

MINUTES of the Regular Meeting of the City Council of the City of Rye held in the Square House on April 29, 1998 at 8:00 P.M.

PRESENT:

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

ABSENT: ARTHUR STAMPLEMAN

1. Roll Call

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

The Mayor said that the tradition of holding an annual meeting in the Square House affords everyone the opportunity to reaffirm his/her bond to each other and to the community. He added that there is a sense of sincerity, dedication, and commitment among all those involved in City government. There was a moment of silence in memory of Mr. Thomas Williams, The Honorable Frank S. McCullough, Sr., and Mr. Max Berking.

Former Mayor John Carey thanked the Council for the invitation to attend this meeting. He said that the key to success in government is to continue smiling throughout every issue. The Mayor and Council welcomed the following:

Westchester County Legislator George Latimer
The Honorable John Alfano, Acting City Judge
Former Councilman James Flick
Former Councilman James Burke
School Board President Barbara Anselmi

On behalf of City Manager Frank Culross, Acting City Manager George Mottarella introduced the following members of the City Staff who were in attendance:

George Ballantoni	Fire Chief
Vincent Ballantoni	1 st Assistant Fire Chief
Joseph Carlucci	General Foreman, Department of Public Works
Alice K. Conrad	City Clerk
James Dianni	Fire Inspector
Richard Gardella	Corporation Counsel
Michael Genito	City Comptroller
James Kenny	RCTV Coordinator
Edye McCarthy	City Assessor
William Pease	Police Commissioner
Walter Roode	2 nd Assistant Fire Chief
William Rodriguez	Recreation Supervisor
Chantal Speglevin	City Naturalist
Fred Zepf	City Planner

Mayor Otis introduced the following members of the Boards, Commissions and Committees:

Jonathan D. Kraut	Board of Appeals
Otto L. Spaeth	Board of Architectural Review
Paul J. Bschorr	Board of Assessment Review
Nancy Steed	Commission on Human Rights
C. Nicholas Hodnett	Chairman, Conservation Commission/Advisory Council
Dennis Buckley	Conservation Commission/Advisory Council
Edmond J. Downing	Finance Committee
Julia Killian	Finance Committee
Peter Larr	Planning Commission
Stephen Meyers	Chairman, Recreation Commission
John Bush	Rye Cable TV Committee
Vincent Merlino	Chairman, Rye Golf Club Commission
Susan Hermann	Vice-Chairman, Rye Golf Club Commission
Douglas McKean	Rye Town Park Commission
Nicholas D. Loddo, Jr.	Traffic & Transportation Committee

Several guests and members of the City Council said it was an honor to attend this meeting at the Square House. The profound history of the building, coupled with the great achievements realized in the Council room, help to keep tradition strong in Rye's family-oriented community. In closing, Mayor Otis said that everyone who serves the City is following what prior generations have done, namely, working together to achieve great things for the community of Rye.

The meeting adjourned to City Hall and reconvened at 8:30 P.M.

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

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

3. Report of the County Legislator

County Legislator Latimer presented his quarterly report by providing updates on the following topics:

Bee-Line Bus Route 76

Several options which include eliminating this route, re-directing the route, and/or substituting a mini-bus for the regular size bus are currently under review. Public comment is still being received and a decision will be made by the Department of Transportation.

Playland

County Legislator Latimer and Mayor Otis met with Playland's new director, Mr. Joseph Montalto, to discuss several issues. There has been some progress on forgoing the early morning grass cutting and fireworks will have less impact on the neighborhood. Larger issues remain to be addressed after the opening of the park. Another meeting will be scheduled in June to include members of the former Playland Advisory Committee.

Sewer Repairs

Mr. Latimer met with the County Executive on April 6, 1998 and is awaiting information from the County Attorney and County Finance Department. He noted that the County will be doing work on Theodore Fremd Avenue which might impact the neighborhood. He suggested that City Engineer Mottarella talk to Mr. Hugh Greechan, Director of Design Coordination, Westchester County Department of Public Works.

Reconstruction of Runways at Westchester County Airport

The airport will be closed for the reconstruction of the runways. The County Department of Public Works has a list of full and partial closings of the airport. The changes in flight pattern do not appear to have a major impact on the City of Rye.

Sales Tax Proposal

Mr. Latimer recommended that the City study the potential impact that the County's opting for the sales tax reduction might have on the City of Rye.

Mayor Otis expressed his appreciation to County Legislator George Latimer for his informative presentation.

The following agenda items were taken out of order.

9. Consideration of request of Joyce and Morton Coleman to close Forest Avenue from Manursing Avenue to Grace Church Street on Sunday, June 14, 1998, during their daughter's wedding

Mayor Otis acknowledged the April 23, 1998 letter from Mr. and Mrs. Morton Coleman requesting permission to close Forest Avenue from Manursing Avenue to Grace Church Street on Sunday, June 14, 1998 during their daughter's wedding.

Corporation Counsel Gardella pointed out that the State Attorney General has consistently held that public roads cannot be closed.

Councilman Hutchings expressed concern about setting a precedent if this matter is approved. He expressed the feeling that stationing policemen in that location would accomplish what the Coleman Family wants to accomplish.

Mayor Otis said a major road has never been closed. He suggested that the Colemans submit a narrower proposal which could be tailored to comply with the state law. Further discussion of this matter will be placed on the agenda for the May 13, 1998 meeting.

8. Consideration of proposed local law amending Paragraph 1 of Subsection A of Section 197-7 of Article IV of the Rye City Code by correcting a misspelling in Subparagraph (b) and deleting Subparagraph (d)

Mayor Otis said this proposed local law, amending Paragraph 1 of Subsection A of Section 197-7 of Article IV of the Rye City Code to correct a misspelling in Subparagraph (b) and to delete Subparagraph (d) which contains outdated language, should be held for further study.

Corporation Counsel Gardella also recommended referring this matter to the City staff.

Mayor Otis said we have to analyze the records involved, discuss the matter with staff, and then have a multi-layered discussion on the intent of the law and what the law should be now.

In response to Councilwoman Downing's question, Corporation Counsel Gardella thought that the law has to be changed to be enforced. Presently, there is a controversy before the Board of Appeals because the law is unclear.

Councilwoman Cunningham asked if Corporation Counsel Gardella's memo to the Board of Appeals on this matter could be shared with the City Council. That is a decision which has to be made by the Board of Appeals, Mr. Gardella said.

4. Pubic hearing on proposed local law amending Section 177-16 of Article II of the Rye City Code concerning

alternative veterans exemption for cooperative unit owners

Mayor Otis opened the public hearing.

Mayor Otis explained that this proposed local law would allow qualified veterans a partial tax exemption on City and County taxes only.

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

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

**CITY OF RYE
LOCAL LAW NO. 6-1998**

**A local law amending
Section 177-16 of Article II
of the Rye City Code**

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

Section 1. Section 177-16 of Article II of the Rye City Code is hereby amended as follows:

§ 177-16. Amount of exemption.

Veterans qualifying for a tax exemption under the alternative veterans exemption, provided in § 458-a of the Real Property Tax Law, shall be exempt from taxation by the City of Rye to the maximum extent permitted by § 458-a, Subdivision 2(d)ii.

In addition, persons meeting the above-described requirements who own shares in a residential cooperative corporation shall be exempt from taxation by the City of Rye to the extent permitted and pursuant to the terms of § 458-a of the Real Property Tax Law.

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, and Walsh

NAYS: None

ABSENT: Councilman Stampleman

The local law was adopted.

5. Discussion of Town of Rye Supervisor Morabito's proposal on wine at Rye Town Park

Mayor Otis informed the Council that Rye Town Supervisor Robert Morabito has requested that the City Council consider reviewing the issue of wine sales at Rye Town Park. He explained that the State statute, which governs many of the Rye Town Park's rules, prohibits the sale or use of any alcoholic beverage except beer. The Mayor said that arguments in favor of a change include a better range of service for customers, assistance to the proprietor of the Sand Bar in staying competitive, and allowing groups that rent the pavilion space to offer wine to their guests. The arguments against include fear of escalating noise in the neighborhood and increased use of alcohol in the park. Mayor Otis said it is necessary to get feedback from residents of the area and the Friends of Rye Town Park on this issue.

Councilwoman Cunningham added that comments from the Police Commissioner would also be helpful.

Councilman Hutchings said selling wine in the park would provide an opportunity for entrepreneurs to raise revenues. It was noted that the statute that prohibits alcoholic beverages other than beer in the park is very old and dates back to the early nineteen hundreds.

Mayor Otis said that Mr. Douglas McKean, member of the Rye Town Park Commission, has suggested that the storage area in the administration building could be converted into a large banquet room which could be rented in conjunction with the pavilion.

The consensus of the Council was to solicit input from all interested parties. Further discussion of this issue will be placed on the May 13, 1998 City Council agenda.

6 Request from County Executive Spano for resolution on sales tax exemption issue

Mayor Otis acknowledged the March 13, 1998 letter from the County Executive. The City of Rye was urged to send him a letter or a resolution in opposition to Westchester County's opting into the sales tax exemption on clothing costing less than \$100, unless the State provides revenue sharing that would hold Westchester County harmless for the lost sales tax revenue.

A brief Council discussion focused on the pros and cons of this tax exemption.

Mr. John Rossini, 164 Highland Road, supported the tax exemption to increase revenues.

The Council did not take action on this matter pending further review and asking the City Comptroller to calculate and verify the sales tax exemption figures as presented by Westchester County Executive Spano. This matter will be placed on the agenda for the May 13, 1998 City Council meeting.

6a. Authorization for the City Manager to enter in Facility Agreement between the City of Rye and the Rye City School District for the sharing of facilities

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

RESOLVED, that the City Manager be and is hereby authorized to enter into a Facility Agreement between the City of Rye and the Rye City School District for the sharing of facilities.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

7. Approval of the City of Rye Police Department General Orders #102.7, Marine Unit; #102.8, Bicycle Patrol Unit; #103.8, Use of CF-25 Notebook Computers; and #103.9, Automated External Defibrillator Use

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the City of Rye Police Department General Orders #102.7, Marine Unit; #102.8, Bicycle Patrol Unit; #103.8, Use of CF-25 Notebook Computers; and #103.9, Automated External Defibrillator Use.

Councilwoman Larr expressed concern that 14 of 16 paid Rye City firemen are qualified and certified to use the defibrillator but are not licensed.

Mayor Otis requested a report from the City Manager regarding this issue.

10. Acceptance of a grant to the Rye Nature Center in the amount of \$630 from the Junior Section of the Women's Club of Rye and approval of an amendment to the 1998 Rye Nature Center Revenue Fund in that amount

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

RESOLVED, that the City Manager be and is hereby authorized to accept a grant to the Rye Nature Center in the amount of \$630 from the Junior Section of the Women's Club of Rye, **and be it further,**

RESOLVED, that the 1998 Rye Nature Center budget be amended by increasing revenues and increasing appropriations in the amount of \$630 for other program supplies.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The resolution passed.

11. Consideration of the request of the Rye Chamber of Commerce for permission to hold its annual sidewalk sales on July 30, 31 and August 1, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of the Rye Chamber of Commerce for permission to hold its annual sidewalk sales on July 30, 31, and August 1, 1998.

12. One appointment to the Finance Committee to fill the unexpired term ending January 1, 1999, by the Mayor with Council approval

Councilwoman Walsh made a motion, seconded by Councilwoman Cunningham, to approve the appointment of Mr. George Pratt to the Finance Committee to fill the unexpired term ending January 1, 1999.

ROLL CALL:

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

NAYS: None

ABSENT: Councilman Stampleman

The motion carried.

13. Two appointments to the Whitby Castle Committee

These appointments were postponed to a future Council meeting.

14. Draft unapproved minutes of the regular meeting of the City Council held April 15, 1998

Councilwoman Larr made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held April 15, 1998 as amended.

15. Miscellaneous communications and reports

Councilwoman Cunningham reported that former Councilman Salvatore Caraccio complimented the fine work of the recent issue of the City of Rye's newsletter.

16. Old Business

There was an extended discussion about City of Rye's fence regulations with several Council members stating that a narrowly drawn amendment to the fence ordinance is needed. They specifically discussed a case on the Boston Post Road which is presently before the Zoning Board of Appeals. Mayor Otis will circulate documents and comments (received prior to the amendment of the fence law in 1997) to the City Council in the Friday packet.

17. New Business

Mayor Otis made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the addition of Judge Frank McCullough, Sr., to the list of names for new streets in Rye.

18. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss Home Depot Litigation at 10:15 P.M.

The Council reconvened at 10:40 P.M.

There being no further business to discuss, the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk