

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City
Hall on March 5, 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. Discussion of proposed Home Depot project in Port Chester

Mayor Dunn informed the audience that the City Council held an executive session this afternoon to discuss litigation regarding Home Depot. He said that the Council members will be limited in their comments on Home Depot because of pending litigation.

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

WHEREAS, the City Council has in good faith investigated the possibility of reaching a settlement in connection with the long-standing Home Depot controversy; and

WHEREAS, a proposed settlement has been subject to public hearing and further deliberation; now, therefore, be it

RESOLVED, that the City Council hereby reaffirms its position to prosecute an appeal of the dismissal of its Article 78 proceeding brought against the Village of Port Chester's SEQRA and zoning approvals for a 120,000 square foot mega store at the City's border; and be it further

RESOLVED, that the City Council determines the acceptance of the proposed tentative settlement is not in the best interest of the City; and be it further

RESOLVED, that Daniel A. Ruzow, co-author of the foremost treatise on SEQRA and a former New York State Department of Environmental Conservation attorney, and the firm of Whiteman Osterman & Hanna are engaged to perfect the City's appeal of the Port Chester determinations; and be it further

RESOLVED, that Terry Rice, a briefing lawyer with the New York State Planning Federation and author of McKinney's commentaries on State land use laws, be retained to consult with and provide of counsel services to the Corporation Counsel in connection with potential additional litigation.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

The City Council received a standing ovation from the audience.

Mr. Ted Kim, 61 Midland Avenue, stressed the quality of life in Rye as compared with the many places he had formerly lived. He encouraged the Council to keep Rye as it is.

Mr. Christopher Baine, Grace Church Street, expressed his appreciation and congratulated the members of the City Council on their wise decision. He illustrated how increased truck traffic is a potential danger by graphically describing how his son was almost hit by a truck on Grace Church Street. He stressed the importance of maintaining a great small town quality and expressed his willingness to pay taxes to keep Rye's quality of life.

Councilwoman Cunningham stated she was happy that having considered the possibility of a settlement, as litigating parties have an obligation to do, she was able to vote to continue this litigation because it is the right thing to do. She believes Rye has legitimate crucially important concerns regarding the impact of the Home Depot Store on our border and these concerns must be pursued in litigation.

There was a five minute recess at this point in the meeting.

3. Old Business

There was no old business discussed.

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

Ms. Anne Theresa Bello, 40 Summit Avenue, explained that she had unsuccessfully tried to have the Department of Public Works trim city trees on Summit Avenue to permit her to replace a fence. She respectfully asked the Council's assistance to have these city trees trimmed. This matter was referred to City Manager Culross to resolve this problem.

5. Review of comments on the Master Plan for Whitby Castle and Related Facilities.

Mayor Dunn acknowledged the receipt of comments on the Master Plan for Whitby Castle and Related Facilities from the Board of Architectural Review, the Landmarks Advisory Committee, and the Planning Commission.

Mr. Vincent Merlino, vice Chairman, Rye Golf Club Commission, apprised the Council that at the regular meeting of the Rye Club Commission, members were afforded the opportunity to discuss their opinions and concerns about the proposed changes. The majority of the Commission voted to endorse a bond referendum. He said going forward with Whitby proposed plans will provide the greatest benefit for the members of the club and community.

Mr. Arthur Ralph, Franklin Avenue and member of the Rye Golf Club since 1965 said that he had studied the Master Plan and said it violates every principle of the original purpose of the Club. He indicated that there is no plan by the Board Architectural Review or the Golf Club Commission about the so-called phantom club house. He asked the Council to vote the bond issues down saying that there was no reason to go into debt for a caterer.

Mr. Tiberio Gaspari, Locust Avenue, expressed concern that the Council would vote favorably on this issue. He indicated that the Rye Golf Commission does not represent the feeling of the members; over 60 members have signed petitions in opposition. He urged the Council not to vote in support of the proposed changes for the good of the Golf Club and the City of Rye.

Mayor Dunn said that the question of whether or not to adopt the consulting report will be placed on the March 19, 1997 agenda. If it is accepted, the next major step will be a Council resolution for a bond referendum to finance the proposed changes. A special election will possibly be held in June.

Councilwoman Cunningham noted that a number of issues and questions were raised by the Landmark Advisory Committee. She expressed the hope that they will be addressed by Mr. Peter Gisolfi at the March 11, 1997 Whitby Castle Committee meeting.

Councilwoman Walsh confirmed that Mr. Gisolfi has received all the reports from the Board of Architectural Review, the Landmarks Advisory Committee, and the Planning Commission.

Councilman Burke informed the Council that many residents have expressed concern about whether the catering facility will be self-sufficient. He encouraged anyone who has comments or suggestions to please contact the Council.

Mayor Dunn said we are certainly not going to raise the bond money until we have a caterer in whom we are totally confident and have determined that the risks are an absolute minimum.

Mr. Jack Stavrides, Palisade Road, questioned if detailed plans of the golf building and the pro shop are available to the public.

Councilwoman Cunningham responded that there are no detailed plans; plans are only in the conceptual stage at this point.

6. Consideration of the scheduling of a public hearing on a local law regarding Alternative Veterans' Exemption

After a brief discussion, Councilman Latwin made a motion, seconded by Councilman Burke to adopt the following resolution:

WHEREAS, a proposed local law entitled "A local law Amending Chapter 177, Taxation, of the Code of the City of Rye, by adding thereto provisions establishing an alternative Veterans Exemption" 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 March 19, 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 177,
Taxation, of the Code of the City of Rye, by adding thereto provisions
establishing an alternative Veterans Exemption**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 19th day of March, 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 177, Taxation, of the Code of the City of Rye, by adding thereto provisions establishing an alternative Veterans Exemption".

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

City Clerk

dated:

ROLL CALL:

AYES: Mayor Dunn, Councilmen Cunningham, and Latwin

NAYS:None

ABSTAIN Councilmen Burke, Collins, Hutchings, and Walsh

ABSENT: None

The resolution did not pass.

Councilmen Burke, Collins, Hutchings, and Walsh abstained because of a possible conflict of interest. They asked the advice of the Corporation Counsel.

Corporation Counsel said this is an ethical question. He expressed the opinion that the Council could vote on the scheduling of the public hearing with the idea that the next meeting would be subject to his research on the question.

The Mayor requested another roll call.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

7. Miscellaneous communications and reports.

A. Councilman Latwin respectfully requested that the Council ask the Board of Fire Wardens for input on whether the City should make expensive repairs to Fire Headquarters or replace the building.

An extensive discussion focused on:

- The deteriorating condition of the present Fire Headquarters
- Determining whether to renovate or build a new building
- The possibility of establishing a joint committee of the Board of Fire Wardens and the Building and Vehicle Maintenance Committee to research cost estimates and feasibility studies
- The need for input from the Board of Fire Wardens
- Tying either renovation or construction into the capital improvement budget cycle
- Requesting a preliminary report from the Board of Fire Wardens
- Exploring alternatives to repairing the building with comparative costs

Councilman Latwin was asked to meet with the Board of Fire Wardens for its input on the question of whether to repair or construct a new building with cost estimates and priorities. The Board of Fire Wardens will be asked to discuss this matter with the Building and Vehicle Maintenance Committee and submit a preliminary report within two months.

B. Councilman Latwin initiated a discussion about the City Council's position on cellular antenna proposals. Discussion focused on other municipalities handling the regulation of cellular antenna.

Corporation Counsel Gardella offered to include a copy of Scarsdale's moratorium in Friday's packet for the Council's review. Councilwoman Walsh will copy the Council on information of how other communities have handled cellular antenna.

C. Councilman Latwin suggested purchasing an additional defibrillator so that each police car on post would be equipped for an emergency.

City Manager Culross will research the cost and advise the Council.

Councilman Burke noted that "Eye on Rye" has scheduled a program about defibrillators.

D. Councilwoman Cunningham acknowledged the receipt of the February 18, 1997, communication from the Department of Transportation stating that hearings will be held on the potential impacts of a merger of the Consolidated Rail Corporation (Conrail) with another freight company. She expressed concern and said that she would not want to see Rye impacted by something that switches rail traffic onto the highways. Councilwoman Cunningham proposed that City Manager Culross send a letter expressing concern about this potential merger and requesting further information.

E. Councilwoman Walsh noted that there was a meeting Monday evening involving the Planning Board, Board of Architectural Review (BAR), the YMCA and three neighbors from Mead Place. The BAR's recommendation for an open space study for the area was reviewed. Mr. Nicholas Everett, chair of the BAR, has developed some base maps. There was some discussion focused on specific vistas for the two proposed additions. There will be an update at the Planning Commission's next meeting.

F. Councilman Hutchings complimented the RCTV crew who was responsible for broadcasting this Council meeting live to the community. He expressed the hope that the community is enjoying this and promised more live broadcasts in the future.

8. New Business

There was no new business discussed.

9. Adjournment

Councilman Burke made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn the meeting.

There being no further business to discuss, the meeting was adjourned at 9:22 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk

