

MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on March 19, 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. Public hearing on proposed local law amending Article VI, Appeals, of Chapter 197 of the Code of the City of Rye with respect to jurisdiction and public notification.

Mayor Dunn opened the public hearing on a proposed local law amending Article VI, of Chapter 197 of the Code of the City of Rye with respect to jurisdiction and public notification.

Mr. Jonathan Kraut, speaking on behalf of the Zoning Board of Appeals, apprised the Council that the Board of Appeals endorses the adoption of the proposed local law without modification. In July 1992, State legislation was amended to have each application judged on a set of criteria rather than determining variances on practical difficulty and municipalities have been amending their code over the past few years. The zoning Board of Appeals recommends that the State legislation be adopted word for word.

There being no other person wishing to address this proposed local law, Mayor Dunn declared the public hearing closed.

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

CITY OF RYE

LOCAL LAW NO. 3 -1997

A local law amending Article VI, Appeals, of Chapter 197 of the Code of the City of Rye with respect to jurisdiction and public notification.

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

Section 1. Section 197-81, Appellate jurisdiction of Board, is hereby amended to read as follows:

§ 197-81. Appellate jurisdiction of Board.

1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
2. Definitions. As used in this section 197-81:
 - (a) "Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
 - (b) "Area variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
3. Use variances.
 - (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

- (b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (iii) the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (iv) the alleged hardship has not been self-created.
- (c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Area variances.

- (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- (b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

- (ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
 - (iii) whether the requested area variance is substantial;
 - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
 - (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
5. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
6. Public notification by applicant. To facilitate public notification, the applicant shall prepare a public notification list using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property located wholly or partially within five hundred (500) feet of the perimeter of the property that is the subject of the application. The applicant shall deliver a copy of the public notice provided by the City Clerk to all of the property owners contained on the public notification list either personally or by mail, in accordance with the following requirements:
- (a) In the case of personal delivery, the public notice shall be delivered to all property owners and/or their spouse contained on the public notification list at least seven (7) days prior to the date of the public hearing.

- (b) In the case of delivery by mail, the public notice shall be mailed to all property owners contained on the public notification list by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least ten (10) days prior to the date of the public hearing.
- (c) Within two (2) business days after the personal delivery or mailing of the public notice, the applicant shall file a sworn statement with the City Clerk stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within five hundred (500) feet of the perimeter of the property that is the subject of the application, that the public notice was personally delivered or mailed to all of the property owners on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice.
- (d) If a mailed public notice is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Clerk no later than the day of the public hearing.

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

ROLL CALL:

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

NAYS:None

The local law was adopted.

3. Public hearing on proposed local law regarding Alternative Veterans' Exemption.

Mayor Dunn stated that Section 458-a of the Real Property Law of the State of New York provides a limited exemption from property taxes for real property owned by veterans. The task of administering this law lies primarily with local assessors who are required to pass upon each application for exemption. He said that the City Council will consider this law which will increase the exemption to the maximum allowed by New York State law.

Mayor Dunn opened the public hearing on a proposed law regarding Alternative Veterans' Exemption.

Mr. Myron Weinberg, 15 Loewen Court, representing the Rye American Legion, Post 128, said that the proposed increase in the tax exemption cap for veterans entitled to the alternative tax exemption would only cost the City of Rye \$7,000 for the first year. This will fluctuate according to the changes in the equalization rate.

Corporation Counsel Gardella pointed out that there was an error in the text. He advised the City Council to postpone a vote on this proposed local law since it was not presented to the Council 10 days prior to this public hearing. Corporation Counsel Gardella said he did not find any authority about the question of a possible conflict of interest for those Council members who might be eligible under this law. He expressed the belief that in the case of a general benefit, the Council members have the right to vote, as long as they disclose their interest.

Mr. Rene Menendez, Harding Drive, explained how the alternative tax exemption would effect veteran property owners. He said adopting this alternative tax exemption will have a symbolic effect by including all veterans. It demonstrates that the City of Rye is making a statement that we do not have second class veterans. What we do in Rye could have ramifications throughout the State. He commended City Manager Culross and Ms. Edye Kershner, City Assessor, for their excellent report.

Mayor Dunn closed the public hearing.

The City Council will vote on this proposed local law at its April 2, 1997 Council meeting.

4. Old Business

There was no old business discussed.

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

Mr. Joseph Chira, Kirby Lane North, said that the Rye Citizens Committee has adopted a resolution to support the City's decision to fight Home Depot. He invited the Council to join an outreach committee which would inform the Rye Community about Home Depot. He said four representatives from the Rye Citizens Committee will explore the best way to communicate with the Rye residents and he urged the Council to appoint one or two Council representatives.

Mr. Chira stressed the following:

- concern about our neighbors in Port Chester,
- need for outreach to them and the Rye Community,
- alternate uses for the proposed Home Depot site,
- need for dialogue with the Port Chester officials to explore different ideas,

- redirecting the high speed of traffic away from Rye,
- need to work collaboratively for the best interest of the community, and
- retention of a land use attorney by the Rye Citizens Committee and desire to work with our legal representatives.

Mr. Chira concluded by saying he will be speaking to business community leaders. He recommended that the City communicate to state and county officials that it has retained counsel.

Mayor Dunn said that the City of Rye has a history of outreach and collaboration and will continue.

Councilwoman Cunningham supported the idea of an information committee.

6. Proposed resolution approving a draft negative declaration of environmental significance and completing the New York State Environmental Quality Review Act requirements

Mr. Tiberio Gaspari, 165 Locust Avenue, expressed concern about the size and scope of the Whitby Castle project, the risk of having a commercial caterer and the expectation that Rye Golf Club would finance the entire operation. He suggested cutting the catering capacity to 100, absolving the Rye Golf Club from assuming the full financial responsibility for the renovation, and presenting this proposal for a public referendum.

Councilwoman Walsh expressed her appreciation to Mr. Gaspari for his informative presentation and said that the Council is willing to review and discuss his concerns.

A council discussion focused on Mr. Gaspari's calculations for the cost of the proposed bond for the Rye Golf Club. Both Mayor Dunn and Councilman Collins said it would be inappropriate to state that the financial impact on the Rye Golf Club operations would include payments against a bond which Rye Gold Club has already been making. Councilman Collins said even if the City did nothing, it would cost \$1.1 million to mothball the building properly.

Mr. Pat Amendola said that Whitby Castle belongs to all residents of the City of Rye. Therefore, all taxpayers should pay for the support of the building.

Councilwoman Cunningham summarized the work of the Whitby Castle Committee since 1996. She pointed out that the plan objectives and components listed in the Master Plan were compiled after much research and public input.

Mr. Leonard Bisceglia, Florence Avenue, supported the Master Plan and said we should invest in the Rye Golf Club now and for the future.

Mr. Menendez said that the City has the ultimate financial responsibility to fund the club and it will survive.

Mr. Kevin McElroy, Park Avenue, emphasized the need to reinvest in infrastructure because the Rye Golf Club is an asset to the City.

Mayor Dunn said rebuilding Whitby Castle should not be an additional financial burden on the Golf Club.

Councilwoman Cunningham made a motion, seconded by Councilman Collins that the entire calculation of the administrative overhead be looked with the intent of not adding unduly to the burden of the Rye Golf Club when it undertakes capital improvements.

ROLL CALL:

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

NAYS:None

The motion carried.

Mr. James Maione, resident, indicated that he has used the Club to entertain guests, and the lack of a dining facility necessitates his entertaining at other facilities. He strongly endorses the bond referendum because he prefers to use the Rye Golf Club.

Mr. Jack Williams, resident, expressed the feeling that the Golf Club members are going to pay for the restoration of Rye Golf Club but they will not have any access to the facility.

Mayor Dunn said that he could not imagine any Council placing such a financial burden on the Golf Club members.

Mr. Frank Adamari, member of the Rye Golf Club Commission, said that he would like to see the Rye Golf Club continue as an enterprise fund.

Mr. Arthur Ralph, member, said that the Rye Golf Club has to pay off its existing bond, otherwise, it was his opinion that the club is a separate and distinct entity.

Mr. Vincent Marconi, chairman, Rye Golf Club Commission, said that much has been done to communicate the facts to the public. Rye Golf Club is a business and has been operated that way. There was no investment in infrastructure because membership fees were low in the past. The Rye Golf Club Commission voted in favor of the Whitby Master Plan. Now, we need to convince the members and the citizens of Rye that this is a good plan. He said we would like to form a Friends of Whitby Castle Group and asked for the Council's endorsement.

Corporation Counsel Gardella informed Mr. Marconi that recent comments from the State Comptroller's office have discouraged governing bodies from establishing such groups. It would be more appropriate for the Rye Golf Club Commission to form the Friends of Whitby Castle Group.

Mayor Dunn said the necessary environmental impact review has been made by the Council.

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

WHEREAS, the Rye City Council proposes to issue bonds to fund the restoration and renovation of Whitby Castle and related facilities at the Rye Golf Club, located on Boston Post Road in the City of Rye, New York, if it is supported by the public in a bond referendum to be placed on the ballot in June of this year, and

WHEREAS, the City Council also proposes to make a determination, pursuant to the Rye City Local Waterfront Revitalization Program and Chapter 73 Coastal Zone Management Waterfront Consistency Review, that the proposed project is consistent with the policies set forth in the Rye City Local Waterfront Revitalization Program now, therefore, be it

RESOLVED, that the Rye City Council finds that a federal agency is not involved, and, be it further

RESOLVED, that the Rye City Council finds that there are no other involved agencies, and, be it further

RESOLVED, that the Rye City Council finds that the proposed actions are Type I actions, and, be it further

RESOLVED, that the Rye City Council has referred the proposed action to other interested agencies for their review and comments, and, be it further

RESOLVED, that the Rye City Council has had prepared a Coastal Assessment Form for the proposed actions, and, be it further

RESOLVED, that the Rye City Council has had prepared Part I and Part II of a Full Environmental Assessment Form for the proposed actions, and, be it further

RESOLVED, that based on the Full Environmental Assessment Form, the Coastal Assessment Form and the criteria set forth in the New York State Environmental Quality Review Act the Rye City Council finds that the proposed actions will not have a significant adverse effect on the environment, and, be it further

RESOLVED, that the Rye City Council has prepared a negative declaration for the proposed actions containing a written statement in support of a negative declaration of environmental significance, and, be it further

RESOLVED, that the City Clerk and the preparer of the Full Environmental Assessment Form are hereby authorized and instructed to complete the certification block of the Full Environmental Assessment Form, and, be it further

RESOLVED, that the Rye City Council hereby makes a negative declaration pursuant to the New York State Environmental Quality Review Act, and, be it further

RESOLVED, that the City Clerk is hereby authorized and instructed to file notice of the negative declaration pursuant to the New York State Environmental Quality Review Act.

ROLL CALL:

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

NAYS:None

The resolution passed.

7. Proposed resolution making a determination that the proposed restoration and renovation of Whitby Castle and related facilities is consistent with the Rye City Local Waterfront Revitalization Program and completing the Coastal Zone Management Consistency Review requirements.

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

WHEREAS, the Rye City Council proposes to issue bonds to fund the restoration and renovation of Whitby Castle and related facilities at the Rye Golf Club, located on Boston Post Road in the City of Rye, New York, if it is supported by the public in a bond referendum to be placed on the ballot in June of this year, and

WHEREAS, the City Council also proposes to make a determination, pursuant to the Rye City Local Waterfront Revitalization Program and Chapter 73 Coastal Zone Management Waterfront Consistency Review, that the proposed project is consistent with the policies set forth in the Rye City Local Waterfront Revitalization Program now, therefore, be it

RESOLVED, that the Rye City Council finds that the proposed action is located in the Coastal Zone of the City Of Rye, and, be it further

RESOLVED, that the Rye City Council has had prepared a Coastal Assessment Form for the proposed action, and, be it further

RESOLVED, that the Rye City Council has made a negative declaration of environmental significance with respect to the proposed actions, and, be it further

RESOLVED, that the Rye City Council has referred the proposed action, the Coastal Assessment Form and the Full Environmental Assessment Form to the Rye City Planning Commission for an advisory determination, as required by § 73-5.C of the Code of the City of Rye, and, be it further

RESOLVED, that the Rye City Planning Commission by memorandum of February 11, 1997, has advised the City Council that they find the proposed action to be consistent with the Rye City Local Waterfront Revitalization Program, and, be it further

RESOLVED, that the Rye City Council has compared the proposed action to the policies contained in Section III and to the uses and projects contained in Sections IV of the Rye City Local Waterfront Revitalization Program, and, be it further

RESOLVED, that the Rye City Council that of the 44 Policies contained in the Rye City Local Waterfront Revitalization Program only Policies 2, 7, 7A, 19 and 23 are applicable, and has noted the following in the Coastal Assessment Form:

1. The "Project Site", along with the entire Rye Golf Club property, four properties to the south, Milton Harbor and portions of Blind Brook, is located in a significant fish and wildlife habitat. The "Project Site" is located in the southwesterly corner of the golf club abutting Boston Post Road. This area of the property is already developed and the proposed improvements will not substantially increase the amount of physical development, nor the intensity of use, to an extent that will be significantly different from the way in which this small portion of the property has been used since it was converted from a private residence to a golf club in 1920. The Rye City Local Waterfront Revitalization Program supports both the protection of Significant Fish and Wildlife Habitats and Historic Sites and Buildings in the Coastal Zone. The proposed plan for the future of this historic building will attain the goals of historic preservation, and at the same time not diminish the quality and viability of the of Significant Fish and Wildlife Habitats, in which the site is located. Some increased activity will occur during demolition and construction, but these will be short term impacts.
2. Whitby Castle should be preserved as a continuing part of the National Register Boston Post Road Historic District. In 1920, Whitby Castle was converted from a private residence to a clubhouse for the Rye Country Club and an 18-hole golf course was built on the site. At the same time, a large unsympathetic addition was built on the southeast side of the building. This addition has not aged as well as the original building. In 1965,

the City of Rye bought the estate, added a pool, and it became the Rye Golf Club. In the 1980's a new pool and pool house were built. A caterer operated a public restaurant/bar and catering facility continuously until 1994. After the caterer went out of business, the facility was operated on an interim basis for the next nine months, finally closing in 1995. The Rye Golf Club and the City of Rye continue to own this important building, but major repairs and improvements will be required to make it financially viable. Absent a financially viable use, the long term preservation and availability of this historic building to the public can not be insured.

3. The Golf Club and Whitby Mansion is located in the Boston Post Road Historic District and Whitby Castle is listed on the Natural Register of Historic Places. The proposed renovations and improvements will rehabilitate the Castle, replace an existing insensitive addition to the building with a sensitive and appropriate addition, and enhanced landscaping will also improve the appearance of the site, both internally and from viewing points off of the site, in particular the Boston Post Road. The proposed additions to Whitby will be to the rear of the building and, therefore, will not adversely impact the view of this historic property from the Boston Post Road. With respect to the view of the property from Milton Harbor, and more distant coastal waters and abutting shores, the existing large unsympathetic addition to Whitby Castle constructed in 1920, will be replaced with a sensitive and appropriate addition. The proposed renovations will provide superior views of the golf course and the near and far shores of Milton Harbor for restaurant, bar and catering facility patrons as compared to the current facilities in the building.
4. The proposed project will enhance the desirability of this major recreational facility. The proposed additions to Whitby Castle, the modifications and additions to the parking facilities, improvement of the internal pedestrian and vehicle circulation patterns and enhanced landscaping will improve user comfort, safety and enjoyment of this very special open space, recreation area and historic site.

The City of Rye subscribes to, and requires, use of the techniques set forth in the Westchester County Best Management Practices Manual. The foot of the Rye Golf Club property abuts Milton Harbor, but the "Project Site" is located approximately 1/4 to 1/2 of a mile from Milton Harbor. All surface water will be allowed to runoff naturally over the golf course, thereby allowing for both purification and absorption. The water quality of Milton Harbor and its associated coastal waters and tidal wetlands will not be adversely impacted by the project., and, be it further

RESOLVED, that based on the Full Environmental Assessment Form, the Coastal Assessment Form, the criteria set forth in the Rye City Local Waterfront Revitalization Program and Chapter 72 Coastal Zone Management Consistency Review, and the foregoing, the Rye City Council finds that the proposed action is consistent with the applicable policies set forth in the Rye City Local Waterfront Revitalization Program.

ROLL CALL:

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

NAYS:None

The resolution passed.

8. Resolution authorizing the issuance of \$5,400,000 serial bonds to restore and renovate Whitby Castle and related facilities at the Rye Golf Club.

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of said capital project; NOW,
THEREFORE,

BE IT RESOLVED, by the City Council of the City of Rye, Westchester County, New York,
as follows:

Section 1. For the class of objects or purposes of paying the cost of the construction of additions to and the reconstruction of various buildings and facilities at the Rye Golf Club, a City-owned recreational facility, including incidental improvements and expenses, at a maximum estimated cost of \$5,400,000, there are hereby authorized to be issued \$5,400,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

Section 2 It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes shall consist of the issuance of the \$5,400,000 serial bonds of said City authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 92 of paragraph a of Section 11.00 of the Local Finance Law, based upon subdivisions 12 (a) (1) and 54 of paragraph a of Section 11. 00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the

provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8 All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150- 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution is hereby adopted subject to referendum in accordance with Section C21-9 of the City of Rye Charter.

ROLL CALL:

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

NAYS:None

The resolution passed.

9. Resolution scheduling a Special Election on June 17, 1997 and authorizing submission of Proposition for Restoration and Renovation of Whitby Castle and Related Facilities at the Rye Golf Club for the approval of the voters at the 1997 special election.

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

WHEREAS, the City Council of the City of Rye, Westchester County, New York, on March 19, 1997 adopted a resolution authorizing the issuance of \$5,400,000 serial bonds of said City to pay the cost of the construction of additions to and the reconstruction of various buildings and facilities at the Rye Golf Club, a City-owned recreational facility in and for said City subject to a referendum in accordance with the provisions of Section C21-9 of the Charter of said City; and

WHEREAS, it is now desired to call a special election of the qualified voters of said City for the purpose of submitting a proposition for the approval or disapproval of said bond resolution; **NOW, THEREFORE, BE IT**

RESOLVED, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1. A special election of the qualified voters of the City of Rye, Westchester County, New York, shall be held on the 17th day of June, 1997, a date at least sixty (60) days from the date hereof in accordance with Section C5-3 of the Charter of the City, for the purpose of voting upon the proposition hereinafter set forth. Qualified voters for said special election shall be those who are qualified to vote for the election of officers of said City.

Section 2. The polls at said special election shall be kept open between the hours of 6:00 A.M. and 9:00 P.M., Prevailing Time, which hours are hereby designated as the hours of voting. Voting at said special election shall be by voting machine. The single polling place for said special election is hereby designated to be City Hall, 1051 Boston Post Road, in Rye, New York for all 14 Election Districts.

Section 3. The City Clerk is hereby authorized and directed to cause notice of such special election to be given by publication once a week for two (2) weeks preceding the date of the referendum in Gannett Suburban Newspapers and The Rye Chronicle, the official newspapers of said City. Such notice, and the form of the proposition to be submitted at said special election, shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that, pursuant to Section C21-9 of the Charter of the City of Rye, Westchester County, New York, a special election of the qualified voters of said City shall be held

at the polling place hereinafter set forth, on the 17th day of June, 1997, for the purpose of voting by voting machine on the adoption or rejection of the following resolution:

BOND RESOLUTION DATED MARCH 19, 1997.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,400,000 SERIAL BONDS OF THE CITY OF RYE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF ADDITIONS TO AND THE RECONSTRUCTION OF VARIOUS BUILDINGS AND FACILITIES AT THE RYE GOLF CLUB, A CITY-OWNED RECREATIONAL FACILITY IN AND FOR SAID CITY.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of said capital project; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the construction of additions to and the reconstruction of various buildings and facilities at the Rye Golf Club, a City-owned recreational facility, including incidental improvements and expenses, at a maximum estimated cost of \$5,400,000, there are hereby authorized to be issued \$5,400,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of the aforesaid class of objects or purposes shall consist of the issuance of the \$5,400,000 serial bonds of said City authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 92 of paragraph a of Section 11.00

of the Local Finance Law, based upon subdivisions 12(a)(1) and 54 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not available from other sources, there shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the

sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownerships of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150- 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution is hereby adopted subject to referendum in accordance with Section C21-9 of the City of Rye Charter.

The hours of voting at said special election will be from 6:00 o'clock A.M. to 9:00 o'clock P.M.,
Prevailing Time.

The single polling place for said special election shall be City Hall, 1051 Boston Post Road, in Rye, New York for all 14 Election Districts.

Qualified voters at said special election shall be those who are qualified to vote for the election of officers of said City. Applications for absentee ballots shall be available at the Office of the City Clerk until the day before such special election or by mail as provided by Section 8-400 of the Election Law.

The polls will be kept open for said election during the aforesaid hours and the proposition will be in substantially the following form, to wit:

PROPOSITION

Shall the bond resolution adopted by the City Council of the City of Rye, Westchester County, New York on March 19, 1997, authorizing the issuance of \$5,400,000 serial bonds of said City to pay the cost of the construction of additions to and the reconstruction of various buildings and facilities at the Rye Golf Club, a City-owned recreational facility, including incidental improvements and expenses, at a maximum estimated cost of \$5,400,000, delegating the power to issue serial bonds and bond anticipation notes, to the Comptroller, pledging the faith and credit of said City for the payment of such bonds and notes determining that the period of probable usefulness of such project is twenty years, and containing an estoppel provision, be approved?

Rye, New York

Dated: 1997

BY ORDER OF THE CITY COUNCIL OF THE CITY OF RYE,
WESTCHESTER COUNTY, NEW YORK

By _____
City Clerk

Section 4. Said special election shall be conducted in the manner prescribed by the Election Law to the extent not inconsistent with the Charter of the City of Rye, Westchester County, New York, and the provisions of this resolution.

Section 5. This resolution shall take effect immediately.

ROLL CALL:

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

NAYS:None

The resolution passed.

After a brief discussion on the Landmarks Advisory Committee's suggestion regarding Whitby Castle's preservation, Councilwoman Cunningham made a motion, seconded by Councilman Collins to adopt the following resolution:

WHEREAS, the Landmarks Advisory Committee has reviewed the Master Plan for Whitby Castle and Related Facilities, dated January 30, 1997, and has suggested clarification with respect to the discussion of existing conditions at Whitby Castle; and

WHEREAS, this has been reviewed with Peter Gisolfi Associates who agree with the suggestion of the Landmarks Advisory Committee; now, therefore, be it

RESOLVED, that “The exterior shell of Whitby and the first and second floor interior spaces identified as ‘exceptionally significant’ in Appendix A to the Historic Preservation Master Plan will be restored according to the *Secretary of the Interior’s Standards and Guidelines for Rehabilitating Historic Buildings* to the 1854 design with 1880’s modifications as closely as considerations of budget, function, and code will permit.”

ROLL CALL:

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

NAYS:None

The resolution passed.

Mayor Dunn expressed his appreciation and commended the Whitby Castle Committee for their dedicated work on the Whitby Castle Master Plan.

10. Discussion of the upcoming school budget vote with the President of the School Board, the Superintendent of Schools, and the Assistant Superintendent of Schools.

Mr. Stephen M. Feeney, president of the Rye City School Board of Education, stated that the State Legislature passed a law requiring City school districts to submit their budgets for voter approval. The vote for the Rye City School District’s school budget is scheduled for May 6, 1997.

Using a computer based slide presentation, Mr. Stephen M. Feeney assisted by Mr. Quartararo, Assistant Superintendent for Rye City School District, discussed the following topics:

- The Old Budget Process
- The New Budget Process
- Budget Vote Results
- Expenditures included in the Contingency Budget
- Total Budget

Direct and Indirect vote
Proposed tax rate
Enrollment projections
Staffing, Facilities, and Equipment
Shared Services
Strategic Planning Objectives
Fund Balance and other Reserves

A general discussion focused on:

The Contingency Budget
General Fund
Athletic Programs
Demographics
Plans for a future survey
Budget assumptions
Use of school facilities

11. Consideration of request of Mr. and Mrs. Howard Chumsky for permission to erect a fence in the City right-of-way on Martin Road.

The City Council discussed the request of Mr. and Mrs. Howard Chumsky for permission to erect a fence in the City right-of-way on Martin Road. The consensus of the Council was not to set a precedent by granting permission to use the City right-of-way. This matter was referred to the City Engineer to inspect the property and to suggest possibilities about plantings on the City right-of-way.

12. Proposed resolution in support of the Kieran Dunne Home Caregiver Registration Act pending in the New York State Senate and Assembly.

Councilwoman Walsh informed the Council that bills were introduced in the New York State Senate and Assembly which would amend the social services law to add a new article 9 entitled the Kieran Dunne Home Caregiver Registration Act. This law provides for a voluntary registration system for caregivers which would provide prospective employers with verified background information on the caregiver. She expressed the opinion that this would be a valuable tool to validate credentials. She requested that the Council consider adopting a resolution supporting this legislation and then transmitting copies of the resolution to the Senate and Assembly Committees which are considering the bill.

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

WHEREAS, The City Council on behalf of the City of Rye recognizes the personal courage and strength of the Dunne family from whose tragic loss of their infant son Kieran came the impetus for a voluntary registration program for home caregivers, and

WHEREAS, The City Council of the City of Rye recognizes the value of such registration program in contributing to the safety and well-being of its own families and caregivers, and

WHEREAS, The City Council of the City of Rye believes that the value of such registration program would be of equal benefit to residents throughout New York State,

THEREFORE, BE IT RESOLVED:

That the City Council of the City of Rye supports passage by the New York State Senate and the New York State Assembly of the proposed "The Kieran Dunne Home Caregiver Registration Act" as reflected in Senate 3237 and Assembly 7895 in order to more adequately protect the interests of children, the elderly, their families and their bona fide caregivers.

The resolution passed.

13. Discussion of establishing a moratorium on applications for cellular antenna installations.

Councilwoman Walsh acknowledged receiving Corporation Counsel Gardella's memo dated January 3, 1997 forwarding a copy of Greenburgh's law on cellular phone antenna. She requested a copy of Mt. Kisco's law and lawsuit complaint to review before the public hearing.

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

WHEREAS, a proposed local law entitled "A local law establishing a moratorium on applications for telecommunications antenna installations" 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 April 2, 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
Establishing a Moratorium on Applications for Telecommunications Antenna Installations**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 2nd day of April, 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 establishing a moratorium on applications for telecommunications antenna installations".

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

City Clerk

Dated:

14. Discussion of the report of the Development Plan Update Steering Committee.

Councilwoman Walsh presented the following objectives of the Development Plan Up-Date Steering Committee:

- to develop a process to update Rye's Development Plan,
- to propose tasks and a time frame to accomplish goals,
- to circulate the existing Development Plan Goals and Survey to City Boards, Commissions, and Committees, Westchester County, abutting communities and

other interested agencies inviting their comments on regional and intermunicipal issues as they relate to the Update of the 1985 Development Plan,

- to schedule public meetings,
- to have the Planning Commission play a major role in this update, and
- to discuss directions and to work on amendments for the Development Plan.

Councilwoman Cunningham suggested early input on open space in light of the proposed developments for the Rye YMCA and Rye Free Reading Room. She also recommended studying the impact of traffic and the need for a traffic study as part of this plan.

Mayor Dunn noted that the review of open space and capital expansion of the Rye YMCA and Rye Free Reading Room will probably need to be done separately because of timing.

Mr. Joseph Chira, Kirby Lane North, suggested communicating with the public in an expeditious manner on this update of the Master Plan.

Councilwoman Walsh clarified that there has been much publicity of this development plan via Rye Cable TV, council meetings, and mayoral communications. It is the committee's intention to keep the Community well informed.

15. Approval of an amendment to Section 191-19 of the Code to prohibit parking on the easterly side of Midland Avenue from a point 20 feet north of the northerly entrance to Midland School circle driveway to a point 20 feet south of the southerly entrance to Midland School circle drive from 8:15 a.m. to 8:45 a.m. and from 2:30 p.m. to 3:30 p.m., Monday through Friday.

City Manager Culross stated that this amendment was requested by the Midland PTO, and is a relatively minor change.

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve an amendment to Section 191-19 of the Code to prohibit parking on the easterly side of Midland Avenue from a point 20 feet north of the northerly entrance to Midland School circle driveway to a point 20 feet south of the southerly entrance to Midland School circle drive from 8:15 a.m. to 8:45 a.m. and from 2:30 p.m. to 3:30 p.m., Monday through Friday.

16. Approval of an amendment to Section 191-21 of the Code deleting the prohibition of parking, standing or stopping of vehicles from a point 20 feet north of the northern entrance to Midland School circle driveway to a pint 20 feet south of the southern entrance to Midland School circle

driveway, except that the stopping of vehicles on the easterly side is permitted for discharging or loading of passengers only.

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve an amendment to Section 191-21 of the Code deleting the prohibition of parking, standing or stopping of vehicles from a point 20 feet north of the northern entrance to Midland School circle driveway to a point 20 feet south of the southern entrance to Midland School circle driveway, except that the stopping of vehicles on the easterly side is permitted for discharging or loading of passengers only.

17. Approval of a supplemental appropriation of \$2,000 from the Police Agency Fund to the Police Department budget for the purpose of purchasing an additional defibrillator.

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

RESOLVED, that the City Council hereby approves an appropriation of \$2,000 from the Agency Fund to the Police Department budget for the purpose of purchasing an additional defibrillator.

ROLL CALL:

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

NAYS:None

The resolution passed.

18. Consideration of the request of the Westchester Triathlon to use city streets for their 14th Westchester Triathlon on Sunday, August 17, 1997.

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried to approve the use of city streets for the 14th Westchester Triathlon on Sunday, August 17, 1997.

19. Draft unapproved minutes of the regular meetings of the City Council held February 26 and March 5, 1997.

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried to approve the February 26, 1997 minutes as amended.

Councilwoman Cunningham made a motion, seconded by Councilman Walsh and unanimously carried to approve the March 5, 1997 minutes as submitted.

20. Miscellaneous communications and reports.

Mayor Dunn acknowledged the February 27, 1997 letter from County Executive Andrew O'Rourke announcing the Long Island Sound Watershed-Wide Storm Drain Stenciling Day, June 14, 1997. This was referred to the Conservation Commission/Advisory Council.

21. New Business.

There was no new business discussed.

22. Adjournment

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

Respectfully submitted,

Alice K. Conrad
City Clerk