

MINUTES of the Special Meeting of
the City Council of the City of Rye held in
City Hall on May 27, 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. Public hearing on proposed local law amending Chapter 197-86, Zoning, with respect to seasonal outdoor seating accessory to retail and restaurant uses

Mayor Otis opened the public hearing.

Councilwoman Walsh explained that this proposed amendment would re-enact a local law that was previously established with a sunset provision to permit seasonal outdoor accessory seating for retail and restaurant use through a special usage permit. She reported that the Planning Commission held a public hearing regarding this matter; no one objected to re-enacting this legislation.

There being no one who wished to address this proposed local law, Mayor Otis closed the public hearing.

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

CITY OF RYE
LOCAL LAW NO. 7-1998

A local law amending §197-86 of the Code of the City of Rye with respect to seasonal outdoor seating accessory to retail and restaurant uses.

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

Section 1. §197-86 Table of Regulations, Table B Business District Use Regulations, Column 2 Uses Permitted Subject to Additional Standards and Requirements, Row B-1 Neighborhood Business Districts of the Code of the City of Rye is hereby amended by adding thereto two new sub-sections, to be known as sub-sections (12) and (13), to read as follows:

§197-86. Table of regulations.

Use, area, height, yard, coverage and floor area ratio requirements in the various districts shall be as follows, subject to such exemptions and limitations as are specified in other sections of this chapter.

* * *

TABLE OF REGULATIONS: TABLE B
BUSINESS DISTRICT USE REGULATIONS
COLUMN 2
USES PERMITTED SUBJECT TO ADDITIONAL
STANDARDS AND REQUIREMENTS

(SUBJECT TO THE REQUIREMENTS
AND PROVISIONS OF §197-10)

* * *

B-1 Neighborhood Business Districts

- (1) Garages for more than five (5) motor vehicles and filling stations without canopies, subject to limitations as to maximum size or capacity.
- (2) Garages and parking lots for more than five (5) motor vehicles and filling stations without canopies.
- (3) Accessory electric motors exceeding three (3) horsepower per motor.
- (4) Government-owned and -operated outdoor amusement places only if at least two hundred (200) feet from any residence district and other government-owned and-operated indoor amusement activities, provided that soundproofing is deemed by the Commission adequate to eliminate adverse effect.
- (5) Lodging houses.
- (6) Uses permitted subject to additional standards and requirements in RT Districts, without the special limitations and requirements specified in Table A, to the extent that the Commission finds such requirements to be unnecessary, except private recreational uses, nursery schools, agricultural uses, railroad passenger stations and electric substations, temporary real estate sales offices and religious headquarters offices.
- (7) Outdoor sales of seasonal goods other than motor vehicles, under temporary permits.

- (8) Service business offices, such as woodworking, plumbing, roofing or electrical, including necessary shop and material storage facilities, provided that all materials and all operations, including loading of trucks for service calls and overnight truck parking, are enclosed within a building, provided that the building exterior conforms to the character of retail business and other permitted uses and structures in the vicinity and provided that the operations are conducted at a level of noise and other effects consistent with such character.
- (9) Social clubs and lodges, except where a chief activity is conducted primarily for gain.
- (10) In B-1 Neighborhood Business Districts completely surrounded by residentially-zoned property or abutting residentially-zoned property and a city recreational facility, business operation is limited to the-hours of 7:00 a.m. to 9:30 P.M., except where such regulation is preempted by state law or regulation.
- (11) Fast-food restaurants: an establishment that offers quick service of packaged foods for consumption in the building and for carry-out, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly or heated in a device such as a microwave oven. In addition, orders are not generally taken at the customer's table and not generally served to a customer by a restaurant employee at the same table or counter where the items are consumed, and where food is generally served in disposable wrapping or containers and on a lot having frontage on an arterial highway or a county road as designated on September 1, 1958, and more than one hundred fifty (150) feet from a residence district. This category of restaurants also includes any restaurant with drive-up or drive-through service facilities.
- (12) Retail use seasonal outdoor customer seating annual permit. (This sub-section shall remain in effect until November 1, 2000, unless it is specifically re-enacted and re-filed prior to said date.) On the westerly side of Boston Post Road, between the B-2 Central Business District and Central Avenue, and on the easterly side of Boston Post Road, between Cross Street and Central Avenue, the Planning Commission may annually permit a permitted retail use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:

- (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to §197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.
- (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
- (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
- (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
- (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
- (h) Such other conditions and requirements as the Planning Commission may deem appropriate.
- (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.

- (13) Restaurant use seasonal outdoor customer seating annual permit. (This sub-section shall remain in effect until November 1, 2000, unless it is specifically re-enacted and re-filed prior to said date.) On the westerly side of Boston Post Road, between the B-2 Central Business District and Central Avenue, and on the easterly side of Boston Post Road, between Cross Street and Central Avenue, the Planning Commission may annually permit a permitted restaurant use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:
- (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to §197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.
 - (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
 - (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
 - (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
 - (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
 - (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
 - (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
 - (h) Such other conditions and requirements as the Planning Commission may deem appropriate.
 - (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.

Section 2. §197-86 Table of Regulations, Table B Business District Use Regulations, Column 2 Uses Permitted Subject to Additional Standards and Requirements, Row B-2 Central Business Districts of the Code of the City of Rye is hereby amended by adding thereto two new sub-sections, to be known as sub-sections (6) and (7), to read as follows:

§197-86. Table of regulations.

Use, area, height, yard, coverage and floor area ratio requirements in the various districts shall be as follows, subject to such exemptions and limitations as are specified in other sections of this chapter.

* * *

TABLE OF REGULATIONS: TABLE B
BUSINESS DISTRICT USE REGULATIONS
COLUMN 2
USES PERMITTED SUBJECT TO ADDITIONAL
STANDARDS AND REQUIREMENTS
(SUBJECT TO THE REQUIREMENTS
AND PROVISIONS OF §197-10)

* * *

B-2 Central Business Districts

- (1) Uses permitted subject to additional standards and requirements in B-1 Districts and as limited therein.
- (2) Terminals for buses or other transportation of persons, for community service only.
- (3) Outdoor amusement places only if at least two hundred (200) feet from any residence district: bowling alleys and other noisy indoor amusement activities, provided that soundproofing is deemed by the Commission adequate to eliminate adverse effect.
- (4) Uses permitted subject to additional standards and requirements in RT Districts and as limited therein.
- (5) Social clubs and lodges, except where a chief activity is conducted primarily for gain.
- (6) Retail use seasonal outdoor customer seating annual permit. (This sub-section shall remain in effect until November 1, 2000, unless it is specifically re-enacted and re-filed prior to said date.) The Planning Commission may annually permit a permitted retail use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:
 - (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to §197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.
 - (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
 - (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
 - (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.

- (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.
 - (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
 - (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
 - (h) Such other conditions and requirements as the Planning Commission may deem appropriate.
 - (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.
- (7) Restaurant use seasonal outdoor customer seating annual permit. (This sub-section shall remain in effect until November 1, 2000, unless it is specifically re-enacted and re-filed prior to said date.) The Planning Commission may annually permit a permitted restaurant use to devote outdoor areas of the property on which they are located and, to a limited degree, extensions onto abutting property and streets if there is a valid lease or license permitting said use of the abutting property or street, to seasonal outdoor customer seating at tables or counters from April through October, subject to the following limitations:
- (a) The Planning Commission shall limit the outdoor area to be devoted to customer seating to those outdoor areas not otherwise required by this or any other Code for other purposes including, but not limited to, the New York State Uniform Fire Protection and Building Code and to §197-26, effect on existing uses of off-street parking requirements and §197-7A(1), site development plan, of this Code.
 - (b) The total seating capacity of the outdoor area to be devoted to customer seating shall not exceed the number of seats the Planning Commission finds appropriate in a specific case.
 - (c) The Planning Commission shall limit the outdoor area to be devoted to customer seating such that it will not interfere in any way with fire exits required by the New York State Uniform Fire Protection and Building Code and a sign setting forth the maximum permitted seating capacity shall be posted in the seating area.
 - (d) The Planning Commission shall limit the outdoor area to be devoted to customer seating so that it will not interfere with access by the handicapped.
 - (e) The outdoor area to be devoted to customer seating shall not be considered a restaurant use for the purpose of determining on-site parking requirements.

- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
- (h) Such other conditions and requirements as the Planning Commission may deem appropriate.
- (i) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the Applicant or the property owner provided or permitted outdoor seating without having obtained a permit, or that there are outstanding notices of violation concerning the property or the Applicant's use.

Section 3. This local law shall take effect immediately upon filing in the office of the Secretary of State. The new sub-sections created by this local law shall remain in effect until November 1, 2000, unless they are specifically re-enacted and re-filed prior to said date.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Cunningham

The local law was adopted.

3. Consideration of a license agreement between the City of Rye and The Black Bass Grille

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

RESOLVED, that the City Council hereby authorizes the City Manager to enter into a license agreement with the PRT Restaurant Group, Inc. d/b/a BLACK BASS GRILL to utilize the City right-of-way for seasonal outdoor restaurant seating in accordance with the terms of the license agreement.

ROLL CALL:

AYES: Mayor Otis, Councilmen Downing, Hutchings, Larr, Stampleman and Walsh
NAYS: None
ABSENT: Councilwoman Cunningham

The resolution passed.

4. Further discussion of Town of Rye Supervisor Morabito's proposal on wine at Rye Town Park and consideration of proposed resolution authorizing submission of a Home Rule Request to permit the sale of wine in Rye Town Park

Mayor Otis said that almost all the letters received from residents supported the sale of wine at Rye Town Park.

Councilwoman Larr suggested that the sale of wine should be reviewed next year.

Councilman Hutchings explained that a resolution passed by the City Council regarding the sale of wine in Rye Town Park is an appeal to New York State via Home Rule Legislation.

Mayor Otis made a motion, seconded by Councilman Stampleman, to adopt the following resolution:

RESOLVED, that the City Council hereby
authorizes Mayor Otis to submit a Home Rule Request for enabling legislation to
authorize the sale of wine at Rye Town Park.

ROLL CALL:

AYES: Mayor Otis, Councilmen, Downing,
Hutchings, Larr, Stampleman and Walsh
NAYS: None
ABSENT: Councilwoman Cunningham

The resolution passed.

5. Further discussion of the New York State Thruway Authority's noise abatement program and authorization for the Mayor to file an application for participation in the program

Mayor Otis explained that the New York State Thruway Authority has made 15 million dollars available to communities in Westchester and Rockland Counties for the construction of wood or concrete noise barriers along I-95 and I-87. The Mayor said that a decision about the community choice of barriers has to be made by June 30, 1998. He explained that a study was undertaken and 20 areas were identified that need such barriers. Two areas are located in Rye which are prioritized by number (1 being the highest priority and 20 being the lowest). Rye's numbers are as follows:

No. 7 – Central Avenue to the Boston Post Road
No. 16 – Ridgewood Drive and Clinton Avenue

The Mayor explained the pros and cons of each medium:

Wood

- Noise reduction 0-10 decibels depending upon topography
- Height: 10 feet
- Construction could begin in late 1998/early 1999
- No reflected noise as wood absorbs the noise
- Visually more appealing

Concrete

- Noise reduction 10 decibels or more depending upon topography
- Height: 18-20 feet
- Construction may not begin for four years
- Reflected noise as sound waves bounce off concrete and are not absorbed
- "Fortress"-like appearance

A discussion focused on the following topics:

- Allocation of funds
- Prioritization of sites
- The ability of both materials to abate noise
- Topography of the areas involved
- Character of surrounding neighborhoods
- Age of homes in surrounding neighborhoods
- Location of barriers in relation to the Metro North railroad tracks
- Adding "natural" noise barriers such as trees and shrubs in these areas
- Planting creeping plants such as vines and ivy to enhance the aesthetics of wooden barriers

Several residents expressed concern about noise bounce from the concrete barriers and equal protection for residents on both sides of the Thruway. They also favored wood over concrete. Mayor Otis said community input regarding this issue is extremely important. The Mayor said that a final decision would be made at the next regular meeting of the City Council scheduled for June 17, 1998.

Councilwoman Cunningham arrived at this point in the meeting.

6. Statement by residents of Packard Court affected by fence regulations

Mr. Robert Pratt, 6 Packard Court, informed the Council that he and his neighbors, the Genthers, were cited for a violation of Rye's fence code. Mr. Pratt said that when they (the Pratts & Genthers) decided to replace their 15 year-old 6-foot fence that was in disrepair, they had no reason to believe that the code was being violated because the 6-foot fence had been there as far back as residents could recall. Mr. Pratt said the consensus of his neighborhood was that having only a four foot fence would be an extreme hardship since the shorter height would reduce privacy, safety, property values, and the quality of life in the neighborhood. Many properties have front yards facing Packard Court and back yards facing the Boston Post Road. On behalf of the residents of Packard Court, Mr. Pratt respectfully requested that 6-foot fences be permitted on their properties. Mr. Pradeep Kashyap, Mr. Raymond Moseman, Mrs. Mary Bouton, and Mrs. Gladys Cardenas, residents of Packard Court, voiced their support.

Mayor Otis said the City Council will address this situation as quickly as possible by drafting an amendment to the code.

Mr. Pratt apprised the Council that he has asked Miss Linda Whitehead of McCullough, Goldbeger & Staudt to draft amendments to the present code that would add clarification and allow the 6 foot fence.

Councilwoman Walsh said that hopefully at the next Council meeting, the Council would be in a position to set a public hearing on this matter.

Councilwoman Downing suggested that perhaps the residents could beautify the part of the fence facing the public with plantings and landscaping.

On a related subject, Mr. Thomas Lindblom, 56 Clinton Avenue, told the Council that new construction on property abutting his created quite a drop in elevation. Mr. Lindblom said that the builders told him they would erect a fence in that area, but to date they have not. Mayor Otis said that the City Manager would research this matter and report back to the Council.

7. Scheduling of a public hearing on proposed amendments to noise regulations

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

WHEREAS, proposed local law entitled "A local law amending Chapter 133, NOISE, of the Rye City Code by adding a new Section 133-3a" 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 June 17, 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 local 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 Chapter 133, NOISE, of the Rye City Code by adding a new Section 133-3a**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 17th day of June, 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 amending Chapter 133, NOISE, of the Rye City Code by adding a new Section 133-3a".

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

Alice K. Conrad
City Clerk

Dated: June 5, 1998

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

8. Consideration of a resolution authorizing the City Manager to submit an application to the State of New York for funds to restore the interior of the Square House

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

RESOLVED, that Frank J. Culross, as City Manager of the City of Rye, is hereby authorized to submit an application for funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and/or the Clean Water/Clean Air Bond Act, in an amount not to exceed \$100,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for restoration and preservation work at the Square House.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

9. Consideration of the request of The Rye Historical Society to use the Village Green on June 7, 1998 in connection with the 100th Anniversary Commemoration of the Spanish-American War, and to declare June 7, 1998 as a *Day of Remembrance*

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of The Rye Historical Society to use the Village Green on June 7, 1998 in connection with the 100th Anniversary Commemoration of the Spanish-American War, and to declare June 7, 1998 as a *Day of Remembrance*.

10. Consideration of request of residents of Onondaga Street to hold a *Block Party* on Sunday, June 14, 1998

Councilwoman Downing made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the request of residents of Onondaga Street for controlled traffic on Sunday, June 14, 1998 for a *Block Party*.

11. Consideration of request of residents of Loewen and Barbara Courts to hold a *Block Party* on Sunday, July 18, 1998

Councilwoman Walsh made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of residents of Loewen and Barbara Courts for controlled traffic on Sunday, July 18, 1998 for a *Block Party*.

12. Consideration of request of residents of Rye Beach Avenue and Halstead Avenue to hold a *Block Party* on Saturday July 11, 1998, with a rain date of Sunday, July 12, 1998

Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the request of residents of Rye Beach Avenue and Halstead Avenue for controlled traffic on Saturday, July 11, 1998, with a rain date of July 12, 1998 for a *Block Party*.

13a. Approval of the election of a new member to the Rye Fire Department

Councilwoman Larr made a motion, seconded by Councilman Stampleman and unanimously carried, to accept the appointment of Mr. Ian Ahearn to the Poningoe Hook and Ladder Company of the Rye Fire Department.

13b. New Business

A. Mayor Otis said that he has had discussions with Harrison Mayor Ronald Bianchi, Ms. Laura Tessier, former Westchester County Director of Environmental Planning, and New York State officials about a possible intermunicipal application for the Clean Water/Clean Air Bond Act for the Beaver Swamp Brook project. Since the deadline for submission of this application is June 3rd, the Mayor asked the Council to authorize the City Manager to submit an application.

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

RESOLVED, that Frank J. Culross, as City Manager of the City of Rye, is hereby authorized to submit an application for funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and/or the Clean Water/Clean Air Bond Act, in an amount not to exceed \$100,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for restoration and preservation work for the Beaver Swamp Brook project.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

B. Councilwoman Larr expressed concern that a coyote had killed a second dog in Rye, and asked if the City has any ability to control this situation.

Councilwoman Cunningham stated that the DEC has jurisdiction over wildlife, not the City of Rye. She suggested that the DEC may have materials available which would educate the public about these animals.

Mayor Otis suggested having Channel 14, the Community Billboard, alert residents that there are coyotes in Rye. The consensus of the Council was to ask the City Naturalist to contact the DEC regarding regulations on this issue.

C. Councilman Stampleman questioned the enforcement of truck traffic on Peck Avenue. City Manager Culross said that seven summonses have been issued to vehicles on Peck Avenue in the past three months. However, the percentage issued to trucks could not be ascertained. The City Manager added that the Police Department has been directed to pay close attention to the traffic on Peck Avenue.

D. Councilwoman Downing suggested that executive sessions be held before the start of the regularly scheduled Council meeting. Corporation Counsel Gardella will be asked to determine if this is feasible.

E. In response to an inquiry from Councilman Stampleman, City Manager Culross said that the Public Safety and Court Facilities Study for the City of Rye is an interim report and that the final report would be forthcoming.

F. In response to an inquiry from Councilwoman Walsh, Mr. George Raymond, chairman of the County Housing Implementation Task Force will be invited to speak at the July 15, 1998 City Council meeting.

14. Adjournment

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to adjourn into executive session to discuss Whitby Castle contract negotiations at 10:05 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