

MINUTES of the Regular Meeting of
the City Council of the City of Rye held in
City Hall on March 4, 1998 at 8:00 P.M.

PRESENT:

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

ABSENT: ROBERTA DOWNING

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

There were no residents who wished to be heard.

3. Public hearing on proposed local law amending Section 108-18 of Article III of the Rye City Code by adding Subsection D concerning retaining walls

Mayor Otis opened the public hearing.

Councilwoman Cunningham said that the Board of Architectural Review (BAR) had discussed this issue at length. She explained that several controversial instances occurred which demonstrated that a law was needed. Councilwoman Cunningham said the proposed legislation would add Subsection D stating that any proposed retaining wall, the cumulative height of which when viewed in elevation from another property or public right of way is more than two (2) feet, or any proposed single wall planned to be higher than two (2) feet, must be reviewed and approved by the BAR before a permit is granted. In response to an inquiry from Councilman Hutchings, Councilwoman Cunningham clarified that this proposed amendment pertains only to retaining walls, not fences.

Councilman Hutchings expressed opposition in legislating restrictions on any citizens.

Councilwoman Cunningham clarified that the proposed local law does not restrict; the BAR would only review.

After a brief discussion initiated by Councilman Stampleman, the consensus of the Council was that the language of Subsection D should be clarified.

Mayor Otis explained that this matter would be tabled and the public hearing would be continued at a future meeting.

4. Consideration of an extension of the permission for parking two customers' vehicles temporarily overnight at the automobile service station at 997 Boston Post Road as provided for in the Rye Brook Service license agreement with the City of Rye

Mayor Otis acknowledged the February 23, 1998 communication from Linda Whitehead, Esq., of McCullough, Goldberger and Staudt, requesting a re-evaluation and extension of the Rye Brook License Agreement with the City of Rye.

City Manager Culross explained that the City approved this license agreement in April, 1997, which included the right for two customers' vehicles to be parked temporarily in the area in front of the pumps. This agreement had an evaluation period of six months from the completion of the City's Boston Post Road improvements and also provided for a re-evaluation and possible extension of such permission after the six-month period has expired.

Councilman Hutchings further stated the reason for this agreement was that the service station owner indicated that there are a few customers who had to bring their vehicles in early in the morning before business hours.

City Manager Culross noted that to the best of his knowledge, there had been no complaints from any party concerning the parking of these vehicles.

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

RESOLVED, that a six-month extension to the License Agreement between the City of Rye and Rye Brook Service be granted allowing permission to park two vehicles temporarily overnight at the automobile service station at 997 Boston Post Road.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

The resolution passed.

Councilwoman Cunningham suggested surveying neighbors to ascertain if there are or have been problems with parking from the Rye Brook Service Station.

5. Consideration of recommendation that yield signs and traffic circle warning signs be installed on Milton Road, Grace Church Street, and Cross Street at the entrance to the traffic circle

Mayor Otis acknowledged the City Manager's February 24, 1998 memo recommending that yield signs and traffic circle warning signs be installed on Milton Road, Grace Church Street, and Cross Street at the entrance to the traffic circle.

City Manager Culross explained that this issue was brought to the Council's attention in a letter from a resident of that area requesting clarification of how traffic should flow through the circle. The City Manager suggested that additional signage be put in this area.

Councilman Hutchings noted that many people do not realize which vehicle has the right-of-way in this traffic situation and that tradition in Rye contradicts the State law regarding right-of-way. He said that it is important that the public be informed of the proper procedure.

Councilwoman Larr suggested a white line be painted on the street where the yield signs are located to reinforce the principle.

Councilman Stampleman agreed that a public education program would be necessary.

Mayor Otis noted that this issue was discussed at the first meeting of the Traffic and Transportation Committee. He added that this committee's work would include issues such as this.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to authorize the City Manager to have yield signs and traffic circle warning signs placed on Milton Road, Grace Church Street, and Cross Street at the entrance to the traffic circle.

6. Authorization for the City Manager to enter into a license agreement between the City of Rye and Thomas Stephens for a sewer lateral extending approximately 397 feet down Hook Road

City Manager Culross acknowledged the February 11, 1998 letter from Mr. Benedict Salanitro, engineer for Mr. Thomas Stephens, the owner of the property at 17 Hook Road. The City Manager explained that this property is currently serviced by a septic system. In order to meet the requirements of the Health Department, this home would have to connect to the public sewer line. City Manager Culross said that a license agreement with the City of Rye would permit them to run a sewer lateral in the street right-of-way to the public sewer. He recommended approval in a form acceptable to the Corporation Counsel and the City Engineer. He emphasized that this is not a City project.

Mrs. Victoria Cerami-Breitell, resident of 15 Hook Road, expressed concern about the potential disturbance and restoration of landscaping within the right-of-way in front of her property. She respectfully requested that the line be run in the street under the pavement instead of through her property.

The City Manager said it is feasible to place the sewer line under the pavement as an alternative.

Mr. Benedict Salanitro, engineer for Mr. Thomas Stephens, explained that the house would be connected to the City's sewer manhole on Hook Road with approximately 397 feet of 2 inch diameter PVC force sewer line. He explained that the cost of running the line under the pavement instead of through the property at 15 Hook Road would add an additional \$10,000 to the project. Mr. Salanitro added that all landscaping would be restored after the work is completed.

Mrs. Victoria Cerami-Breitell and Councilwoman Larr both noted that the property in that area is built mostly on rock and expressed concern regarding the restoration of the property.

In response to an inquiry from Councilman Stampleman, the City Manager explained that all costs incurred are the responsibility of the owner of the property and not the City.

Mr. Dennis Farrell, 16 Hook Road, supported placing the sewer lateral under the pavement because of

previous gas leak problems related to the rock and the significant rock drop off.

Mayor Otis said the Council has three options:

to approve the sewer lateral under the right-of-way,
to approve the sewer lateral under the pavement, or
to place this matter on a future agenda for further discussion.

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

RESOLVED, that the City Manager be and is hereby authorized to enter into a license agreement between the City of Rye and Mr. Thomas Stephens, owner of property at 17 Hook Road, for a sewer lateral extending approximately 397 feet down Hook Road which would run under the pavement of Hook Road.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

The resolution passed.

7. Authorization for the City Manager to enter into negotiations with the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps for an extension of the agreement to provide emergency ambulance services

City Manager Culross explained that this agreement has been very successful and recommended the City grant this authorization.

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

RESOLVED, that the City Manager be and is hereby authorized to enter into negotiations with the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps for an extension of the agreement to provide emergency ambulance services.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

The resolution passed.

8. Proposed resolution requesting the designation of the Hudson River as an American Heritage River

Mayor Otis explained that the January 21, 1998 minutes reflect that only one resolution was adopted out of the two proposed by Croton-on-Hudson for the designation of the Hudson River as an American Heritage River. Mayor Elliott of Croton-on-Hudson requested that the Council consider the additional resolution.

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

**RESOLUTION
REQUESTING THE DESIGNATION OF
THE HUDSON RIVER AS AN AMERICAN HERITAGE RIVER**

WHEREAS, the American Rivers Heritage Initiative was announced by President Clinton on February 4, 1997, and

WHEREAS, the Hudson River has held a pre-eminent role in the development of the heritage of the United States influencing the settlement patterns of Native Americans, serving as a corridor of exploration, fortifying America during the Revolution, giving rise to the Age of Steam, inspiring the Hudson River School of Painting, facilitating the economic rise of New York and serving as a catalyst in the creation of the modern environmental movement, and

WHEREAS, the designation of the Hudson River as an American Heritage River will provide for the coordinated delivery of Federal services, enhanced opportunities for waterfront redevelopment, improved water quality, and further the goals and strategies already utilized by the Hudson Valley Greenway, and

WHEREAS, Governor George E. Pataki, on behalf of the State of New York is seeking designation of the Hudson River as an American Heritage River

THEREFORE, be it resolved that the City of Rye supports the application and urges the President to designate the Hudson River an American Heritage River.

9. Consideration of request of the NYS Department of Public Service to use the City Council Chambers on March 19 and 20, 1998, from 9:00 a.m. to 5:00 p.m.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the NYS Department of Public Service to use the City Council Chambers on March 19 and 20, 1998, from 9:00 A.M. to 5:00 P.M.

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

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh, to approve the appointment of Mr. Douglas McKean to the Rye Town Park Commission for a two-year term expiring in the year 2000.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

The motion carried.

Mayor Otis informed the Council that Mr. McKean will be a very qualified and positive addition to the Rye Town Park Commission and that his extensive experience will be a great benefit to the Park.

Councilman Stampleman suggested that the Council recognize Mr. George Ilse for his dedication and service to the community while serving on the Rye Town Park Commission.

Mayor Otis said he is preparing to recognize former members of boards, commissions, and committees.

11. Draft unapproved minutes of the regular meeting of the City Council held February 18, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the minutes of the regular meeting of the City Council held February 18, 1998 as amended.

12. Miscellaneous communications and reports

A. Councilman Stampleman acknowledged receiving the RCTV schedule each month. He suggested that the *Eye on Rye* programs be included in this schedule.

Councilman Hutchings will speak to Mr. Mark Jamison, president of Friends of RCTV and Mr. James Kenny, Cable TV coordinator to determine who is responsible for the schedule and ask that *Eye on Rye* be included.

B. In response to Councilman Stampleman's request, Councilwoman Walsh said the Planning Commission, as a continuation of the informal review process, is scheduling a site visit at the library which will be held on a weekend (sometime in the future) to minimize the interference with normal library programming. The purpose of this meeting is to have the opportunity to walk through a more detailed consideration of the alternatives the library building committee has proposed to date.

A Council discussion focused on the feasibility of building over the Brook and the cost and difficulty of getting equipment to build over the Brook.

Mayor Otis said when a date is scheduled, we can confer to see how many Council members are planning to attend this walk-through tour. If a Council quorum is anticipated, we will make the advanced notice to call a special meeting.

C. Councilwoman Cunningham reported that the Whitby Committee, the City Manager, and Mr. William Rodriguez, Superintendent of Recreation, spent last Thursday from 8:30 A.M. to 7:00 P.M. visiting the two finalists for the caterer for Whitby Castle.

D. Councilwoman Walsh reported that the members of the Rye Golf Club Commission commended the City Manager and City staff on the City's annual reports. Councilwoman Walsh asked if these reports would be included on Rye's Internet web page.

Councilman Stampleman recommended that copies of the annual reports be forwarded to the retiring mayor and councilmen.

Councilman Hutchings remarked that there were interesting statistics in the police report which he thought would be of interest to the Traffic and Transportation Committee. He complimented the City Manager and the staff for the excellent reports.

E. Councilwoman Cunningham congratulated the City Manager and the City Comptroller for receiving a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year which ended December 31, 1996, from The Government Finance Officers' Association.

F. Councilwoman Cunningham acknowledged the February 18, 1998 memo from the Village of Rye Brook on notification of intent to act as lead agency pursuant to part 617 of Title 6 NYCRR for the Doral Arrowwood/Pfizer Conference Center proposed site plan. She suggested that this be referred to the Conservation Commission/Advisory Council (CC/AC).

Mayor Otis responded that he has already discussed this issue with Mr. Nicholas Hodnett, chair of CC/AC. The Mayor said a letter will be forwarded to the Village to assure that the City receives the scoping documents so that the Planning Commission; CC/AC; the City staff; and City Council have them available.

Councilwoman Cunningham suggested that the City Engineer should have input also.

Councilwoman Walsh commented that Rye Brook has always been sensitive to communities down stream.

G. Councilman Stampleman acknowledged the February 17, 1998 letter from Mr. Dale W. Strand, Chairman & CEO of U.S. Multi Hull, Inc., regarding *Shuttle Cat* - High Speed Ferry Service from Rye Playland to New York City and the Airports.

Mayor Otis said that Playland's policy is that the pier would only be used for Playland Park related purposes. Mayor Otis reiterated that a meeting would be scheduled with the members of the former Playland Advisory Committee and the new director of Playland sometime in the near future.

Councilwoman Walsh said the City has a Coastal Zone Management Plan and integrating this proposal for a ferry within that policy framework is something the City is entitled to do.

Issues of noise and parking were also addressed by the Council as they relate to this proposal.

Councilwoman Larr said from her experience in Hong Kong, this type of ferry service did not adversely impact the environment.

Mayor Otis added that the situation would be monitored and that lines of communication would be open between Westchester County and Rye. He said we need to anticipate proposals like this because there are always calls upon the County for additional uses for Playland. That is a big concern to Rye and we need to be able to be connected to our public to make sure that we represent the views of the people who would be most affected by it.

H. In reference to the traditional April meeting between the City Council and the City of Rye Board of Education, Councilwoman Walsh suggested that the City Manager and Dr. Edward J. Shine, Superintendent of Schools, draft an agenda.

Mayor Otis asked the Council to submit suggestions for this agenda.

I. Mayor Otis informed the Council that Councilwoman Walsh has suggested that the City send a letter indicating the City of Rye's interest in the property of the Friend's Meeting House on Milton Road and if the property is going to be put on the market that the City would want to be notified and given all the relevant information. In response to Councilman Stampleman's question, Mayor Otis said that the City would be interested in this property because it is a flood plain area covered by our Wetland and Watercourse Law.

Councilwoman Walsh added that the City's currently existing development plan states that we should consider acquisition of additional properties for flood control purposes along the down stream area.

Councilman Hutchings said the property also has a unique historical background.

13. Old Business

A. Councilman Stampleman acknowledged Mr. Jeffrey Stonehill's memo regarding parking near the Highland Apartments. He requested that this memo be forwarded to Mrs. Judith Weeks-Padgett.

Mayor Otis said the February 23, 1998 memo from Mr. Stonehill addressed some of the issues but not all of them. He still had some unanswered questions which he will submit to the City Manager.

Councilman Stampleman recommended sending the memo to Mrs. Weeks-Padgett with a letter stating that the City is still researching the matter and this memo is a progress report.

B. As a result of the Special Council meeting on February 27, 1998, Mayor Otis said that a number of issues have surfaced with the implementation of the City's wireless telecommunications law. In an effort to analyze proposed applications more thoroughly, he suggested scheduling a public hearing on a proposed local law to establish a moratorium on applications for telecommunications antenna installations.

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

WHEREAS, a proposed local law entitled "A local law establishing a moratorium on applications for telecommunications antenna installations" 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 March 18, 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 Law
Establishing a Moratorium on Applications for Telecommunications Antenna Installations**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 18th day of March, 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 establishing a moratorium on applications for telecommunications antenna installations".

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

City Clerk

Dated:

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

The resolution passed.

14. New Business

Councilwoman Larr acknowledged a recent memo from Councilman Stampleman on potential services for senior citizens.

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to request the City Manager to inquire about senior services in other communities.

Mayor Otis suggested also contacting Westchester County's Office of the Aging.

15. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn into executive session to discuss Home Depot litigation and personnel matters at 10:05 p.m.

The Council reconvened at 10:55 P.M.

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh, to direct the Corporation Counsel to file a notice of appeal in the Home Depot damage claim case.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

The motion carried.

Councilwoman Larr made a motion, seconded by Councilman Stampleman, to authorize the hiring of Bernard Adler to do additional traffic studies in regards to Home Depot at a fee of up to \$10,000.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Downing

ABSTAIN Councilwoman Walsh

The motion carried.

Councilwoman Walsh abstained because she has a current business relationship with Mr. Adler.

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

Respectfully submitted,

Alice K. Conrad
City Clerk