

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in  
City Hall on April 1, 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. Presentation of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association to Michael A. Genito, City Comptroller

Mayor Otis presented City Comptroller Michael Genito with the Certificate of Achievement for Excellence in Financial Reporting and a Proclamation from the City. He complimented the entire Finance Department and the City Manager's leadership for receiving this prestigious award. The Mayor said that reporting financial information in an understandable manner is a large task. Mayor Otis expressed his appreciation to all those who worked toward this goal.

Mr. Genito explained that this award was a result of a team effort which could not have been done without the support and cooperation of the City Council, the City Manager, the City staff, and the suggestions and recommendations from the City's independent auditors. Mr. Genito added that the City of Rye has a triple-A (Aaa) rating from Moody's, a distinction that only 71 municipalities out of 13,400 have achieved. He pledged his continuing commitment on behalf of the City for open government, disclosure, and to assist our residents in understanding the function of the Finance Department.

The following agenda item was taken out of order:

5. Continuation of 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

Councilwoman Cunningham explained that this was an addition to the Code that would add Subsection D concerning retaining walls. She said that she and the members of the BAR support this amendment to the Code of the City of Rye.

Mayor Otis closed the public hearing.

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

**PROPOSED LOCAL LAW  
CITY OF RYE  
LOCAL LAW NO. 4-1998**

**A local law amending  
Section 108-18 of Article III  
of the Rye City Code by  
adding Subsection D**

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

**Section 1. Section 108-18 of Article III of the Rye City Code is hereby amended by adding Subsection D as follows:**

**§ 108-18. Exterior protection.**

- A. Foundation walls shall be maintained so as to be structurally sound and to prevent entrance of moisture, termites and vermin. Such protection shall consist of shoring where necessary, subsoil drains at footings, grouting of masonry cracks, waterproofing of walls and joists and other suitable means.
- B. Exterior walls and wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects. Such maintenance shall consist of painting, installation or repair of walls, copings and flashings, waterproofing of joints, waterproof coatings, installation or repair of termite shields, poison treatment of soil or other suitable means.
- C. Roofing shall be maintained in watertight condition so as to prevent leakage into the building. Such maintenance shall consist of repairs of roofing, flashings, waterproof coatings or other suitable means.
- D. 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 when so viewed, must be reviewed and approved by the Board of Architectural Review before a permit is granted.

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.

3. Presentation by Watershed Advisory Committee 3 and Westchester County Department of Planning on

Controlling Nonpoint Source Pollution in Long Island Sound

Former Mayor Warren Ross, co-chair of the Committee of Nonpoint Source Pollution in Long Island Sound, in conjunction with Ms. Gina D'Agrosa, AICP, Director of Environmental Planning and Mr. Robert Doscher PWS, Associate Environmental Planner, *Project Manager*, respectfully requested that the Council adopt a resolution endorsing the principles of the Watershed Advisory Committee 3 (WAC 3) Plan titled "Controlling Nonpoint Source Pollution in Long Island Sound" (The Plan). Mr. Ross said that the proposed resolution asks for involvement in principle and a pledge to work with other municipalities to implement these recommendations. Mr. Ross centered his remarks on the historical background of WAC 3, the definition of nonpoint source pollution, and watershed planning.

Mr. Doscher explained that there are three major areas which are being reviewed:

- Natural restoration: Restoring areas such as Blind Brook, Milton Harbor and the Marshlands to absorb nonpoint source pollution by re-vegetating banks to absorb pollution and stop erosion.
- Land use regulation: Strengthening land use policies and storm water management.
- Public Education: Distributing pamphlets to schools and residents, stenciling storm drains, and involving students in environmental issues.

Mr. Doscher informed the Council that there will be a conference on May 16, 1998 at Glen Island Park in New Rochelle for all municipalities to share ideas on the implementation of the WAC 3 Plan. He urged participation.

Councilwoman Larr commented that the banks of Blind Brook in the Indian Village area are extremely eroded. She suggested that some homeowners may be willing to do things to improve this area at their own expense.

Councilwoman Walsh complimented the group for producing a very thorough and helpful plan which identifies specific areas where the City can take action. She said that this report is extremely helpful. It is a useful basis to moving forward because Rye is currently undertaking its master plan evaluation and is involved in the Leadership Alliance Strategies. It also gives the basis for putting together cooperative applications for funding to undertake some recommendations. She said the Plan has been circulated to the Planning Commission, the Conservation Commission/Advisory Council, and the Golf Club Commission.

Ms. Gina D'Agrosa added that endorsement of this resolution by municipalities is vital in strengthening the County's applications for environmental grants. It was noted that the City of Rye already has commendable environmental laws.

Mayor Otis added that the City has been working cooperatively with Harrison on the Beaver Swamp Brook restoration project and has kept the City-owned property in Rye Brook as a watershed protection area. He added that better sediment and erosion control upstream is vital.

Mr. Ross acknowledged former Director of Environmental Planning, Ms. Laura Tessier's contribution to this Plan.

Mayor Otis complimented the Committee for its informative presentation and he also recognized the contributions of Mrs. Jan Hodnett as Rye's representative on the WAC 3.

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

**WHEREAS**, the Long Island Sound Study researched, monitored and assessed the water quality of Long Island Sound, which is designated an Estuary of National Significance under the National Estuary Program, and has produced a Comprehensive Conservation and Management Plan (CCMP) for the Sound; and

**WHEREAS**, the CCMP recognizes that nonpoint source pollutants significantly degrade the quality of the Sound, and threaten the economic and biologic values of the Sound; and

**WHEREAS**, the Westchester County Executive established a Citizen's Committee on Nonpoint Source Pollution in Long Island Sound (Committee) in 1992 to respond to the concerns raised by the Long Island Sound Study; and

**WHEREAS**, the Committee produced a report and recommendations which were adopted by the County Executive in 1993 to control nonpoint source pollution in Westchester County's Long Island Sound watershed; and

**WHEREAS**, a Steering Committee was established to implement the Citizen's Committee recommendations and has worked for three years to implement an intermunicipal planning program to protect and enhance the natural resources and water quality of the Long Island Sound watershed, forming Watershed Advisory Committees (WACs) to further its goal of intermunicipal watershed planning; and

**WHEREAS**, the City Council of the City of Rye recognizes that the economic and biologic importance of Long Island Sound and its tributaries is directly linked to water quality; and

**WHEREAS**, the City of Rye's representative on Watershed Advisory Committee 3 (WAC3) has been involved in the development of the plan and its recommendations:

**NOW, BE IT THEREFORE RESOLVED**, that the City Council of the City of Rye endorses the principles of the WAC 3 plan titled "Controlling Nonpoint Source Pollution in Long Island Sound: A Management Plan for the Watersheds of Beaver Swamp Brook, Beaver Swamp Brook West, Blind Brook, Mamaroneck Harbor, Milton Harbor and Port Chester Harbor" (January 1998);

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Rye recommends that the City of Rye work with other municipalities and the Committee on Nonpoint Source Pollution in Long Island Sound to implement the WAC 3 plan to further the protection of water quality in the Long Island Sound watershed.

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

There were no residents who wished to speak.

6. Continuation of public hearing on proposed local law establishing a moratorium on applications for telecommunications antennae installations

Mayor Otis explained that there would be no vote on this subject because there is a need for further review on the language and legal issues in the proposed local law. This public hearing will be continued at the meeting of April 15, 1998.

7. Consideration of request for approval to install two stone walls, a cobble stone curb, some steps, and shrubs in the City's right-of-way abutting property located at 33 Stuyvesant Avenue and Overhill Avenue and authorization for the City Manager to enter into a license agreement for this purpose

Mr. Richard Horsman, architect for the homeowners, Mr. Gary Sumers and Ms. Benita Sakin, requested approval from the Council to install two dry-laid stone walls, a cobble stone curb, some steps, and shrubs in the City's right-of-way abutting the property located at 33 Stuyvesant Avenue and Overhill Avenue.

Councilman Hutchings commented that professional landscaping would make a tremendous improvement in the area. However, he expressed concern that such construction might interfere with the future possibility of widening the road.

An extensive Council discussion focused on:

- the license agreement,
- further widening of the road, and
- notification to the neighbors under the Board of Architectural Review regulations to afford them the opportunity to review plans and voice concern.

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

**RESOLVED**, that the City Manager is hereby authorized to execute an agreement to install two stone walls, a cobble stone curb, some steps and shrubs in the City's right-of-way abutting property located at 33 Stuyvesant Avenue and Overhill Avenue on the condition that there is satisfactory proof that the abutting neighbors have been notified of this proposal and do not object. Otherwise, the matter is adjourned to the next City Council meeting for the neighborhood's objections.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

Councilwoman Walsh recused herself because she has a business relationship with Mr. Horsman.

8. Proposed resolution endorsing the Community Leadership Alliance Training Program

Councilwoman Walsh informed the Council that several members of Rye's Boards, Commissions, Committees and staff have had the opportunity during the past three years to participate in a unique leadership training program coordinated by Pace University School of Law's Land Use Law Center. This program equips its "graduates" with new skills and knowledge in areas of land use law, intermunicipal agreements, mediation, and conflict resolution. It offers a forum for the exchange of experiences and the development of rapport among the elected officials, representatives, and citizens of neighboring communities. One of its goals is to provide local communities with enhanced abilities to make land use decisions which balance development, environmental and economic needs.

She said previous participants from Rye included herself, Dr. Michael Klemens, and Ms. Laura Tessier. Currently, she said, we three serve as facilitators for a Long Island Sound-based class which includes Mayor Otis, Mr. Richard Gardella, Mr. Fred Zepf, Mr. Joseph Cox and Mrs. Jan Hodnett. The Council is being asked to consider adopting a resolution of support which was prepared by the program's director, Mr. John Nolan.

Councilwoman Walsh clarified for Councilwoman Cunningham that "official sponsorship" does not require monetary contribution from the City of Rye.

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

**WHEREAS**, comprehensive planning, land use regulation, and the review and approval of land development proposals are among the most important functions of local governments in the State of New York;

**WHEREAS**, members of local administrative boards such as the Planning Board, Zoning Board of Appeals, and Conservation Advisory Boards consider and dispose of many important applications for permits, variances, and interpretations of local land use regulations;

**WHEREAS**, local legislative bodies are authorized to use their delegated authority under state law to adopt a wide variety of land use regulations, controls, and incentives to provide for the balanced and harmonious development of the community;

**WHEREAS**, land owners, developers, and leaders of local civic organizations are regularly involved in testifying regarding matters pending before these legislative and administrative bodies;

**WHEREAS**, knowledge of the authority of local governments regarding land use control and the responsible decision making regarding these matters is important to the quality of life and future success of the communities; and

**WHEREAS**, Pace University School of Law, with the assistance of the Natural Resource Conservation Service, the Glynwood Center, and the Soil and Water District Conservation Boards of Westchester, Putnam, and Dutchess counties, has established an exemplary program of training local officials, private sector representatives and civic leaders in land use decision making known as the Community Leadership Alliance Training Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RYE:**

THAT it supports the continuation of the Community Leadership Alliance Training Program,

THAT it offers its official sponsorship of the Program, and

THAT it encourages other cities, towns, and villages in the Westchester, Putnam and Dutchess county area to offer their support and sponsorship of the Program and to nominate local leaders for participation in the Program.

9. Proposed resolution authorizing the City Manager to participate and represent the City of Rye in the New York State Environmental Facilities Corporation's FAB Motor Vehicle Inspection and Maintenance Program pursuant to the FAB Air Program to assist in the purchase of enhanced automobile emissions testing equipment by qualified businesses

City Manager Culross apprised the Council that the City of Rye has been approached by the New York State Environmental Facilities Corporation seeking participation in a grant program that could benefit automobile inspection station owners in the City of Rye. He said there is a limited amount of funding which is distributed on a first-come, first-serve basis. He explained that this aid would help offset the cost of new equipment for the purpose of New York State emissions testing.

Mr. Josh Faranda, an employee of Shell Service Station-Rye, clarified the time and cost for the new method for emission and safety testing.

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

**WHEREAS**, pursuant to the Clean Water/Clean Air Bond Act of 1996, being Chapter 413 of the Laws of New York of 1996, the New York State Environmental Facilities Corporation is authorized to provide state assistance to villages, towns, and cities with a population of less than one million, for small business environmental compliance assistance projects which enhance the quality of the air of the State through compliance with environmental laws and regulations, or to remedy or prevent environmental deficiencies (the "FAB Air Program"); and

**WHEREAS**, the New York State Environmental Facilities Corporation has established the FAB Motor Vehicle Inspection and Maintenance ("I&M") Program pursuant to the FAB Air Program to assist in the purchase of enhanced automobile emissions testing equipment by qualified businesses; and

**WHEREAS**, the City Council of the City of Rye, after due consideration, has determined that participation in the FAB I&M Program is desirable and in the public interest;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Rye, the following:

1. The filing of an application, or applications, with the New York State Environmental Facilities Corporation for financial assistance under the FAB I&M Program in the form required is hereby authorized, including all understandings and assurances contained in said application.
2. The City Manager is directed and authorized as the official representative of the City of Rye to identify entities which will participate in the FAB I&M Program, to execute and deliver said application(s), when necessary, to execute and deliver any other documents deemed by the City Manager as necessary for participation in the FAB I&M Program, to provide such additional information as may be required, and to take necessary actions on behalf of the City of Rye as may be required in order to determine the intent and purpose of this resolution.
3. The New York State Environmental Facilities Corporation is hereby authorized, on behalf of the City of Rye, to deliver payments made pursuant to the FAB I&M Program directly to the entities identified above, or such further entities as may from time to time be named by the City Manager's office.

10. Adoption of County tax rate for 1998

City Manager Culross commented that Westchester County is the only county in New York State that guarantees the County's taxes.

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

**RESOLVED**, that the tax rates for the amounts of County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, Refuse Disposal District and Water District No. 4 charges for the fiscal year beginning January 1, 1998, shall be as follows:

<u>County</u>	
Levy	\$10,821,227
Taxable Assessed Value	130,248,641
Taxable Rate per \$1,000 Assessed Value	83.082
 <u>Blind Brook Sewer District</u>	
Levy	\$1,767,829
Taxable Assessed Value	135,604,263
Taxable Rate per \$1,000 Assessed Value	13.037
 <u>Mamaroneck Valley Sewer District</u>	
Levy	\$316,727

Taxable Assessed Value	19,030,053
Taxable Rate per \$1,000 Assessed Value	16.644

Refuse Disposal District No. 1

Levy	\$1,462,799
Taxable Assessed Value	133,676,666
Taxable Rate per \$1,000 Assessed Value	10.943

Water District No. 4

Levy	\$39,835
Taxable Assessed Value	140,302,236
Taxable Rate per \$1,000 Assessed Value	0.284

and it is further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for the County, Blind Brook Sewer District, Mamaroneck Valley Sewer District, Refuse Disposal District, and Water District No. 4 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 1998 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of the County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

11. Schedule regular meeting of the City Council held annually at the Square House for April 29, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to schedule the regular meeting of the City Council held annually at the Square House on April 29, 1998.

12. Draft unapproved minutes of the regular meeting of the City Council held March 18, 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 March 18, 1998 as amended.

13. Miscellaneous communications and reports

A. Councilwoman Cunningham apprised the Council that she attended the February 17, 1998 presentation made to Westchester County Bar Association concerning wireless telecommunications facilities. She said it is a very technical and interesting area.

B. Councilman Stampleman reported that the Rye Free Reading Room will have a new director as of June, 1998.

C. In response to Councilman Stampleman's question, Councilwoman Walsh presented the following report on the Planning Commission's meeting on the proposed expansion program for the Rye Free Reading Room (the library):

- There is a need for an updated site plan for the library's proposal.
- The Planning Commission would like to see the site plan for the YMCA and the library's proposed additions to determine the impact on the Village Green and the properties themselves.
- A large site plan map will indicate what the Library and the YMCA intend to do in terms of entrances, circulations, walkways, and parking so that the Planning Commission has a better opportunity to see how the impacts fit together.
- Although the Library has asked the Planning Commission for more specific direction on which alternative should be pursued, there is no consensus on a preferred alternative. The library has not submitted a formal application to the Planning Commission.

- One of the key results of the visioning sessions was the idea of not looking at the Library and the Y projects independently, but cumulatively.
- The rationale for the informal review process is to be a sounding board for the applicant to access what might happen or for testing out an idea.

An extensive discussion focused on the following:

- informal review process,
- importance of the visioning sessions,
- the library's providing better quality drawings of the proposed additions,
- importance of letting the library outline its needs and rationale for alternatives,
- concern about not having full information on hydrology and traffic,
- options to conveying land, i.e. leasing or licensing,
- scheduling a public hearing,
- the purpose and benefits of having a public hearing on the library expansion plan, and
- the need to advertise the hearing.

After this discussion, Councilman Stampleman made a motion, seconded by Councilwoman Cunningham, to schedule a public hearing before the City Council for April 29, 1998 or May 13, 1998 to have the library outline various alternative expansion plans, to give the public an opportunity to comment on the impact on the Village Green, and to provide a summary update on the status of the library expansion plan.

ROLL CALL:

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

NAYS: Councilwoman Walsh

ABSENT: None

ABSTAIN Councilmen Downing and Hutchings

The motion carried.

Councilman Hutchings abstained because the public hearing will not produce a positive outcome.

D. Councilman Stampleman observed that the recent material received from the Rye City School Board indicates that schools are running out of capacity. He suggested that the Council begin to think about the implications this might have on the City.

Councilwoman Walsh reported that Dr. Edward Shine, Superintendent of Rye City Schools, will be her guest on the *Eye on Rye* program on Monday, April 6, 1998. She added that this will give us an opportunity to hear what he thinks is timely.

Mayor Otis acknowledged receiving several calls from residents who have expressed concerns about the proposed redistricting, especially traffic and safety issues.

E. Councilwoman Walsh and Councilman Hutchings informed the Council they will be unable to attend the April 15, 1998 Council meeting.

14. Old Business

A. In response to an inquiry from Councilman Hutchings regarding the establishment of a Real Estate Advisory Committee, Mayor Otis said he has prepared a draft letter and a list of appropriate recipients is being compiled.

B. Mayor Otis reported that there was a meeting of the Traffic and Transportation Safety Committee on April 2, 1998. He added that in the near future the Committee will be having a workshop where residents may come and share their concerns.

C. The consensus of the Council was to schedule a public hearing on the City's noise ordinance for the June City Council meeting.

D. Councilwoman Downing expressed concern that the "Yield" signs erected at the traffic circle are not completely effective. She suggested stationing a police officer at the circle to educate the public about the right-of-way in the traffic circle.

Mayor Otis proposed that Councilwoman Downing contact Mr. Roger Perry, chair of the Traffic and Transportation Committee and the Rye Record regarding this issue. The Mayor also added that this topic to be included in Rye's newsletter.

15. New Business

Mayor Otis shared some of the topics that will be included in Rye's newsletter:

- STAR Program deadline
- RCTV and related public access opportunities
- Traffic and Transportation Committee
- Village Green update
- Whitby Update
- Library expansion hearing
- Rye's noise ordinance
- Master Plan Task Force
- Amnesty Program Update
- Solid Waste announcements
- Key meeting dates

Councilwoman Larr suggested that a tear-off comment sheet be included in the newsletter.

16. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn into executive session to discuss labor relations at 10:45 P.M.

The Council reconvened at 11:20 P.M.

There being no further business to discuss, the meeting was adjourned at 11:25 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk