

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 3, 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. Old Business

There was no old business to be discussed.

3. Public hearing on proposed 1998 budget

Mayor Dunn opened the public hearing.

Mr. James Shea, trustee and president of the Rye Free Reading Room, told the Council that the Library is concerned with the preservation and dissemination of recorded knowledge to the residents of Rye. He added that there is a unique partnership between the Library and the community. Currently, nearly 20% of households in Rye contribute funds to the Library, the average contribution being \$35 or less. Mr. Shea noted that the amount budgeted for the Rye Free Reading Room is less than libraries in comparable municipalities. Mr. Shea respectfully requested consideration of an increase in the budget to the Rye Free Reading Room, which would be used for capital improvements and enhancement of community programs.

Mrs. Susan Brown, vice president of the Rye Youth Council, respectfully requested an increase of \$15,000 in its proposed budget. Mrs. Brown explained that the Rye Youth Council provides many services to the community such as the D.A.R.E. program, family counseling, youth employment services, and a full time youth advocate at Rye High School. The Rye Youth Council also supports the Youth Council Players, The Wild Side Social Organization, an alcohol and drug free group, and the Teen Center at the Rye YMCA.

In response to an inquiry from Councilman Collins regarding the Rye Youth Council's expected 20% increase in expenditures for 1998, Mrs. Brown explained that the increase is a result of salary increments and costs relating to the Rye Youth Council's move to the McDonald Building at Recreation Park. Additionally, she informed the Council that the school PTO organizations have proposed to reduce their contributions to the Rye Youth Council by \$900 because the School Board advised the Rye Youth Council that a not-for-profit organization is unable to give to another not-for-profit organization.

Councilwoman Cunningham suggested that the City Council consider increasing the Rye Youth Council's budget by \$5,000.

A discussion followed focused on several items addressed at the 1998 Budget Review Workshop on December 2, 1997:

Three requests for changes in the 1998 budget (increases)

The Rye Free Reading Room, the Recreation Department and the Rye Youth Council requested increases in the 1998 budget. Councilman Hutchings said that the City has supported the Rye Youth Council in 1997 by refurbishing the McDonald Building. Mayor Dunn commented that the Rye Free Reading Room budget had already been given a 3% increase over the proposed budget.

Increases in user fees requested for Rye Recreation

Councilwoman Cunningham expressed concern over proposed increases for the day camp program at Rye Recreation. She added that there are certain areas in user fees that must be scrutinized carefully before the fees are raised. She requested that the 1998 City Council address this matter during 1998.

In closing, no motions were made to increase the capital budget for the Rye Free Reading Room. Mayor Dunn also said there had been a discussion at the workshop regarding the reallocation of funds for the Mamaroneck & Blind Brook Sewer District. It was the consensus of the Council not to reallocate this money.

Councilman Collins made a motion, seconded by Councilwoman Cunningham, not to reallocate funds in the inflow and infiltration sewer repair account but to leave the funds in the Mamaroneck and Blind Brook sewer projects for sewer repairs.

ROLL CALL:

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

The motion carried.

After a short discussion, City Manager Culross informed the Council that the staffing of the Police Department does not have a dollar impact on the budget and the Council could address this next year after further discussion.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings that the decision of potential staffing changes in the police department be addressed in 1998.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

Mayor Dunn closed the Public Hearing.

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

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

5. Resolution concerning indemnification of City Council persons

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

WHEREAS, Chapter 145 of the Rye City Code provides for the defense and indemnification of city officials, including indemnification for punitive and exemplary damages, in connection with acts performed in good faith by those officials and within the scope of their employment, powers or duties; and

WHEREAS, members of the City Council and the Mayor are public officials covered by Chapter 145 and are entitled to all the defense and indemnification benefits provided to such public officials by that chapter; and

WHEREAS, the actions taken by the Mayor and members of the City Council in connection with the Home Depot controversy and litigation were taken in good faith and within the scope of their powers and duties; and

WHEREAS, the Corporation Counsel of the City of Rye has specifically endorsed the above stated findings; therefore, be it

RESOLVED, that the City Council confirms that the Mayor and members of the City Council, including:

Edward B. Dunn  
James K. Burke  
Edward J. Collins,  
Carolyn Cunningham  
Robert Hutchings  
Joseph Latwin  
Kathleen Walsh

are entitled to the benefits of Chapter 145 and to the specific defense and indemnification provisions contained in § 145-3 of the Rye City Code in connection with actions taken by those public officials in relation to the Home Depot project in Port Chester and resulting litigation.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

6. Consideration of proposed local law amending Chapter 197 of the Rye City Code by amending Subsection C(5) of Section 197-84

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 amending Chapter 197 of the Rye City Code by amending Subsection C(5) of Section 197-84" 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 December 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:

Notice of Public Hearing on Proposed Local Law  
Amending Chapter 197 of the Rye City Code  
by amending Subsection C(5) of Section 197-84

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 17th day of December, 1997, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 197 of the Rye City Code by amending Subsection C(5) of Section 197-84".

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

Alice K. Conrad  
City Clerk

Dated:

7. Consideration of the proposed local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to tree preservation plan modification fees

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

**WHEREAS**, a proposed local law entitled "A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to tree preservation plan modification fees" 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 December 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:

Notice of Public Hearing on Proposed Local Law  
Amending Chapter 170, Subdivision of Land, of the Code of the City of Rye  
with respect to tree preservation plan modification fees

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 17th day of December, 1997, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to tree preservation plan modification fees".

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

Alice K. Conrad  
City Clerk

Dated:

8. Consideration of proposed local law amending Chapter 195, Wetlands and Watercourses, by amending subsection B(1) of Section 195-4

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 amending Chapter 195, Wetlands and Watercourses, of the Code of the City of Rye by amending Subsection B(1) of Section 195-4" 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 December 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:

Notice of Public Hearing on Proposed Local Law  
Amending Chapter 195, Wetlands and Watercourses, of the Code of the City of Rye by  
amending Subsection B(1) of Section 195-4

Notice is hereby given that a public hearing will be held by the Council of the City of Rye on the 17th day of December, 1997, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Chapter 195, Wetlands and Watercourses, of the Code of the City of Rye by amending Subsection B(1) of Section 195-4".

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

Alice K. Conrad  
City Clerk

Dated:

9. Draft unapproved minutes of the regular meeting of the City Council held November 19, 1997

Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 19, 1997, as amended.

10. Miscellaneous communications and reports

There were no miscellaneous communications and reports to be discussed.

11. New Business

A. Mayor Dunn requested an executive session to discuss personnel.

B. City Manager Culross reported that Commissioner Pease had promoted Officer Louis Olivier to the rank of Sergeant in the Police Department.

12. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn into executive session to discuss personnel at 9:12 P.M.

The Council reconvened at 9:55 P.M.

There being no further business to discuss, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk