

MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on February 4, 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.

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

Mr. John Hannan, representing the Purchase Street Tenants Association, 216 Purchase Street, presented a letter to Mayor Otis regarding certain concerns about the proposed development of Rye Country Day School. Mr. Hannan respectfully requested that the Association be informed of future meetings about this issue.

3. Report on *First Night*

Mayor Otis presented a proclamation to Bruce and Connie Macleod for their organizing and implementing *First Night*. Mayor Otis said that *First Night* was a success far beyond anyone's dreams and that it is an honor to have this new event in Rye. Mr. and Mrs. Macleod thanked the Mayor, Council, all the participating agencies, The Westchester (shopping center in White Plains), the 20 donor families, and all the hardworking people who made *First Night* possible. They added that it was a "victory" from a community point of view and that a successful event like this makes one feel like Rye is home. In closing, Mr. and Mrs. Macleod requested the Council's support for this event in 1998.

4. Public hearing on proposed local law amending Chapter 17-1 of the Rye City Code

Mayor Otis opened the public hearing.

There being no one who wished to speak, the Mayor closed the public hearing.

Councilman Stampleman suggested that in the future, agenda items be more explicit.

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

**CITY OF RYE
LOCAL LAW NO. 1-1998**

**A local law amending
Section 17-1 of Article 17
of the Rye City Charter**

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

Section 1. Section 17-1 of Article 17 of the Rye City Charter is hereby amended as follows:

§ C17-1. Commission; appointment.

There shall be a Conservation Commission to consist of not less than six (6) nor more than nine (9) members to be appointed by the Mayor with the approval of the Council; except that two (2) appointments made in February, 1998 shall be for two-year terms and one (1) appointment made in February, 1998 shall be for three (3) years so that term expiration of a nine (9) member Commission shall be staggered with three (3) appointments to be made each year, and thereafter their successors shall be appointed for terms of three (3) years from and after the expiration of the term of their predecessors in office.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

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

Mayor Otis opened the public hearing.

Mayor Otis explained that the purpose of this Committee would be to study some of the safety and transportation problems in Rye, remedy problems, and raise the sensitivity level of safe driving in Rye. The first year would include a public outreach program to determine where the problem areas are. This Committee will work with the City Council and City staff on these issues.

Councilman Stampleman commented that pedestrian traffic is also covered.

Councilwoman Cunningham suggested publicizing this local law.

Mayor Otis closed the public hearing.

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

**CITY OF RYE
LOCAL LAW NO. 2-1998**

**A local law amending the Charter of the City of Rye
by adding Article 20A.**

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

Section 1. The Charter of the City of Rye is hereby amended by adding a new Article, to be known as Article 20A, Traffic and Transportation Committee, to read as follows:

Article 20A
Traffic and Transportation Committee

§ C20A-1 Committee; intent

There shall be a Traffic and Transportation Committee to advise the City Council and other entities on traffic and transportation issues in the City of Rye.

§ C20A-2 Appointment

The Traffic and Transportation Committee shall consist of not less than seven (7) nor more than nine (9) members to be appointed by the Mayor with the approval of the Council. The members shall continue in office until the expiration of their terms, and thereafter their successors shall be appointed for terms of three (3) years from and after the expiration of the term of their predecessors in office. The Mayor shall designate from amongst any of the members, the Chair of the Committee. Vacancies occurring otherwise than by expiration of term shall be filled by the Mayor with Council approval. The members of the Committee shall choose from their number a Vice-Chairperson and Secretary. In their work the Committee may utilize the assistance of additional volunteers interested in traffic and transportation issues.

The City Manager, President of the Board of Education, and the Superintendent of Schools or their representatives shall serve as ex officio members of the Committee.

§ C20A-3 Purpose and duties.

The purpose and duties of the Committee shall be to:

A. Initiate, study, develop, and make recommendations relating to the traffic and transportation needs of the City, including, but not limited to, vehicular and pedestrian traffic safety and flows, parking, mass transportation.

- B. Audit current transportation and traffic conditions to assess current and emerging problem areas that could impact the community in the future.
- C. Seek public input to identify traffic and transportation issues to be considered by the City.
- D. Promote education efforts on traffic safety and transportation issues in Rye.
- E. Hold regular meetings and keep the City Council informed on matters relating to traffic and transportation.
- F. Advise and make recommendations to the City Council, the Planning Commission, and the City Manager, as it deems appropriate, with respect to traffic and transportation needs of the City. The Committee shall receive referrals and materials from the Planning Commission for the purpose of providing advisory opinions.
- G. Monitor County, State, and regional transportation proposals for their impact on Rye.
- H. Nothing in this section shall reduce the authority of the City Council, the Planning Commission, or the City Manager to make traffic and transportation decisions under their authority.

Section 2. This law shall take effect immediately upon filing of this local law in the office of the Secretary of State of the State of New York in accordance with the provisions of the Municipal Home Rule Law.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

6 Public hearing on 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 a B-4 District to an R-2 District

. Mayor Otis opened the public hearing.

Corporation Counsel Gardella explained that this matter has been in litigation for approximately two years. He said that the purpose of this public hearing is to repeal Local Law 10-1995, which allowed for the rezoning of this property for residential use.

Mayor Otis closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 3-1998**

**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.**

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

- § 1. Local law No. 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, is hereby **REPEALED** in its entirety.
- § 2. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of that portion of the lands of the NYS Thruway Authority, located on the easterly side of Boston Post Road to a B-4 Office Building District, and to the center line of Boston Post Road directly in front of the property, as shown cross-hatched on the attached zoning map for this area.
- § 3. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

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

NAYS: None

ABSENT: None

The local law was adopted.

7. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval

Councilwoman Walsh made a motion, seconded by Councilwoman Larr, to approve Mayor Otis' appointment of Councilman Stampleman as Trustee of the Police Pension Fund.

ROLL CALL:

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

ABSTAIN: Councilman Stampleman

NAYS: None

ABSENT: None

The motion carried.

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

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh, to approve Mayor Otis' appointment of Mrs. Susan Skelsey to the Board of Architectural Review 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 carried.

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

Mayor Otis informed the Council that only one appointment would be made at this meeting.

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham, to approve Mayor Otis' appointment of Mr. Richard Propper to the Commission on Human Rights for a three-year term expiring

January 1, 2001.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

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

Mayor Otis designated Mr. Richard Propper as chairman of the Commission on Human Rights.

11. Two appointments to the Rye Golf Club Commission to fill terms ending January 1, 1999

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings, to approve the appointments of Mr. Vincent Marconi and Mr. William Waters to the Rye Golf Commission to fill terms expiring January 1, 1999.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

Councilwoman Cunningham said she is pleased that Mr. Marconi and Mr. Waters, who previously worked very diligently on the Commission, have been appointed.

12. Appointments to the Traffic and Transportation Committee, by the Mayor with City Council approval

In answer to an inquiry from Mayor Otis, Corporation Counsel Gardella said that the appointments would be effective when the local law is filed with the State.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve the appointments of Mr. George DeVito, Mr. George De Filippo, and Mr. Hugh Greechan to the Traffic and Transportation Committee for one year terms expiring January 1, 1999.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve the appointments of Mr. Nicholas Loddo, Jr., Mr. Paul Hackett, and Mrs. Sarah Mariani to the Traffic and Transportation Committee for two-year terms expiring January 1, 2000.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing, to approve the appointments of Mr. Sal Samperi, Mr. Kim Morque, and Mr. Roger Perry to the Traffic and Transportation Committee for three-year terms expiring January 1, 2001.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

Mayor Otis said that Miss Bevin Butler will be invited as a student member of this committee.

13. Designation of the Chairman of the Traffic and Transportation Committee

Mayor Otis designated Mr. Roger Perry as chairman of the Traffic and Transportation Committee.

14. Resolution establishing the Master Plan Task Force

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

RESOLVED, that the Master Plan Task Force be established as follows:

Section 1. Appointment of Members: The Mayor shall appoint, with the approval of the City Council, members of the Master Plan Task Force. The number of members will be determined by the City Council. The Mayor shall designate from amongst any of the members, the Chairperson of the Task Force.

Section 2. Purpose and Duties: The Master Plan Task Force will continue the update of the 1985 City of Rye Development Plan to completion. It will seek public input into the key elements of the plan and direct completion of the project with the City Council, the Planning Commission and other entities contributing to the update.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

15. Appointments to the Master Plan Task Force

Mayor Otis explained that the purpose of this Task Force is to continue the work of the Master Plan Steering Committee. He reported that the last Master Plan was done in 1985. Mayor Otis said that public outreach, as well as input from the City's various Boards and Commissions, would be utilized by the Task Force.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve the appointments of Mayor Otis, Councilwomen Walsh, Cunningham, and Downing, Dr. Michael Klemens, Mr. Paul Benowitz and Mr. Richard Mecca to the Master Plan Task Force.

ROLL CALL:

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

NAYS: None

ABSENT: None

The motion carried.

16. Report on Beaver Swamp Brook meeting with Harrison officials

Mayor Otis reported that last week, he attended a meeting with the Town of Harrison Supervisor and a Town Board member on the status of the Beaver Swamp Brook project. They have submitted a Brownfield application to pay for the environmental assessment of the site. He added that the Harrison officials are very supportive of the Beaver Swamp Brook - Plan for Restoration and Permanent Protection. He said that the most important issues in this matter concern dredging and flooding. Hopefully, the plan for this area will be able to move ahead once grant money is received. In closing, Mayor Otis said all should hope for the day when this area can be reverted back to a nature area.

17. Report on Long Island Sound Report Card meeting

Having attended a press conference in Stamford, Connecticut, Councilwoman Cunningham reported that the Save the Sound, Inc., Connecticut Fund for the Environment, and Natural Resources Defense Council have released their assessment of various municipalities' ratings regarding practices and policies that have an impact on the water quality of Long Island Sound. The City of Rye received an overall "good" rating, with the sewage collection system as an area that needs attention.

18. Resolution increasing the Mamaroneck Valley Sewer District Service Fee

City Manager Culross explained that pursuant to an inter-municipal agreement dated 1959, twenty-five (25) homes on Taylor Lane in the Village of Mamaroneck are connected to the Rye City sewer system. The proposed resolution allows an adjustment in the rate, due to increases in the Consumer Price Index. He added that if these were Rye residents, this cost would be absorbed through basic property taxes.

There was some discussion of annually indexing this matter.

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

WHEREAS, the City of Rye has allowed twenty-five (25) homes on land bordered by Taylor Lane and Mill Pond within the Village of Mamaroneck to be connected to the Brevoort Lane pumping station for the purpose of supplying these homes with lateral sanitary sewer service since April 28, 1959; and

WHEREAS, the intermunicipal agreement between the City of Rye and the Village of Mamaroneck has been in full effect from that date; and

WHEREAS, the intermunicipal agreement between the City of Rye and the Village of Mamaroneck allows for a review of the fee that the Village of Mamaroneck pays to the City of Rye upon the request of either municipality; and

WHEREAS, the fee currently in place has not been reviewed or modified since a resolution was approved by the Rye City Council on December 19, 1984,

NOW, THEREFORE BE IT RESOLVED that the City of Rye hereby authorizes the City Manager to notify the Village of Mamaroneck that the City of Rye has undertaken a review of the fee charged to the Village of Mamaroneck for the twenty-five (25) homes on land bordered by Taylor's Lane and Mill Pond within the Village of Mamaroneck and connected to the City of Rye's Brevoort Lane pumping station for the purpose of supplying lateral sanitary sewer service to those homes, and be it further

RESOLVED, that the fee be increased from \$17.50 per month per dwelling to \$28.23 per month per dwelling, effective February 11, 1998.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

19. Consideration of request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 a.m. to 4:00 p.m. on Saturday, March 14, 1998, in conjunction with the Milton School Fair

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of the Milton School P.T.O. to have Hewlett Avenue posted as a one-way street from 10:00 A.M. to 4:00 P.M. on Saturday, March 14, 1998, in conjunction with the Milton School Fair.

In response to an inquiry from Councilman Stampleman, City Manager Culross said that the Police and Fire Departments would be informed.

20. Draft unapproved minutes of the regular meeting of the City Council held January 21, 1998

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 21, 1998 as amended.

21. Miscellaneous communications and reports

A. Councilwoman Walsh reported that the Planning Commission acknowledged the City Council's request to add Mr. Max Berking to the list of names for new streets.

B. Councilwoman Walsh informed the City Manager that at the last Rye Golf Club Commission meeting, Mr. William Waters specifically expressed an interest in having the drainage capital project done in conjunction with the irrigation system project.

C. Councilwoman Larr reported that the Landmarks Advisory Committee has requested representation on the Whitby Committee for input on the restoration of the Whitby Castle.

D. As liaison to the Ambulance Corps, Councilwoman Larr apprised the Council that she had a tour of the ambulance facilities and that in the future, she will be attending the Corps' quarterly meetings.

E. In response to Councilwoman Cunningham's query, it was confirmed that the State of New York Department of Public Service Commission will hold its public hearings as scheduled.

F. City Manager Culross informed Councilwoman Cunningham that the language in the Lease Agreement for the MacDonald building states that the City of Rye has first choice on those Thursdays that have been requested by the American Legion, Rye Post 128.

G. In response to Councilwoman Cunningham's question, City Manager stated that former Councilman Edward Collins said he would continue as a member of the Whitby Committee. However, he suggested it might be better if a member of the current Council replace him. Councilwoman Cunningham suggested nominating someone with financial expertise as a potential member of Whitby Committee. Councilman Stampleman nominated Mr. Edmond Downing for the Whitby Committee. City Manager will invite Mr. Vincent Marconi, Mr. Edmond Downing and a representative from the Landmarks Advisory Committee to participate in the Whitby Castle meetings.

In response to Mr. Paul Hackett, 66 Milton Road, City Manager Culross stated that the deadline for receipt of proposals from potential concessionaires for the Whitby Castle was January 28, 1998. The two proposals received are currently being reviewed by the consultant firm.

22. Old Business

A. Councilwoman Downing made a motion, seconded by Councilman Stampleman and unanimously carried, to add United Way of Rye to the list of participating agencies which contributed to the success of First Night.

B. In response to Councilwoman Downing, Mayor Otis said he would arrange to have a presentation from the Watershed Advisory Committee 3 (WAC3) at a future City Council meeting. The Mayor said that WAC3 is very much what the Beaver Swamp Brook Project is all about. In fact, he said, we plan to ask the County to support the Beaver Swamp Brook Project because it takes the principles of WAC3 and puts them into a real plan and a real location. He also informed the Council that Mrs. Jan Hodnett is the City of Rye's representative on the Watershed Advisory Committee 3. Councilwoman Walsh suggested that the Planning Commission and the Rye Golf Club Commission (since there are a number of recommendations of making a model out of the Golf Club) be invited to the WAC3 presentation.

C. Councilman Stampleman suggested that the amended resolution regarding *First Night* be sent to those involved.

23. New Business

A. Councilwoman Larr acknowledged the receipt of the January 24, 1998 letter from Dr. George. L. Hogben regarding the danger of the traffic circle by the Firemen's Memorial. City Manager Culross said that according to State Law the car in the circle has the right-of-way. City Manager Culross will research the possibility of having yield signs for all three streets involved. Councilman Stampleman suggested that the public be informed when the new signs are posted.

B. Councilwoman Larr acknowledged the receipt of the January 24, 1998 letter from Dr. George L. Hogben regarding the unwanted delivery of the Moneysaver from the Gannett Suburban Newspapers. Corporation Counsel said there was a proposal about seven years ago to have law about leaving unsolicited material on property. However, there were so many questions of constitutional law involved that the Council, at that time, did not adopt it. Mayor Otis said we should research if there is any constitutionally permissible way for us to deal with this matter.

C. Councilman Stampleman reported that the overhead lighting was fixed at the commuter parking lot on Highland Avenue as requested by Mrs. Judy Weeks-Padgett.

D. In response to Councilwoman Cunningham, Corporation Counsel said he will prepare a draft local law on filling and retaining walls.

E. Mayor Otis reported that he will attend a hearing in Oyster Bay, New York on February 5, 1998 regarding a proposed Long Island Sound coastal storm early warning system.

F. Mayor Otis reported that former Rye resident, Mrs. Peggy Dunne, who lost her son tragically, will meet with the key legislators to move "Kieran's Law", which would require a caregiver registry.

24. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to adjourn into executive session to discuss Home Depot litigation and personnel matters at 9:25 P.M.

The Council reconvened at 11:30 P.M.

There being no further business to discuss, the meeting was adjourned at 11:35 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk