

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on June 18, 1997 at 8:00 P.M.

PRESENT:

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

ABSENT: JAMES K. BURKE
KATHLEEN E. WALSH

1. Roll Call

Mayor Dunn called the meeting to order; a quorum was present to conduct official City business.

2. Old Business

A. Mayor Dunn reported that the preliminary results of the City of Rye's special election for Proposition 1 bond 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, were 1,109 in favor and 617 in opposition. The Mayor expressed appreciation to the Rye Golf Club Commission and Councilmen Cunningham and Hutchings for all their hard work.

B. Councilwoman Cunningham congratulated the Rye Police Department for being a recipient of a certificate of achievement from the Westchester County Emergency Medical Services Council for its CFR-Defibrillation Program.

3. Public hearing on proposed local law amending Chapter 191-47, Vehicles and Traffic, of the Rye City Code to require the proper display of parking tags or licenses

Mayor Dunn opened the public hearing.

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

Councilman Latwin made a motion seconded by Councilman Hutchings to adopt the following Local Law.

**PROPOSED LOCAL LAW
CITY OF RYE
LOCAL LAW NO. 6-1997**

**A local law amending
Chapter 191-47, VEHICLES AND TRAFFIC,
of the Rye City Code
by requiring the proper display of the parking license or tag**

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

Section 1. Section 191-47 of the Rye City Code is hereby amended by adding to read as follows:

- A. Any resident of the City of Rye, upon making application to the City Clerk and upon furnishing said Clerk with satisfactory evidence that such applicant is a resident of said city and upon paying an annual fee, shall receive a tag or license permitting him/her to park his/her motor vehicle in the places and locations described in § 191-46A and B if space therein shall be available provided the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicle's rear window.
- B. A nonresident of the City of Rye, upon application and upon paying an annual fee, may receive a tag or license permitting him/her to park his/her motor vehicle in the places and locations described in § 191-46A if space therein shall be available provided the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicles rear window. The maximum number of permits issued in any calendar year under Subsections A and B hereof shall be one hundred sixty-five percent 165 % of the total number of parking spaces designated for such purpose, except as may be otherwise determined by resolution of the City Council.
- C. Any merchant or other person employed within the Central Business District desiring to park all day shall, upon application to the City Clerk and payment of the annual fee, receive a tag or license permitting him/her to park his/her motor vehicle in the locations and places specifically designated for merchants and all-day parking provided the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicle's rear window.
- D. Any resident of the City of Rye desiring an all-day/all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license entitling him/her to park his/her motor vehicle in the locations and places specifically designated for all-day/all-night parking provided the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicle's rear window.

- E. Any resident of the City of Rye desiring an all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license permitting him/her to park his/her automobile or other vehicle in the locations and places specifically designated for all-night parking provided the proper parking tag or license for that vehicle is displayed on the driver's side of the vehicle's rear window.
- F. Said tag or license that is issued shall be displayed on the driver's side of the vehicle's rear window. The payment of any of the aforesaid annual fees shall not be construed to guarantee the applicant a reserved space, and said tag or license shall not be transferable. Failure to properly display the parking tag or license shall be a separate violation of this Section.
- G. If a license or a tag, or both, is lost or destroyed or if another motor vehicle is substituted for the vehicle for which the license had been issued, a new license will be issued for the remainder of the period upon payment of a fee of \$5; however, if the old sticker is not returned, the fee for such replacement sticker shall be \$50.
- H. The annual fees in Subsections A, B, C, D and E above shall be set annually by resolution of the City Council. Such fees, upon their adoption, shall be published twice in the official newspaper within two (2) weeks of such adoption and shall be posted at City Hall by the City Clerk. In addition, copies of the rate schedule shall be made available to the public in the office of the City Clerk.

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

ROLL CALL:

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

NAYS: None

ABSENT: Councilmen Burke and Walsh

The Local Law was adopted.

Several agenda items were taken out of order.

- 11. Consideration of proposal of The Lake Road Group to construct a sanitary sewer extension and provide the necessary easements to the City

Mr. Leonard D'Andrea, architect, presented the Council with the plan to construct a sanitary sewer extension.

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

RESOLVED, that the City Council of the City of Rye accepts the proposal of the Lake Road Group with the understanding that the design and construction of the sewer must be agreeable to the City Engineer and that the easements must be satisfactory to the Corporation Counsel.

ROLL CALL:

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

NAYS:None

ABSENT: Councilmen Burke and Walsh

The resolution passed.

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

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

6. Authorization for the City Manager to enter into discussions with the Conservation Commission/Advisory Council and the Friends of the Rye Nature Center with respect to the operations of the Nature Center and report to the City Council no later than September, 1997

Mrs. Ann Edmonds, president of the Friends of Rye Nature Center (FoRNC), informed the City Council that under Mr. Tracy Kay's leadership, the Nature Center has grown to be a vital environmental education center which has served as a model across the country. In 1996, it served thirty thousand people. The departure of Mr. Kay has engaged the FoRNC in a thought process about the relationship between the Friends, the City, and the Nature Center. Mrs. Edmonds related the following:

- Request that FoRNC manage the Nature Center, employ its staff, use the facility and have the responsibility for providing the services currently provided by the City through the Nature Center staff.
- The continued success and growth of the Nature Center depends upon continuing its current focus, that of an environmental education center.

- Mr. Kay's departure highlights the limitations of the current set up (civil service position, fund raising, and pricing restrictions).
- The proposal would enable the growth of revenues, programs, and fund raising, as well as result in more flexibility in staffing.
- Several drawbacks were cited by Mrs. Edmonds, such as insufficient funds to support this proposal, union employees, coverage for the Director's responsibilities during the transition, and a lack of time to accomplish this proposal.
- Several recommendations from FoRNC were to investigate the possibility of converting the Nature Center from a City department to a center run by FoRNC. This would require the approval and financial and resource support of the City. FoRNC also requested that the City not undertake a civil service search for a replacement of the director at this time.

Councilman Collins said that he is normally in favor of privatization, but expressed concern about the funds that the City may be required to commit to the Nature Center. Mrs. Edmonds explained that the Nature Center would need ongoing financial support from the City for maintenance, etc.

In reference to an inquiry from Councilman Hutchings, City Manager Culross explained that this transition period is an opportune time to re-evaluate the operation of the Nature Center.

Councilman Latwin expressed his approval with the proposal. He added that even though there are many questions to be answered, this proposal may serve the City well by providing more expanded program opportunities.

Mayor Dunn expressed his enthusiasm regarding the proposal. He expressed the feeling that privatization is the way government is leaning in the future.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into discussions with the Conservation Commission/ Advisory Council and the Friends of Rye Nature Center with respect to such a change in operations and hereby requests that the City Manager report to the City Council at the September 10, 1997 Council meeting.

7. Discussion of the Beaver Swamp Brook Plan for Restoration and Permanent Protection

Mr. Nicholas Hodnett, chairman of the Conservation Commission/Advisory Council (CC/AC), said the CC/AC responded to the City Council's request to review and comment on the report, Beaver Swamp Brook, Plan for Restoration and Permanent Protection in a letter dated June 12, 1997. He said it was a good report and introduced Mr. Ernie Fiore from the Town of Harrison and Mr. Steve Otis to elaborate on the Inter-Municipal Working Group's report.

Mr. Ernie Fiore, chairman of the Town of Harrison Environmental Committee, provided a visual presentation for the Council. Mr. Fiore said that this area has been a victim of pollution for a long time. Therefore, the Rye-Harrison Inter-Municipal Working Group was formed to serve in the best interests of both Rye and Harrison residents. The goal of this group is to preserve this area and protect it from any development which would be detrimental to the environment and the public. Mr. Fiore told the Council that the Stop & Shop supermarket chain has expressed interest in this area. The group feels this type of development should be discouraged. In closing, Mr. Fiore asked for the support of the Council.

Steven Otis, Esq., 26 Lynden Street, informed the Council that one of the biggest problems for both Rye and Harrison residents is flooding. He added that the creation of a nature center would alleviate and/or eliminate the flooding problem. Funding is needed for an environmental assessment, clean-up, and the creation of a well-planned nature center. Besides resolving the problem of flooding, another area of concern is wetland and buffer protection. He said that the group expressed the hope that the City of Rye will support this endeavor.

Having been involved in environmental issues for many years, Councilwoman Cunningham added that this area is D.E.C. designated wetlands, which makes this matter extremely important. She added that she would support encouraging the Town of Harrison to create a nature preserve.

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

RESOLVED, that the City Council of the City of Rye is supportive of the creation of the nature center and encourages a joint endeavor to relieve the flooding problem in the Beaver Swamp Brook.

Mayor Dunn asked Mr. Otis to draft a letter to apprise the Town of Harrison that the City of Rye is opposed to any further development along the Beaver Swamp Brook and that the City will work with the Town of Harrison to resolve problems of flooding, environment, and wetlands.

Mayor Dunn expressed his appreciation to Mr. Fiore and Mr. Otis for their informative presentation.

5. Appointment of the Acting Mayor by the Mayor

Mayor Dunn acknowledged Councilman Collins' letter of resignation as Acting Mayor. The Mayor reluctantly accepted Councilman Collins' resignation and expressed his appreciation for all his hard work. Mayor Dunn appointed Councilman Latwin as Acting Mayor.

Councilwoman Cunningham expressed the feeling that it might be better to appoint someone who will not be campaigning for the mayoral seat and who would not have the advantage of incumbency.

Mayor Dunn said that Councilman Latwin has earned this position by his seniority and record of accomplishments on the City Council.

8. Consideration of proposed local law repealing Article 20B, Cable Television Commission, in its entirety

Mayor Dunn acknowledged the June 13, 1997 memo from the City Manager on the creation of a new oversight group.

Mr. John Gregg, chairman of the RCTV Commission, expressed the Commission's appreciation to City Manager Culross for his assistance in writing the proposed resolution. Mr. Gregg highlighted the following points that he felt needed to be addressed before the creation of a committee:

- Joint discussion between the RCTV and the City Council on the scope of the committee
- Definition of the authority and responsibility of the committee
- The intent of the committee in promoting the programming and carrying it out with regard to public access
- Identification of available resources
- Need for a coordinator of public access
- Frequency of televising the Council meetings live
- Contact person for Friends of RCTV for fundraising, etc.

He expressed the feeling that the relationship between the Commission and the City Council has deteriorated. He said communications have not been good and RCTV has been cut out of the decision process with regard to the work with the School District development of the studio, etc.

Mayor Dunn responded that if the Council decided to schedule a public hearing, there will be ample opportunity to express opinions.

A discussion focused on the following topics:

- Additional staff for coordinating public access and assisting production
- Committee's involvement in the budget preparation process
- Equipment
- Relationship with the School Board
- Telecasting City Council meetings live
- The Excellence Report provided by the RCTV Commission
- The contact person with Friends of RCTV
- Distinction between committee and commission

- Amending the Charter to repeal the Commission

City Manager Culross explained that changing the group from "Commission" to "Committee" is the logical step in changing its scope and responsibility.

Mayor Dunn explained that when the school ran their own channel, the Council was frustrated with its ability to effect what it wanted to do through the RCTV Commission. He explained that a public committee would help build a public channel (channel 16).

Further, Mayor Dunn agreed that there had been miscommunication between the Council and the RCTV Commission. The Mayor recognized that there was much hard work done by the Commission. However, he said that the City Council did comment on the Excellence Report.

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

WHEREAS, a proposed local law entitled "A local law REPEALING Article 20B, Cable Television Commission", of the Code of 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 July 17, 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
REPEALING Article 20B, Cable Television Commission**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of July, 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 REPEALING Article 20B, Cable Television Commission, of the Charter of the City of Rye."

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 Collins, Cunningham,
Hutchings and Latwin

NAYS:None

ABSENT: Councilman Burke & Walsh

The resolution passed.

9. Proposed resolution disbanding the Rye Playland Advisory Committee

Mayor Dunn informed the Council that through hard work and good will, the Rye Playland Advisory Committee had accomplished its purpose. Therefore, it is time to disband the committee. Mayor Dunn asked the City Manager to prepare a press release, and publicize on the internet and RCTV that the Committee is disbanded. He asked that Mrs. Carol Johnson, secretary to the City Manager, write thank you letters and forward achievement certificates to the members of the Rye Playland Advisory Committee.

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

WHEREAS, the establishment of the Rye Playland Advisory Committee was authorized by a resolution adopted unanimously by the City Council on March 21, 1990; and

WHEREAS, such authorization was for a period of one year; and

WHEREAS, later resolutions established a membership of up to nine members, permitted the Committee to continue and to submit regular minutes to the City Council, and changed its name to the present designation; and

WHEREAS, the Rye Playland Advisory Committee, which was originally named the Playland Neighborhood Advisory Council, has served its function and completed its task; now, therefore, be it

RESOLVED, that the Rye Playland Advisory Committee's term is now ended and that Committee is disbanded; and be it further

RESOLVED, that the City Council expresses its sincere thanks and gratitude to those who have served on the Committee and for the efforts they made.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Burke & Walsh

The resolution passed.

16. Reconsideration of request of Westchester Triathlon to use City streets for the 14th Triathlon on September 14, 1997 instead of August 17, 1997

Mr. Wayne Rubin, chairman of the Westchester Triathlon, respectfully requested that the City Council reconsider its denying the Westchester Triathlon the use of the City streets on September 14, 1997 because the Boston→New York AIDS Ride had already received approval for that particular date. Mr. Rubin explained the course of the triathlon and assured the Council that it would not interfere with the Boston→New York AIDS Ride. He apprised the Council that the Police Department has stated that traffic will not be impacted. He concluded by saying that September 14, 1997 was the only date available for the Triathlon.

Councilman Latwin expressed concern that having two events in Rye on the same day might be an imposition on residents. He said he would support their request if this is an exception because of the scheduling conflict.

Councilman Hutchings requested that the City be flexible on this matter as many charitable organizations benefit from the Triathlon. However, he said, this action should not be construed as a rule to schedule two events for one day.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of Westchester Triathlon to use City streets for the 14th Triathlon on September 14, 1997 instead of August 17, 1997.

12. Review of Financial Goals, Policy Statements, budget development assumptions and guidelines by the City Council

Councilwoman Cunningham and Mr. Arthur Stampleman, member of the Finance Committee, expressed concern about the City's practice of depositing up to 75% of the City's overall portfolio in a single bank.

Councilwoman Cunningham asked that the statement "that the City will collateralize all deposits and investments at 105% of the market value of such deposits and investments" be changed to clarify that the City has collateral for its deposits.

City Manager Culross explained the diversification policy and said the Council adopted the 75% deposit. Recently many commercial banks have merged (Chemical Bank and Chase Manhattan Bank, for example), thereby leaving fewer banks available. Additionally, the City has collateral held by other institutions. The Council asked the City Manager to research the 75% deposits with the City Comptroller and report to the Council at the next meeting.

10. Discussion of affordable housing allocations

Mayor Dunn stated that the Council was in receipt of a memo from Mr. George Raymond regarding affordable housing allocations. The Mayor stated that the City is studying this issue and that it is part of the City's Master Plan Update.

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

RESOLVED, that the City is currently updating the Master Plan and affordable housing and its allocations as they pertain to the City of Rye will also be part of that Master Plan. As part of that process, the City Council will invite Mr. Raymond to make a presentation to the City Council.

13. Approval of the City of Rye Police Department General Order #116.3, Performance Evaluation, and General Order #117.8, Video Procedures

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the City of Rye Police Department General Order #116.3, Performance Evaluation, and General Order #117.8, Video Procedures.

14. Appointment of Nominating Committee for the Boat Basin elections and designation of the Chairman

Councilman Collins made a motion, seconded by Councilman Latwin and unanimously carried, to approve the appointment of Mr. George Goering, Mr. Richard Dempsey and Mr. Alan Caminiti to the Nominating Committee for the Boat Basin elections. Mayor Dunn designated Mr. George Goering as chairman.

15. Appointment of Nominating Committee for the Rye Golf Club elections and designation of the Chairman

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Mr. Pat Romano, Mr. Edward J. Schindo, Mr. Vincent Marconi, Ms. Maxine Gleason, and Mrs. Marie Vitetta to the Nominating Committee for the Rye Golf Club Elections. Mayor Dunn designated Mr. Vincent Marconi as chairman.

17. Consideration of the request from residents of Loewen and Barbara Courts for controlled traffic on Saturday, July 19, 1997 for a Block Party

Councilman Latwin made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request from residents of Loewen and Barbara Courts for controlled traffic on Saturday, July 19, 1997 for a Block Party.

18. Approval of a supplemental appropriation of \$40,000 to the Road Maintenance Budget for sidewalk repairs on the Boston Post Road between Library Lane and Central Avenue

Councilman Latwin made a motion, seconded by Councilman Hutchings, to approve the following resolution:

WHEREAS, the City of Rye will be making repairs to sidewalks; and

WHEREAS, it is the responsibility of the owners of property abutting such sidewalks to reimburse the City for the cost of such repairs; and

WHEREAS, the cost of such repairs is estimated to be \$40,000 and the City estimates that it will collect the full amount due from property owners; and

WHEREAS, said amounts are above the amounts provided for in the appropriations and estimated revenues of the 1997 budget; now, therefore be it

RESOLVED that the 1997 budget be amended as follows:

Increase:		
	Estimated Revenues - Sidewalk Repair Charges	
	11.4.05.51.5110.1711	\$40,000
Increase:		
	Appropriations - Sidewalk & Curbs	
	11.5.05.51.5110.2103	\$40,000

ROLL CALL:

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

NAYS:None

ABSENT: Councilman Burke & Walsh

The resolution passed.

City Manager Culross clarified that the \$40,000 represents the approximate cost to the property owners.

19. Approval of a contract with the County of Westchester for Snow and Ice Removal on County Roads for the period October 1, 1997 to September 30, 2000

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

RESOLVED, that the renewal agreement between the County of Westchester and the City of Rye for continuance of Snow and Ice Removal from designated County Roads within the City of Rye during the 1997-2000 winter season is hereby approved, and it is further

RESOLVED, that the City Manager is hereby authorized to execute the aforementioned agreement on behalf of the City of Rye.

ROLL CALL:

AYES: Mayor Dunn, Councilmen Collins, Cunningham,
Hutchings, and Latwin
NAYS: None
ABSENT: Councilmen Burke and Walsh

The resolution passed.

20. Draft unapproved minutes of the regular meeting of the City Council held May 18, 1997

Motion was made by Councilman Hutchings, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held May 21, 1997 as amended.

21. Miscellaneous communications and reports

A. Councilwoman Cunningham acknowledged the communication from County Executive Andrew O'Rourke regarding sales tax. She supported the resolution.

Mayor Dunn responded that the Inter-Municipal Officials have endorsed this sales tax issue.

B. Councilwoman Cunningham acknowledged the June 2, 1997 communication from NYCOM regarding Environmental Protection Agency's proposed changes in National Ambient Air Quality Standards. She expressed her disagreement with NYCOM's position.

C. Mayor Dunn acknowledged the receipt of a model ordinance on wetland protection from Westchester County Executive Andrew O'Rourke. The Mayor suggested forwarding this ordinance to the Conservation Commission/Advisory Council for review and comments.

D. Councilwoman Cunningham suggested that the City Council recognize the sixty years of service of Village Book Store which is going out of business. It was agreed that the City Council will send a resolution to Mr. and Mrs. Carlson for all their years of service to the City of Rye.

22. New Business

There was no new business to be discussed.

23. Adjournment

Councilman Hutchings made a motion, seconded by Councilman Collins and unanimously carried, to adjourn into executive session to discuss Home Depot litigation at 10:10 P.M.

The Council reconvened at 11:00 P.M.

There being no further business to discuss, the meeting was adjourned at 11:05 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk