

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

PRESENT:

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

ABSENT: JAMES K. BURKE, Councilman

1. Roll Call

Since Mayor Dunn was detained, Councilman Latwin served as Acting Mayor.

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

2. Old Business

A. In response to an inquiry from Councilwoman Cunningham, City Manager Culross reported that the Financial Advisory Committee recommends that the City Council not adopt the resolution proposed by the Governmental Accounting Standards Board (GASB). The City Comptroller is drafting a letter to the GASB outlining the City's technical concerns. This issue will be addressed at a future Council meeting.

B. Acting Mayor Latwin offered condolences to Mrs. Patricia (Higgins) DiBlasi, member of the Board of Appeals, on the sudden and tragic death of her daughter, Kate. He suggested sending a letter of sympathy to the family.

3. Continuation of public hearing on a proposed local law adding a new Chapter, Chapter 196, Wireless Telecommunications Facilities, to the Code of the City of Rye for the purpose of permitting and regulating wireless telecommunications

Mr. Nicholas Everett, chairman of the Board of Architectural Review (BAR), submitted, on behalf of the BAR, the following amendments to the proposed local law:

A.3.b add the word "scaled" so that it reads " a graphic scaled depiction..."

A.3.c add phrase so that it reads " may reasonably require including but not limited to color, form, and integration with existing structure if applicable, sufficient to allow..."

D.2.a add phrase on line two so that it reads "...wholly integrated relative to color, form, and contrast into the existing decor of the building..."

Corporation Counsel Gardella advised that according to the Municipal Home Rule Law, a law must be in its final form ten days prior to adoption.

Councilwoman Cunningham added that she would support the BAR's proposed amendments and she expressed the hope that they would be added to the law sometime in the future.

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

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

CITY OF RYE
LOCAL LAW NO. 12-1997

A local law amending Chapter 197, Zoning, of the Code of the City of Rye for the purpose of including provisions relating to wireless telecommunications.

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

Section 1. §197-9, Accessory uses in residence districts, is hereby amended to read as follows:

§197-9. Accessory uses.

A. Residence Districts

Permitted accessory uses, except wireless telecommunications facilities as set forth in subparagraph (5) of this sub-section, shall be limited to uses not only customarily incidental to, but in fact accessory to and a minor part of, a permitted main use, and subject to the following specific provisions:

- (1) No private way or walk giving access to a use not permitted in the district shall be permitted as an accessory use in any district.
- (2) No portions of a detached garage or other accessory structure shall be provided with cooking facilities or otherwise equipped as a housekeeping unit except for occupancy by domestic employees of the owners or tenants of the main building. Any such accessory building so used shall have the same front, side and rear yards as are required of a principal residential building in that district.
- (3) Garage space or current parking space may be provided for two (2) motor vehicles on any lot. In an R-1 to RT District inclusive, space for one (1) additional motor vehicle may be provided for each three thousand (3,000) square feet by which the area of the lot exceeds five thousand (5,000) square feet; but a garage for more than five (5) vehicles shall be at least fifty (50) feet from every lot line. Not more than one (1) commercial vehicle and not exceeding one-half-ton weight or capacity may be currently parked or garaged on any lot, except, that farms or truck gardens are not subject to this limitation. Space for one (1) noncommercial vehicle may be rented to persons not resident on the same lot. The above provisions apply also to private stables, one (1) horse being considered as the equivalent of two (2) motor vehicles. In an RA-1, RA-2, RA-3 or RA-4 District, there may be accessory garage

space not over one (1) story high for one (1) car for each dwelling unit on the lot, but no such building shall be within ten (10) feet of any lot line.

- (4) A satellite earth station dish antenna that is an incidental and accessory use to the permitted main residence and is for the exclusive use of the occupants of the residence and their guests may be permitted by the Board of Architectural Review, subject to the following conditions:
 - (a) It shall be located in the rear yard.
 - (b) It shall be ground mounted.
 - (c) It shall be set back from side and rear property lines at least twenty (20) feet in R-1 Districts and fifteen (15) feet in all other districts.
 - (d) The overall height, measured from the average natural grade to the highest part of the dish antenna, and width and depth of the dish antenna shall each not exceed fifteen (15) feet.
 - (e) It shall be screened, including accessory equipment, from the view of the street and abutting residentially zoned properties by a ten-foot wide landscaping strip planted and maintained with at least a double row of alternately spaced evergreens, with an actual height of at least six (6) feet above the natural grade when installed. The Board of Architectural Review may, in appropriate cases, approve alternative landscaping for the same reasons as set forth for alternate landscaping for pools and courts in § 534B(1) through (6) of this Code. In addition, the Board of Architectural Review may, upon a showing by the applicant that the required landscaping screen will significantly diminish the reception capacity of the dish antenna, modify or vary the landscaping requirements, but only to the extent that the modification or variation will not be inconsistent with the spirit and intent of this section or be less protective of the view from abutting properties.
- (5) Wireless telecommunications facilities, are subject to the requirements of Chapter 196, Wireless Telecommunications Facilities, of this Code.

B. Business and Coastal Zone Districts.

- (1) Wireless telecommunications facilities, are subject to the requirements of Chapter 196, Wireless Telecommunications Facilities, of this Code.
- (2) Accessory uses permitted in these districts are found elsewhere in this chapter.

C. Public Buildings and Property in all Districts (Reserved).

Section 2. §197-46, Exceptions to height limits, is hereby amended to read as follows:

§197-46. Exceptions to height limits.

The provisions of §197-45 shall not apply to church spires, belfries, cupolas, domes, monuments, observation towers, windmills, chimneys, smokestacks, silos, derricks, flagpoles, utility poles, masts, aerials other than satellite earth station dish antennas the requirements for which are set forth in §197-9.A(4) and roof mounted wireless telecommunications facilities the requirements for which are set forth in Chapter 196, Telecommunications Facilities, bulkheads, elevator headhouses, water tanks, parapet walls, scenery lofts, air-conditioning and ventilating equipment and other necessary mechanical appurtenances usually carried above the roof level. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve, shall not exceed in cross-sectional area ten percent (10%) of the lot area nor fifteen percent (15%) of the roof area and shall not be used for human occupancy. In addition, such features as water tanks, scenery lofts, air-conditioning and ventilating equipment and other necessary mechanical appurtenances usually carried above the roof level shall be enclosed by walls so as to obscure pedestrian view of these features from sidewalks on abutting streets. The requirement for walls to obscure the view of water tanks, scenery lofts, air-conditioning and ventilating equipment and other necessary mechanical appurtenances usually carried above the roof level shall not apply to buildings for which a building permit was approved prior to May 19, 1989, or to existing buildings proposed to be modified or enlarged when such required walls would interfere with the proper functioning of existing water tanks, scenery lofts, air-conditioning and ventilating equipment and other necessary mechanical appurtenances usually carried above the roof level.

Section 3. §197-12.1. (Reserved) of the Code of the City of Rye is hereby amended to read as follows:

§197-12.1. Wireless telecommunications facilities in B-4, B-5 and B-6 Districts permitted subject to additional standards and requirements.

Wireless telecommunications facilities in B-4, B-5 and B-6 Districts are subject to additional standards and requirements as set forth in §197-10, site

development plan review as set forth in §197-7, and the requirements of Chapter 196, Wireless Telecommunications Facilities, of this Code.

Section 4. This local law shall take effect immediately upon filing in the office of the Secretary of State.

ROLL CALL:

AYES: Acting Mayor Latwin, Councilmen Collins,
Cunningham, Hutchings, and Walsh

NAYS: None

ABSENT: Mayor Dunn, Councilman Burke

The local law was adopted.

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

Mr. Nicholas Everett, chairman of the Board of Architectural Review (BAR), advised the Council that the BAR has been made aware that several residents have decided to increase the grade of their properties by filling and there is no current regulation of this activity that allows for public comment if retaining walls are less than four feet high. Councilwoman Cunningham will work with the City's Building Inspector, Engineer and the BAR on this issue.

The following agenda item was taken out of order:

12. Discussion of the Combat Auto Theft (CAT) Program

Mrs. Eleanor Gazverde, Soundview Avenue, supported having the CAT Program in Rye.

City Manager Culross explained that the City is working in conjunction with the New York State Department of Criminal Justice Services to implement this program in Rye. Rye will begin participating in this program as soon as the materials are received.

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

RESOLVED, that the City of Rye hereby endorses the CAT program in the City of Rye and that the City will give maximum publicity to this program within the City.

Agenda items 6, 7, 8 and 9 were addressed simultaneously.

6. Discussion of proposed local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to consulting fees

Councilwoman Walsh explained that the proposed local laws would permit the City to hire consultants for the purpose of reviewing technical and other aspects of applications before the Planning Commission. The fees could then be charged back to the applicant, thereby reducing the burden on the taxpayers.

Acting Mayor Latwin explained that sometimes there is a need to hire experts before an environmental determination can be made. Under SEQRA, this cannot be charged back to the applicant. This proposed local law would enable the City to hire a consultant to make the determination and charge the cost back to the applicant.

Councilwoman Walsh said this would pertain to only those applications where we do not have in-house expertise. A wetlands functional analysis is the most frequently occurring typical source where the Planning Commission would need an outside consultant in order to make a determination.

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

CITY OF RYE
LOCAL LAW NO. 13-1997

A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to consulting fees.

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

Section 1. §170-6.B of the Code of the City of Rye is hereby amended by adding thereto a new sub-section, to be known as sub-section (3), to read as follows:

§197-6 Procedures for tentative approval of preliminary layout.

* * *

B. Application Procedures.

* * *

- (3) The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as "consultant or consultants", as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City Staff, and subject to the following:

- (a) The detailed statement of the consulting services to be provided by the consultant shall include the consultant's fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.
- (b) If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.
- (c) The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant's services and costs from the Applicant within seven days of the Applicant's receipt of the City Planner's transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.
- (d) The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
- (e) Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.
- (f) The Planning Commission document taking final action on the application shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.
- (g) This sub-section (3) shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.

* * *

Section 2. §170-7.A of the Code of the City of Rye is hereby amended by adding thereto a new sub-section, to be known as sub-section (3), to read as follows:

§197-7 Procedures for approval of subdivision plat.

A. Application Procedures.

* * *

- (3) The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as “consultant or consultants”, as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City staff, and subject to the following:
 - (a) The detailed statement of the consulting services to be provided by the consultant shall include the consultant’s fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.
 - (b) If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.
 - (c) The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant’s services and costs from the Applicant within seven days of the Applicant’s receipt of the City Planner’s transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.

- (d) The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
- (e) Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.
- (f) The Planning Commission document taking final action on the application shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.
- (g) This sub-section (3) shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.

* * *

Section 32. §170-11.B of the Code of the City of Rye is hereby amended by adding thereto a new sub-section, to be known as sub-section (6), to read as follows:

§197-11 Modifications in approved subdivisions.

B. Modification fees.

* * *

- (6) The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as "consultant or consultants", as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City staff, and subject to the following:
 - (a) The detailed statement of the consulting services to be provided by the consultant shall include the consultant's fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for

the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.

- (b) If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.
- (c) The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant's services and costs from the Applicant within seven days of the Applicant's receipt of the City Planner's transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.
- (d) The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
- (e) Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.
- (f) The Planning Commission document taking final action on the application shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.
- (g) This sub-section (6) shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.

* * *

Section 4. This local law shall take effect immediately upon filing in the office of the Secretary of State.

ROLL CALL:

AYES: Acting Mayor Latwin, Councilmen Collins,
Cunningham, Hutchings, and Walsh

NAYS: None

ABSENT: Mayor Dunn, Councilman Burke

The local law was adopted.

7. Discussion of proposed local law amending Chapter 195, Wetlands and Watercourses, of the Code of the City of Rye with respect to consulting fees

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

CITY OF RYE
LOCAL LAW NO. 14-1997

A local law amending Chapter 195, Wetlands and Watercourses, of the Code of the City of Rye with respect to consulting fees.

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

Section 1. §195-5, Permit Standards and Procedures, of the Code of the City of Rye is hereby amended by adding thereto a new sub-section, to be known as sub-section I., to read as follows:

§195-5 Permit standards and procedures.

* * *

I. Consultants and related fees.

- (1) The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as "consultant or consultants", as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City staff, and subject to the following:

- (1) The detailed statement of the consulting services to be provided by the consultant shall include the consultant's fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.
- (2) If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.
- (3) The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant's services and costs from the Applicant within seven days of the Applicant's receipt of the City Planner's transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.
- (4) The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
- (5) Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.
- (6) The Planning Commission document taking final action on the application shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.
- (7) This sub-section I. shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.

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

ROLL CALL:

AYES: Acting Mayor Latwin, Councilmen Collins,
Cunningham, Hutchings, and Walsh

NAYS: None

ABSENT: Mayor Dunn, Councilman Burke

The local law was adopted.

8. Discussion of proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to consulting fees

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh, to adopt the following local law:

CITY OF RYE
LOCAL LAW NO. 15-1997

A local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to consulting fees.

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

Section 1. §197-84.F.(1) of the Code of the City of Rye is hereby amended by adding thereto a new sub-section, to be known as sub-section (k), to read as follows:

§197-84. Enforcement.

* * *

F. Fees

- (1) Site development Plans and uses permitted subject to additional standards and requirements:

* * *

- (k) The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as "consultant or

consultants”, as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City staff, and subject to the following:

- [1] The detailed statement of the consulting services to be provided by the consultant shall include the consultant’s fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.
- [2] If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.
- [3] The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant’s services and costs from the Applicant within seven days of the Applicant’s receipt of the City Planner’s transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.
- [4] The applicant shall pay the consultant’s fee upon receipt of the consultant’s detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
- [5] Payment of the consultant’s fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.

[6] The Planning Commission document taking final action on the application shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.

[7] This sub-section (k) shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.

* * *

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

ROLL CALL:

AYES: Acting Mayor Latwin, Councilmen Collins,
Cunningham, Hutchings, and Walsh

NAYS: None

ABSENT: Mayor Dunn, Councilman Burke

The local law was adopted.

9. Discussion of proposed local law amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with respect to consulting fees

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

CITY OF RYE
LOCAL LAW NO. 16-1997

A local law amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with respect to consulting fees.

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

Section 1. §73, Fees, of the Code of the City of Rye is hereby to read as follows:

§ 73-6. Fees and consultants.

- A. Upon the filing of an application for a determination of consistency, excluding reviews of federal and state agency actions and actions proposed to be directly undertaken by an agency of the City of Rye, an application fee of three hundred dollars (\$300) shall be payable.
- B. The Planning Commission in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, herein after referred to as "consultant or consultants", as it deems reasonably necessary to enable it to review such application as required by law, provided the required expertise is not available from City staff, and subject to the following:
- (1) The detailed statement of the consulting services to be provided by the consultant shall include the consultant's fees for said services and a statement by the consultant that the Applicant, not the City, shall be ultimately responsible to the consultant for the services provided. The detailed statement shall be sent to the Applicant by the City Planner certified mail return receipt requested.
 - (2) If the Applicant wishes to review the services and the costs with the Planning Commission, the request for a review shall be in writing and mailed to the City Planner certified mail return receipt requested within seven days of their receipt of the service and cost statement provided by the City Planner. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request.
 - (3) The City Planner shall authorize the consultant to proceed if he has not received a written request for a review of the consultant's services and costs from the Applicant within seven days of the Applicant's receipt of the City Planner's transmittal. The receipt date is the date shown as received on the return receipt card returned by the post office.
 - (4) The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. The statement will be forwarded to the applicant by the City Planner.
 - (5) Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.
 - (6) The Planning Commission document taking final action on the application shall not be issued until all consultant's fees

charged in connection with the review of the applicant's project have been paid. Payment of the consultant's fees shall be by check made payable to the consultant and shall be submitted to the City Planner for transmittal to the consultant.

- (7) This sub-section B. shall expire two years after the date of its adoption, unless specifically re-enacted by the City Council.

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

ROLL CALL:

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

The local law was adopted.

10. Discussion of Environmental Bond Act Application

Acting Mayor Latwin acknowledged receipt of the letter dated October 10, 1997 from the Westchester Municipal Officials Association regarding the Environmental Bond Act Application.

City Manager Culross explained that the Environmental Bond Act must be filed with the New York State Department of Environmental Conservation by October 20, 1997. It is also necessary for the City Council to pass a resolution authorizing the County to file, on behalf of the City of Rye, for the rehabilitation and repair of the Sanitary Sewer Systems. The City Manager further explained that the local share is 15% of the total, which represents a major cost savings versus Rye's funding this project on an individual basis. He said it is in the best interests of all concerned to receive State funding through the Environmental Bond Act.

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

WHEREAS, the NYSDEC has identified a problem of excess flows and inadequate sewage treatment at the Westchester County sewage treatment plants; and

WHEREAS, the excess flows to the sewage treatment plants are caused by inflow and infiltration (I & I) into the sanitary sewer systems; and

WHEREAS, the County of Westchester is under a consent order issued by the NYSDEC to remediate the problems in the sanitary sewer systems; and

WHEREAS, the County has directed the municipalities to correct the problems of inflow and infiltration in local sewers to meet the requirements of the consent order; and

WHEREAS, the Westchester Municipal Officials Association and the County recognize that a regional approach to correct the problems of I&I and sewage treatment are financially and economically beneficial to the residents of the County; and

WHEREAS, this project has been determined to be eligible for funding under the New York Clean Air and Clean Water Bond Act; now, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute and file an application on behalf of Westchester County and the City of Rye to accept funding on behalf of the City of Rye from the New York State Clean Water/Clean Air Bond Air Funds for aid in financing the restoration and rehabilitation of various county sewer districts, and be it further,

RESOLVED, that the City of Rye agrees that it will provide funding in an amount not to exceed 15% of the cost to perform the work if the City of Rye were to perform all of the work noted in the original SSES reports for the City of Rye; and be it

RESOLVED, that the City of Rye agrees that funds will be available for the sole purpose of providing the local contribution required under the grant.

ROLL CALL:

AYES: Acting Mayor Latwin, Councilmen Collins,
Cunningham, Hutchings, and Walsh

NAYS: None

ABSENT: Mayor Dunn, Councilman Burke

The resolution passed.

Mayor Dunn arrived at this point in the meeting.

11. Discussion of U.S. Route 1 Corridor Development Study

City Manager Culross stated that New York State has contracted for a study of the U.S. Route 1 corridor. He stressed that the study did not constitute firm proposals or recommendations. In response to an inquiry from Mr. Arthur Stampleman, Grace Church Street, City Manager Culross explained that Route 1 is locally maintained but is eligible for State and Federal aid. Councilwoman Cunningham asked for public input into the process and volunteered to meet with the City Manager along with the other members of the working committee (Councilman Robert Hutchings and Councilwoman Kathleen Walsh).

13. Discussion of appointment to the Board of Assessment Review, by the Council for a five-year term expiring September 30, 2002

Councilman Latwin said that Mr. Paul J. Bschorr has done a very good job on the Board of Assessment Review, but feels that term-limits should be utilized in order to bring new members onto boards, committees and commissions.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham, to appoint Mr. Paul Bschorr to the Board of Assessment Review for a five-year term expiring September 30, 2002.

ROLL CALL:

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

The resolution passed.

14. Consideration of request of the Rye Newcomers Club for permission to use the City seal

A. Councilman Latwin acknowledged the request from the Rye Newcomers Club to use the City seal on T-shirts for a fund-raiser. After a brief discussion, the consensus of the Council was not to approve the use of the City seal. There was no objection to the Rye Newcomers Club's using a reasonable facsimile.

City Manager Culross will relay this information to the Rye Newcomers Club.

B. Councilman Hutchings acknowledged the receipt of a letter from The Right Worshipful The Mayor of Rye, England, Charles James. Councilman Hutchings circulated a picture of the Mayor of Rye England dressed in his official attire.

15. Consideration of request for a stop sign at the intersection of Coolidge Avenue and Wilson Drive

Councilman Latwin acknowledged a request from a resident of Wilson Drive to erect a stop sign on Coolidge Avenue at the intersection of Coolidge Avenue and Wilson Drive.

City Manager Culross said he did not believe there was enough traffic on Wilson Drive to warrant a stop sign.

Councilwoman Cunningham expressed concern that adding another stop sign on Coolidge Avenue could be counter-productive since there are signs at Harding Drive and Glen Oaks Drive already.

Councilwoman Walsh suggested that perhaps an alternative sign would be appropriate, such as a "caution" sign or a pictogram of children playing.

This matter was referred to the City Engineer for review and recommendations.

16. Consideration of request of the American Legion Post to place a time capsule at the Veterans' Memorial next to City Hall

The consensus of the Council was that this matter will be discussed at the October 22, 1997 Council meeting pending receipt of further information.

17. Consideration of request from United Way of Rye for permission to erect a fund raiser sign on City property at Theodore Fremd Avenue and Purchase Street from mid-October 1997 to late May 1998

Councilman Hutchings said that he had no objection to the sign, but expressed concern that the 2 x 4 pieces of wood supporting the sign were unsightly.

Councilwoman Walsh offered to contact the United Way regarding the possibility of achieving an alternative that would be more aesthetically pleasing.

Councilwoman Cunningham made a motion, seconded by Councilman Collins and carried by a majority of those present, to approve the request from United Way of Rye for permission to erect a fund raiser sign on City property at Theodore Fremd Avenue and Purchase Street from mid-October 1997 to late May 1998.

Councilwoman Walsh abstained from voting because she is a member of the Board of the United Way of Rye.

18. Consideration of request on behalf of Indian Village residents to use Mendota Avenue for a Halloween Parade on Friday, October 31, 1997, from 3:30 p.m. to 5:30 p.m.

Councilman Latwin made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the request of Indian Village residents to use Mendota Avenue for a Halloween Parade on Friday, October 31, 1997, from 3:30 p.m. to 5:30 p.m.

19. Consideration of the request of the Recreation Department to use City Hall and the Village Green for the Annual Turkey Run on Saturday, November 29, 1997

Councilwoman Cunningham made a motion, seconded by Councilman Collins and unanimously carried, to approve the request of the Recreation Department to use City Hall and the Village Green for the Annual Turkey Run on Saturday, November 29, 1997.

20. Consideration of the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, April 4, 1998

Councilwoman Walsh made a motion, seconded by Councilman Latwin and unanimously carried, to approve the request of the Midland School PTO to use city streets for their Midland School Parade on Saturday, April 4, 1998.

21. Approval of the election of new members to the Rye Fire Department

Councilman Latwin made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the election of Mr. Charles Biddle and Mr. Douglas Murray to the Milton Point Engine & Hose Company of the Rye Fire Department.

22. Draft unapproved minutes of the special meeting held August 20, 1997 and the regular meeting of the City Council held September 10, 1997

Motion was made by Councilwoman Cunningham, seconded by Councilman Collins and unanimously carried, to approve the minutes of the special meeting of the City Council held August 20, 1997 as submitted.

Motion was made by Councilman Collins, seconded by Councilman Latwin and unanimously carried, to approve the minutes of the regular meeting of the City Council held September 10, 1997 as amended.

23. Miscellaneous communications and reports

A. Councilman Hutchings suggested the Council review the Guidelines for Use of City Streets. He said that several residents complained that the aerosol spray used by the Westchester Triathlon to paint arrows on streets on Milton Point did not wash away. He recommended using children's chalk which washes away easily. Councilman Hutchings also suggested that the following underlined phrases be added to item # 7 of the Guidelines:

All organizations must assume responsibility for the clean-up immediately following the event. No aerosol chalk, or paint, either temporary or permanent may be used on the street surface to indicate the course to be followed. If City properties are not cleaned, immediately after the event, to the City's satisfaction, the City will arrange for the clean-up and charge the organization holding the event for the full cost of this service.

Councilman Latwin added the following amendments:

Failure to comply could result in not being permitted to use City streets for the following year

No signs are to be nailed, tacked or stapled to trees.

Signs may be tied to trees and then removed immediately after the event.

Mayor Dunn suggested this matter be addressed as an agenda item at the next Council meeting.

B. Councilwoman Cunningham suggested extending and widely publicizing the amnesty period for waiving certain building permit penalties/additional fees which expires December 31, 1997.

Mayor Dunn suggested publicizing the amnesty period rather than extending the period at this present time.

C. Councilwoman Walsh reported that the consultant engaged by the Planning Commission has been meeting with all involved in the Village Green in preparation for the Village Green Study. A public visioning session is scheduled for November 12th to discuss the goals and objectives with the public at large for the use of the Village Green as a first piece of the Master Plan focus.

Corporation Counsel responded to Councilwoman Cunningham's question by saying that he is researching the legal impediments for the use of the "Green".

D. Councilman Hutchings reported that three residents with technical background in programming are willing to accept appointments to the Cable Television Committee. He expressed the hope that by the next meeting, he would have the full complement of candidates for the Committee.

24. New Business

There was no new business to be discussed.

25. Adjournment

There being no further business to discuss, Councilman Collins made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn into executive session to discuss litigation at 9:30 P.M.

The Council reconvened at 10:30 P.M.

There being no further business to discuss, the meeting was adjourned at 10:35 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk