a \$50,000 grant from the Environmental Protection Fund. The grant is designated for the Timothy Knapp House, the oldest dwelling in Westchester County. Funds will be used towards its restoration and development of space as a "wonderful classroom" for the public's education and benefit.

B. Councilman Burke informed the Council that the Rye Little League has requested that consideration of declaring April 12, 1997 as Mel Allen Day in the City of Rye be placed on the agenda of a future Council meeting.

C. Councilman Latwin informed the Council that he and the chairman of the Board of Appeals discussed amending the Rye City Code to conform with the standards for granting and denying variances as set forth in the recently amended New York State laws.

D. Mayor Dunn agreed with Councilman Latwin's suggestion to eliminate the specified hours for the Rye Free Reading Room in the annual agreement. The consensus of the Council was that the Mayor could sign the agreement without the inclusion of specific hours.

E. Councilman Collins reported that he had received a complaint about noncompliance with the existing house numbering law. After a brief discussion, it was suggested that the next city-wide mailing include a statement that house numbers are mandatory.

F. Councilwoman Cunningham reported that the January 2, 1997 meeting of the Whitby Castle Committee was very productive.

G. Councilwoman Cunningham commended the City administration, the Department of Public Works, and the Conservation Commission/Advisory Council for making Rye one of the top municipalities in Westchester for composting, as reported in the editorial section of a recent Gannett newspaper.

H. Councilman Burke expressed his appreciation to Mr. Richard Mecca for the photographs of the City Council.

I. Councilman Hutchings expressed concern about the proliferation of automatic gates in the City of Rye. Councilman Latwin said that the Planning Commission had a policy on gates.

J. Councilwoman Walsh requested that Mr. Christopher Bradbury give a status report on installing a stop sign at the intersection of Drake Smith Lane and Forest Avenue.

34. New Business

Councilwoman Cunningham requested that the candidates names for new appointments to the various board, commissions, and committees be forwarded to the Council in the Friday's packet and not twenty-four hours before the Council meeting. After a brief discussion, it was decided that Councilwoman Cunningham would submit her recommendation in the form of a resolution for a future Council meeting.

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 10:25 P.M.

There being no further business to discuss, the meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk