

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on January 21, 1998 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN C. CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
ARTHUR STAMPLEMAN
KATHLEEN E. WALSH
Councilmen

ABSENT: None

1. Roll Call

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

The following agenda item was taken out of order:

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

A. On behalf of the residents of Clark Lane, Mrs. Toni Archibald, 3 Clark Lane, informed the Council that the lack of a storm drain on Clark Lane has resulted in a serious water problem from Clark Lane to Forest Avenue. Mrs. Archibald explained that it is especially dangerous during the winter months because the problem causes icy conditions on the road. She respectfully requested that the Council consider placing drainage improvements for Clark Lane into this year's budget.

Mayor Otis said that he is aware of this problem and explained that this project was among several in last year's budget that were placed on a separate list. The concept in the original budget was to take part of the money from the sewer fund and devote it to capital projects. However, the Council did not think that was appropriate, therefore, the sewer fund was kept intact. He said \$490,000 was taken out of the capital projects' plan and placed on a separate memo. He said that the City is waiting to hear from New York State and Westchester County regarding sewer funding for municipalities. If Rye receives a sizable amount from this funding, some money could be moved from sewer projects to capital projects. If not, then the current Council could consider funding this project from other sources. He expressed his appreciation to Mrs. Archibald and said it is an important project.

In response to an inquiry from Councilwoman Cunningham, City Manager Culross explained that the City has been aware of this problem for some time. The Department of Public Works has been plowing and salting the area regularly. In response to an inquiry from Councilwoman Larr, the City Manager said that there is no viable alternative to using salt in order to melt the ice

Councilwoman Cunningham recommended placing this project on the top of the list when the Council discusses capital projects.

Mayor Otis said that this project would be a topic for Council discussion.

B. On behalf of the Highland Apartment Associates, Mrs. Judith Weeks-Padgett, 131 Purchase Street, G22, presented a petition signed by residents of the Highland Apartments complex located at 131, 147 and 151 Purchase Street regarding increasing the availability of parking spaces for residents. Mrs. Weeks-Padgett explained that there are 120 units in the Highland Apartments complex, with 46 parking spaces available through its management. The City offers parking in the commuter parking lot on Highland Avenue at a cost of \$440 per year for all day/all night parking and \$220 per year for all night parking. They have also requested better lighting in the commuter parking lot due to an increase in thefts during the past year. She respectfully requested that the residents be allowed to park in a designated area on Wappanocca Avenue from 7 A.M. until 7 P.M., perhaps utilizing a resident parking sticker.

City Manager Culross said that the lighting would be fixed as soon as possible.

Councilwoman Walsh reminded the Council that the Corporation Counsel had researched resident sticker parking for another area in the City. That information, she said, is an additional resource which the Council can use in discussing this issue.

Corporation Counsel Gardella noted that under New York State Law, there are restrictions on the use of resident parking stickers. His past research indicates that it would be very difficult to make parking spaces on Wappanocca Avenue available for building residents only.

Councilman Stampleman suggested researching the possibility of a two-hour parking sign.

In closing, Mayor Otis said that the Council, City Manager, and City Engineer will look into this matter more thoroughly.

2. Old Business

A. Councilwoman Cunningham thanked Mr. Christopher Bradbury, assistant to the City Manager, for his memorandum explaining the process of choosing names for new streets in Rye. She noted that the request to add Mr. Max Berking's name to the list of new streets must be submitted in writing to the Planning Commission for consideration.

Councilwoman Walsh offered to bring the January 7, 1998 minutes, which state that the sense of the Council is to add Mr. Max Berking's name to the new street list to the Planning Commission. She also indicated that this list has not been updated in a number of years, and that, perhaps, the Council would like the opportunity to submit additions to this list.

B. After giving a brief history of the Hudson River contamination problems, Councilwoman Cunningham acknowledged the resolution from the Village of Croton-On-Hudson urging the EPA to reassess Hudson River PCBs. She added that it would be helpful if Rye added its voice about this contamination.

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

WHEREAS, the health and beauty of the Hudson River is critical to the economic vitality of our community and the Hudson River is a treasured asset; and

WHEREAS, nearly 200 miles of the Hudson River - from Hudson Falls to New York City - are a federal Superfund site due to polychlorinated biphenyl (PCB) contamination, and

WHEREAS, PCBs are the most significant contaminant limiting full use and enjoyment of the Hudson River; and

WHEREAS, PCBs were banned in 1976 because of a variety of known and suspected impacts on humans and wildlife; and

WHEREAS, PCBs remain in the Hudson River exposing humans and wildlife to their effects; and

WHEREAS, an estimated \$40 million annually has been lost over the last twenty years because of the closure of Hudson River commercial fisheries and restrictions on recreationally caught fish. As a result, the Hudson Valley has lost an important cultural heritage and way of life and the economic vitality of the Hudson River region continues to be hampered by the limitations on recreational use of the River and the stigma of PCB contamination; and

WHEREAS, U.S. Environmental Protection Agency (EPA) Superfund officials determined in February, 1997 that PCB "hot spots" in the sediment of the upper Hudson are the "dominant source" of PCB contamination to the River, and that microbial breakdown will not rid the River of PCBs; and

WHEREAS, The EPA's Hudson River Reassessment has determined that without remediation, present levels of contamination will continue indefinitely, and

THEREFORE, be it resolved that the City of Rye hereby expresses its support for the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, including evaluation of the feasibility of potential remedial action that can most effectively restore the Hudson River, including the evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs. Further, the City of Rye urges that the U.S. EPA complete the Hudson River Reassessment as expeditiously as possible.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The resolution passed.

At the suggestion of Councilwoman Walsh, Mayor Otis offered to ask Mr. Robert Elliott, president of the Westchester Municipal Officials Association, to pass a similar resolution

4. Consideration of proposed local law amending Section 17-1 of Article 17 of the Rye City Charter

In response to Councilman Stampleman, Mayor Otis explained that the Conservation Commission/Advisory Council currently has terms ending in a sequence that are not evenly staggered. This proposed local law would correct this before any vacancies are filled this year.

Councilman Stampleman 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 Section 17-1 of Article 17 of the Rye City Charter" 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 February 4, 1998 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 Local Law
amending Section 17-1 of Article 17 of the Rye City Charter**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of February, 1998, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending Section 17-1 of Article 17 of the Rye City Charter".

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

City Clerk

Dated:

5. Consideration of proposed local law amending the Charter of the City of Rye by adding Article 20A, Traffic and Transportation Committee

Mayor Otis presented the draft local law to create a Traffic and Transportation Committee which incorporates the views and concerns expressed by the Council at the January 7th meeting.

Councilman Stampleman suggested deleting the word "present" in section C20A-2 and placing a comma after the word initiate in Section C20A-3. After a brief discussion on Councilwoman Cunningham's suggestion to change G in Section C20A-3, it was decided to delete the following phrase "and project potential approaches that may evolve from emergency problems".

Councilwoman Walsh commended the Mayor for successfully assembling all of the comments from the

previous Council discussion. Councilwoman Walsh stated that the Honorable John Alfano has suggested that the City Judge be considered as an ex-officio member of this Committee. Corporation Counsel Gardella opposed the involvement of the Court and expressed his belief in the need for an independent judiciary.

Councilwoman Cunningham suggested that perhaps a member of the Police Department could participate in some capacity. City Manager Culross raised some concerns about this suggestion.

Mayor Otis expressed concern that the age requirements for membership on a board, commission, or committee might preclude Miss Beven Butler of the "SLOW...Please Program" from being a member of this committee. Councilwoman Walsh cited Section C20A-2 which indicates that the committee may utilize the assistance of additional volunteers.

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

WHEREAS, a proposed local law entitled "A local law amending the Charter of the City of Rye by adding Article 20A, Traffic and Transportation Committee" 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:

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amending the Charter of the City of Rye by adding Article 20A,
Traffic and Transportation Committee**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of February, 1998, at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law entitled "A local law amending the Charter of the City of Rye by adding Article 20A, Traffic and Transportation Committee".

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

City Clerk

Dated:

6. Discussion of establishing a Real Estate Advisory Committee

Mayor Otis explained that the establishment of a Real Estate Advisory Committee would provide better communication between the real estate community, City Council, and City staff. Mayor Otis presented a draft letter that would be sent to real estate firms in Rye that briefly describes the purpose of such a committee. Mayor Otis said he will incorporate Councilman Stampleman's suggestion to detail the objectives of the Real Estate Advisory Committee more thoroughly in the draft letter. The consensus of the Council was to send the letter to real estate firms in Rye to solicit their comments about the Real Estate Advisory Committee.

7. Designation of the following City Council Liaisons by the Mayor:

Ambulance Corps	Councilwoman Larr
Board of Appeals	Councilwoman Cunningham
Board of Architectural Review	Councilwoman Downing
Boat Basin Commission	Councilwoman Downing
Commission on Human Rights	Councilman Stampleman

	Conservation Commission	Mayor Otis		
	Finance Committee	Councilman Stampleman		
	Landmarks Advisory Committee	Councilwoman Larr		
	Recreation Commission	Councilwoman Cunningham		
	Rye Cable Television Committee	Councilman Hutchings		
	Rye-CARES	Councilwoman Downing		
	Rye City School Board	Mayor Otis/Councilwoman Cunningham	Free	Reading
Room	Councilman Stampleman			
	Rye Golf Club Commission	Councilwoman Walsh		
	Whitby Commission	Councilwoman Cunningham		

Councilman Stampleman said that the role of the liaison is a channel of communication where the liaison represents the views of the Council to the board, commission, and committee and vice versa.

Councilwoman Larr volunteered to be liaison to this Real Estate Advisory Committee when it is established.

Mayor Otis noted that Councilwoman Walsh is the City Council member on the Planning Commission.

8. One appointment to the Board of Architectural Review to fill the term ending January 1, 2000, by the Mayor with Council approval

This agenda item was deferred to a future Council meeting.

9. Two appointments to the Commission on Human Rights for three-year terms, by the Mayor

This agenda item was deferred to a future Council meeting.

10. Designation of the Chairman of the Commission on Human Rights by the Mayor

This agenda item was deferred to a future Council meeting.

11. One appointment to the Landmarks Advisory Committee to fill the term ending January 1, 2000, by the Mayor with Council approval

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve Mayor Otis' appointment of Janet Averill to the Landmarks Advisory Committee to fill the term ending January 1, 2000.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The motion passed.

12. One appointment to the Rye Town Park Commission for a two-year term by the City Council

This agenda item was deferred to a future Council meeting.

13. Seven appointments to the Master Plan Task Force

Mayor Otis said that the resolution and the actual appointments will be considered at the February 4, 1998 Council meeting.

14. Review of the history of the City-owned flood protection land located on Bowman Avenue in the Village of Rye Brook

City Manager Culross said that the City periodically receives inquiries from people about selling City-owned flood protection land located on Bowman Avenue in the Village of Rye Brook, which was acquired by the City in 1940 for flood control and drainage purposes in the Blind Brook drainage area. The City Manager explained that of the 34.5 acres owned by Rye, 17.9 acres of land are located in the Town of Rye and 16.6 acres are located in Harrison. He said that, in the past, different entities have inquired about the property for such purposes as a golf driving range, office buildings, senior/assisted living/ affordable/rental housing and a Rye Brook Village Hall. City Manager Culross stated that the City's first objective should be to preserve the flood detention capacity of this property and ensure that nothing occurred on the site that would exacerbate downstream flooding or negatively impact water quality. He noted that most of the buildable area is in Harrison but access and service would come from Rye Brook.

Mayor Otis said that this property was acquired to protect communities downstream from flooding. He added that one must walk the property in order to understand the layout.

City Manager Culross added that this would be a difficult site to develop for any purpose.

Mrs. Ellen D'Angelo, Wappanocca Avenue, said that this property serves as a "safety net" for key areas of Rye prone to flooding from Rye Brook.

15. Resolution expressing the Council's appreciation to the citizens and organizations that arranged the City's first *First Night* festivities on the eve of the 1998 new year

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

1998 Proclamation of Rye City Council

The Rye City Council hereby expresses its appreciation to all the citizens and organizations that arranged the City's first First Night festivities on the eve of the 1998 new year. In particular the City Council recognizes the roles of Connie and Bruce Macleod, co-chairs of the event, and the Rye Cares committee that initiated, planned, and coordinated this alcohol-free celebration. The Rye Cares committee is comprised of representatives from I Care, Rye City Council, Rye PTOs, Rye Nature Center, Rye Recreation, Rye Youth Council, Samaritan Counseling Center, and the YMCA.

In addition, the Council thanks the Purchase Street merchants that participated, those community members who contributed to the financing of the event, and the following community organizations who by their direct involvement made First Night an overwhelming success and made it possible for Rye to celebrate the new year as one family:

*Christ's Church and its staff
Community Service Program, Rye High School
Department of Public Works
Rye City Hall staff
Rye Fire Department
Rye Free Reading Room
Rye Historical Society and Square House staff
Rye Police Department
United Way of Rye
YMCA and its staff*

The City Council invited Mr. and Mrs. Macleod to attend the February 4, 1998 Council meeting to share their observations of Rye's first *First Night*.

16. Consideration of proposed local law REPEALING Local Law 10-1995 which amended the Zoning Map of the City of Rye affecting the property of the NYS Thruway Authority located on Boston Post Road from B-4 District to an R-2 District

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

WHEREAS, a proposed local law entitled "A local law REPEALING Local Law 10-1995 which amended the Zoning Map of the City of Rye affecting the property of the NYS Thruway Authority located on Boston Post Road from a B-4 District to an R-2 District" 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:

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CITY OF RYE**

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REPEALING Local Law 10-1995 which amended the Zoning Map of the City of Rye affecting the property
of the NYS Thruway Authority located on Boston Post Road from a B-4 District to an R-2 District**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of February, 1998, 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 Local Law 10-1995 which amended the Zoning Map of the City of Rye affecting the property of the NYS Thruway Authority located on Boston Post Road from a B-4 District to an R-2 District".

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

City Clerk

Dated:

17. Approval of amendment of Section 191-20 of the Rye City Code, Parking time limited, to create a Fifteen-Minute Parking Only zone on the east side of Purchase Street from Elizabeth Street southerly for 140 feet

The City Manager informed the Council that during an inspection of existing signs, it was discovered that there is a 15-Minute Parking Only sign on the east side of Purchase Street just south of Elizabeth Street in front of some retail stores. According to Section 191-20 of the City Code, this is a two-hour parking area. City Manager Culross cited that this amendment would modify Section 191-20(A) to the extent that this portion of Purchase Street would no longer be within a two-hour parking zone.

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

RESOLVED, that the City Manager is hereby authorized to :

Amend Section 191-20(C) of the Code of the City of Rye to add a Fifteen-Minute Parking Only zone on the east side of Purchase Street from Elizabeth Street southerly for 140 feet.

Modify Section 191-20(A) of the Code of the City of Rye to delete two-hour parking zone on the east side of Purchase Street from Elizabeth Street southerly for 140 feet.

18. Authorization to pay the balance of Union Free School District taxes as of December 31, 1997

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

RESOLVED, that the City Comptroller be, and is hereby authorized to pay the Treasurer of the Rye Neck Union Free School District the amount of \$26,040.58, which represents the balance of the unpaid taxes as of December 31, 1997, in accordance with Section 22.9 of the Rye City Charter.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The resolution passed.

19. Draft unapproved minutes of the regular meeting of the City Council held January 7, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 7, 1998 as amended.

20. Miscellaneous communications and reports

A. Councilman Stampleman reported that he attended a recent meeting of the Rye Free Reading Room. He explained that the Library would like to move ahead with its capital project, and would appreciate any assistance from the Planning Commission and City Council. He said the donors of the capital fundraising campaign have expressed concerns about delays in proceeding with the project.

Councilwoman Walsh and Mayor Otis explained the importance of the visioning sessions and suggested that the library consider and explore the feasibility of alternatives, identify a preferred plan and then, submit an application to the Planning Commission.

B. Mayor Otis reported that he is unable to attend a Long Island Sound Municipal Report Card meeting on January 27, 1998 in Stamford, Connecticut and asked if anyone would be interested in attending. Councilwoman Cunningham expressed interest in attending.

21. New Business

A. Councilman Stampleman acknowledged receipt of a flyer regarding two town meetings being held by the New York Metropolitan Transportation Council dealing with the Regional Transportation Plan. He requested that this flyer be posted at the railroad station.

B. In response to an inquiry from Councilman Stampleman, City Manager Culross said that although no organization has exclusive use of the McDonald Building, an attempt will be made to accommodate the American Legion on their meeting nights.

C. In response to Councilman Stampleman, City Manager Culross said that the annual reports will be distributed to the Council by the end of February.

D. In response to Councilman Stampleman's statement about a 10-year financial review, City Manager Culross said the previous City Council discontinued that report. The City Manager will research the amount of work involved and submit facts about the feasibility of producing such a report.

E. Councilman Stampleman suggested that the Council follow-up on the petition from the Highland Apartments Associates. City Manager Culross will submit a report to the City Council on this issue.

22. Adjournment

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn into executive session to discuss litigation relative to the New York State Thruway at 10:05 P.M.

The Council reconvened at 10:20 p.m.

There being no further business to discuss, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Alice K. Conrad
City Clerk