

MINUTES of the Regular Meeting of the  
City Council of the City of Rye held in City Hall on  
October 7, 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. Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn into executive session to discuss personnel matters at 7:30 P.M.

The Council reconvened at 8:00 P.M.

2. Resolution declaring October 18, 1998 as "Milton School Day" and the school week of June 7, 1999 through June 11, 1999 as "Milton School Week"

Mayor Otis stressed the importance of the Milton School's centenary and noted that generations of adults who attended Milton School are proud to participate in this celebration.

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

*WHEREAS, Milton School has been influencing the lives of its students for the past one hundred years, and*

*WHEREAS, Milton School has provided a strong foundation of basic skills by encouraging excellence, building self-esteem and developing the character of its students, and*

*WHEREAS, Milton School recognizes children's individuality and creativity, and*

***WHEREAS**, Milton School is committed to being student-centered and involving the family in the formation of its young children, and*

***WHEREAS**, Milton School has always encouraged its students to care for those less fortunate by becoming involved in helping the homeless and the hungry and providing warm hats and mittens to those in need, and*

***WHEREAS**, Milton School has been on the cutting edge of technology by its innovation of computer networking, and*

***WHEREAS**, Milton School has been recognized as a National Blue Ribbon School for Excellence and is the oldest public school serving the City of Rye, and*

***WHEREAS**, Milton School's pursuit of educational excellence and fostering of a family spirit have an influence for good in the growth and progress of our community; and*

***WHEREAS**, Milton School will celebrate its centenary anniversary during the 1998 - 1999 school year,*

***NOW, THEREFORE, BE IT RESOLVED, THAT I, STEVEN OTIS**, Mayor of the City of Rye, on behalf of the City Council, acknowledge the great contributions made by the faculty, staff, parents, and students of Milton School and wish their successors another hundred years of excellence in education, and be it further*

***RESOLVED**, that October 18, 1998 is hereby declared Milton School Day in the City of Rye , and be it also,*

***RESOLVED**, that June 7, 1999 through June 11, 1999 be declared Milton School Week in the City of Rye.*

*Signed and sealed this 7th day of October, 1998.*

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*Steven Otis  
Mayor*

*SEAL*

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

Ms. Dinah Moche, 720 Milton Road (Milton Harbor House), expressed concern about the proposed discontinuation of Westchester County Route #76 Bus. She stressed that this bus is necessary for commuters, health aides, and other helpers. She reported that the majority of Harbor House residents did not receive timely notice about a public hearing to discuss this issue. She suggested using a smaller bus and having the route turn around at the Milton Harbor House.

Mrs. Amy Reissner, 720 Milton Road, apprised the Council that a Citizens' Committee for Transportation is presently being formed to address the issue of the discontinuation of Route #76 Bus scheduled for October 26, 1998. She presented a petition signed by 300 residents from the Milton Harbor House and other areas within the City of Rye who are interested in maintaining this bus service.

Ms. Nancy Reddington, 856 Forest Avenue, said this has been an issue for over a year and the public has been informed since last February. County studies indicate that only 30 people ride the bus daily in the 16 trips in Rye. She said there are alternatives to this bus service, especially for senior citizens. She expressed appreciation to County Legislator George Latimer for his interest, concern, and diligence in this matter.

Mayor Otis said that this is a county issue and the County Department of Transportation has the authority and is the decision maker.

Councilwoman Walsh apprised the audience that earlier this year, the Council (at the Mayor's recommendation) established a Traffic and Transportation Committee. She suggested that these concerns be communicated to this standing committee. If the Council were to take action sometime in the future, she said, it would be on the recommendation from the Traffic and Transportation Committee.

Councilman Hutchings said that he and Councilwoman Cunningham attended a Milton Point Association meeting last week. This bus issue has been a topic of discussion for the past twenty-five years. It is a complex issue because it is apparently split down the middle with those who want the bus and those who do not. He said Bus #76 has now been rerouted to turn down Playland Parkway.

Mrs. Reissner said there is an entire group of residents who are without public transportation because of the rerouting of Bus #76.

Mayor Otis acknowledged the receipt of a petition signed by many residents requesting the continuation of Bus #76.

4. Report of the County Legislator

County Legislator George Latimer presented his quarterly report to the Council. He highlighted the following:

### **COUNTY ROUTE #76 BUS**

He said this bus issue defies a simple solution. Westchester County Department of Transportation wants to discontinue this route because the ridership is the lowest of the 82 routes in the county. Statistic analysis on ridership does not match the number of people who want to maintain the route. He has advocated that the route would remain as is. However, the county has rerouted the bus away from Overhill Avenue and is anticipating the discontinuance of Bus #76 because the county is losing money on this route. Several alternatives have been suggested. However, the final decision rests with Westchester County. He urged that proponents of an idea meet with the decision maker to determine a viable alternative. He also suggested that a divided neighborhood agree on an issue before approaching the county. The county has made a decision to change Bus #76 on a certain date, however, the Commissioner is willing to meet with people who have alternative ideas.

Mayor Otis said that before residents lobby with the county for a particular alternative, the Council should be informed to enable us to act as an advocate to facilitate the process. He emphasized that it is not a City of Rye decision and that the Council meeting is not the appropriate forum for this discussion.

Ms. Wendy Brennan, Forest Avenue, expressed concern about not receiving notice about the county public meetings on this issue.

Ms. Adelaide Cohan, Dearborn Avenue, expressed concern that this matter was not an agenda item for this particular Council meeting.

County Legislator Latimer said it is difficult to decide an issue when there is a divided neighborhood. He concluded this portion of his presentation by saying this is a county issue and the County Department of Transportation has the authority to make the decision. Further discussion should be addressed to the Westchester County Commissioner of Transportation.

### **SEWERS**

Westchester County has passed a fifty-million dollar public works project known as Inflow and Infiltration Act relative to sewer repair. This will involve the repair of sewers in local municipalities and guarantees that the mandates for clean water will be met. Individual communities will be responsible for illegal sewer connections.

Councilman Stampleman and the entire Council commended County Legislator Latimer for all he did to make this project possible.

### **SALES TAX**

The county has decided not to participate in the January 17th to 24th, 1999 New York State sales tax exemption.

### **BAR CLOSING**

The county is still working on the issue of early bar closings. He acknowledged receiving resolutions from several municipalities urging the county to change bar closing to 2 A.M. The County Board of Legislators will have to request the New York State Liquor Authority to change bar closing time.

### **PLAYLAND**

The problem of noise at Playland is multiple. There are plans to discuss issues of noise intensity and timing of fireworks and rock concerts with Mayor Otis and the Director of Playland.

### **RCTV**

County Legislator Latimer expressed his appreciation to the City Council and RCTV for broadcasting the County Board of Legislators meetings on the City of Rye Community Access Channel 16.

### **HAZARDOUS WASTE**

Household Hazardous Waste Collection Day is scheduled for November 7, 1998 at Playland from 9 A.M. to 3 P.M.

### **WESTCHESTER COUNTY AIRPORT**

County Legislator Latimer said the Committee on the Environment has reviewed the plan for diversion of run-off at the Westchester County Airport to determine if the science and ecology are appropriate and to make certain it does not impact the Sound. He welcomed the City's input in crafting

amendments to this plan if needed. He clarified for Councilman Stampleman that the county wants to verify the findings of the Environmental Impact Study approved by the New York State Department of Environmental Conservation.

Mayor Otis said that he has discussed the City's need to evaluate the county's plan with Dr. Michael Klemens, chairman of the Planning Commission and Mr. Nicholas Everett, chairman of the Board of Architectural Review. In an effort to facilitate this project, he has also asked the City Planning Department to consider establishing a technical team to address this matter or to hire an outside consultant. If outside consulting services are necessary, he said there is a possibility that costs could be combined with the Town/Village of Harrison and the Village of Rye Brook. The issues would be the adequacy of the present county plan to deal with the water quality and quantity for Blind Brook and the derivation of the quantity of water flow. He said it is a complex issue and the city has been on record for years on these issues.

Councilwoman Cunningham said having worked with several environmental organizations on numerous occasions, she and these groups have raised the question of the adequacy of Westchester County's ratio of wetlands replacement and the detention basins.

Mayor Otis expressed his appreciation to County Legislator George Latimer for his presentation and his interest in the City of Rye.

5. Presentation by Rye City School District on planned capital improvements

Using Powerpoint (a computer based slide presentation), Dr. Edward Shine, Superintendent of Rye City Schools, explained the Capital Improvements Project which is subject to the October 20, 1998 \$13 million bond referendum. He introduced Mrs. Barbara Anselmi, president of the School Board, Mrs. Cathleen Morgan, assistant president of the School Board, and Mrs. Susan Sayle, member of the Board.

In his presentation of Capital Improvements Plan for the Rye City School District, Dr. Shine highlighted the following:

- The history of construction and additions of the High School/Middle School Complex
- State Education Department mandates
- State Capital Reserve Maintenance Plan
- District wide Capital Improvement Plan
- Increased enrollment
- The Facilities Committee's identification of building needs

- Financing the Facilities Plan
- Assumptions
- Interest rate estimate, bond maturity, and amortization
- The Debt Service Projection for 20 years using the 50 % rule
- Impact of Debt Service
- Estimate of State Aid for 20 years
- Impact of the bond on the taxpayer
- Time Line for construction, if the bond is approved

A general discussion focused on:

- Costs of construction
- Interest rates
- State Department of Education's final approval
- Accuracy of enrollment projections
- Responsibility of mandates from the State
- Educational changes in the past 30 years
- Debt service
- Bond indebtedness
- Publicity on the bond referendum
- Reconsidering the bond within 30 days, if the referendum fails

Mayor Otis expressed his appreciation to Dr. Shine for the very informative presentation.

6. Consideration of Stipulation of Agreement between the Civil Service Employees Association/Clerical Unit and the City of Rye, for 1997-2000

Mayor Otis acknowledged the October 2, 1998 memorandum from City Manager Culross regarding the CSEA/ Clerical Unit Agreement.

City Manager Culross stated that the agreement is a four-year extension of the agreement which expired on December 31, 1996.

Councilman Stampleman questioned how much was not provided for in the reserves in last year's and this year's budget for salary increases.

City Manager Culross said after the retroactive checks are issued, he will present a report.

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

**RESOLVED**, that the City Council of the City of Rye approves the Stipulation of Agreement between the Civil Service Employees Association, Clerical Unit and the City of Rye, for 1997-2000.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

7. Approval of amendment of Section 191-20 of the Rye City Code, Parking Time Limited, to limit parking on the southeasterly side of Theodore Fremd Avenue at its intersection with Central Avenue for two parking spaces

Mayor Otis acknowledged the October 2, 1998 memorandum from City Manager Culross regarding two-hour parking restrictions on Theodore Fremd Avenue.

In response to Mayor Otis' question on the concerns of the neighborhood, City Manager Culross said Mrs. Frenz has submitted letters from her neighbors indicating they had no objection if the two-hour parking zone is limited to the two spaces in front of 135 Theodore Fremd Avenue, Mrs. Frenz's office.

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

**RESOLVED**, that the City Manager is hereby authorized to amend Section 191-20 of the Rye City Code, Parking Time Limited, to limit parking on the southeasterly side of Theodore Fremd Avenue at its intersection with Central Avenue for two parking spaces.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,

Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The resolution passed.

8. Consideration of Freedom of Information Request appeals from inmates at Great Meadow Correctional Facility

Mayor Otis acknowledged the October 2, 1998 memorandum from Richard M. Gardella, Corporation Counsel, regarding a Freedom of Information (F.O.I.L.) Appeal from two inmates at Great Meadow Correctional Facility.

A brief discussion focused on Freedom of Information appeal, the cost for reproduction of documents, and Councilwoman Cunningham's suggestion of adding the City of Rye's F.O.I.L. regulations to the City Code.

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

**RESOLVED**, that the F.O.I.L. request be referred to the Police Department with the direction to analyze each request, applying privacy and police technique concerns to determine what documents should be released. After that determination has been made, the department should be directed to contact both inmates informing them what documents are releasable and present them with a bill for such records production.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

9. Resolution declaring certain computer equipment as surplus and authorizing the City Manager to arrange for its disposal

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

**RESOLVED**, that the City Council declares the computer equipment, outlined in the September 28, 1998 memo from Sally Rogol, Assistant Superintendent of Recreation, as surplus, and be it further

**RESOLVED**, that the City Manager is authorized to arrange for its disposal.

ROLL CALL:

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

NAYS: None

ABSENT: None

The resolution passed.

10. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2001

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointments, by the Council, of Mr. Frank Mack and Mr. Charles Northshield to the Boat Basin Commission for two-year terms expiring January 1, 2001.

11. Designation of one member to the Boat Basin Nominating Committee

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the designation of Mr. Richard Dempsey to the Boat Basin Nominating Committee.

12. Four appointments to the Rye Golf Club Commission, by the Council, for two-year terms expiring January 1, 2001

Mayor Otis made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the appointments, by the Council, of Mr. Joseph Groglio, Mr. Vincent Merlino, Mr. George De Filippo, and Mr. Kenneth McGuigan to the Rye Golf Club Commission for two-year terms expiring January 1, 2001.

13. Designation of two members to the Rye Golf Club Nominating Committee

Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the designation of Mrs. Anne Saracino and Mr. James McGrath to the Rye Golf Club Nominating Committee.

14A. Consideration of request on behalf of Indian Village residents to use Mendota Avenue for a Halloween Parade on Saturday, October 31, 1998, from 3:00 P.M. to 5:30 P.M.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request from residents of Indian Village to use Mendota Avenue for a Halloween Parade on Saturday, October 31, 1998, from 3:00 P.M. to 5:30 P.M.

14B. Consideration of request to use Oneida Street for controlled traffic for a *Party* on Saturday, October 18, 1998 from 2 P.M. until 4 P.M.

Mayor Otis made a motion, seconded by Councilman Stampleman and unanimously carried, to direct the City Manager to investigate whether this is a neighborhood party or a private party. If it is a neighborhood party, the request to use Oneida Street for controlled traffic for a *Party* on Saturday, October 18, 1998 from 2 P.M. until 4 P.M. is approved.

15. Draft unapproved minutes of the regular meeting of the City Council held September 9, 1998

Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the minutes of the regular meeting of the City Council held September 9, 1998 as amended.

16. Miscellaneous communications and reports

A. Councilwoman Larr apprised the Council that Mrs. Anita Schwarz has suggested having 6'x 8" replicas of the Milton Road cemetery gravestones which are illegible. The estimated budget for this project would be \$3,000. Discussion focused on researching how other communities have accomplished similar endeavors and suggesting that Mrs. Schwarz discuss this matter with Mrs. Goldie Solomon of the Port Chester Historical Society and the Rye Historical Society.

B. Councilwoman Cunningham acknowledged Mr. Alan Schwartz's letter on the City's drainage problem on Kirby Lane which impacts his property. She supported prioritizing this project in the 1999-2004 Capital Improvements Program.

C. Councilwoman Walsh said it will be important for the Council to consider the appointment of a new Community Development Advisory Group (CDAG) representative if the current appointee is unable to attend its meetings. CDAG assists Westchester County Planning Department staff in setting policy for the distribution of Community Development Block Grant funds. In view of the upcoming funding cycle, the City of Rye will want to have an active representative.

D. In response to Councilman Stampleman's questions concerning the various aspects of the Library's application before the Planning Commission, Councilwoman Walsh noted that traffic and engineering studies were in progress following a kick-off meeting with Charles Sells and Adler Consulting on September 30th, and that the architectural model of existing and proposed structures on the Green had been ordered. City Manager Culross noted that representatives of the Library and YMCA, as well as the City of Rye, attended the meeting. Councilwoman Walsh reported that an RFP for a landscape master plan of the Green remains to be issued, pending incorporation of Mr. Everett's comments by Mr. Zepf. Councilman Stampleman noted that the Library requested an opportunity to review and comment on the RFPs prior to their circulation, and Councilwoman Walsh reported that they had an opportunity to do so. She noted, however, that the scope of work contained in the RFPs is intended to provide the Planning Commission with independent technical assistance necessary to make its Determination of Environmental Significance and is not subject to approval by any of the applicants. In response to Councilwoman Cunningham's question, Councilwoman Walsh indicated that the technical studies will be developed with the presumption that a Library addition will be to the south of the existing building, but the engineering models will also evaluate the impacts of an addition to the north. She noted that this is at the recommendation of Mr. Lehman, in order to avoid the necessity of a second study in the event of a fatal flaw in the southern alternative. Similarly, traffic studies will presume a southerly addition, but will note the differential impacts of a northerly addition.

Council members discussed whether the 1999 Capital Improvements Program should reflect modifications of the City Hall parking lot as a result of the proposed Library addition, agreeing with City Manager Culross that no impact was likely in 1999.

E. Councilwoman Downing acknowledged a letter from the Reverend George Packard, rector of Christ Church, regarding his concern about traffic on Rectory Street and the safety of the school children who cross that street. She said she will forward a copy of this letter to the Council and the Traffic and Transportation Committee.

F. Councilwoman Larr asked if the original council documents for the agenda could be numbered for easy retrieval. City Manager Culross will research this matter and report back to the Council.

## 17. Old Business

A. Councilwoman Downing said the traffic circle by the Firemen's Monument is still a problem because drivers are uncertain on how to proceed.

City Manager Culross said that the Traffic and Transportation Committee is working on this matter and will be presenting a report to the City Council at a future Council meeting.

B. Councilwoman Downing initiated a discussion on suggested names for City streets. It was clarified that naming a street in honor of Max Berking would require Council action.

C. Councilman Hutchings respectfully requested that the Council adopt a resolution to begin each City Council meeting with the Pledge of Allegiance. It was decided to consider this resolution on the agenda of a future Council meeting.

D. Councilwoman Cunningham once again expressed concern about the traffic at the intersection of Osborn Avenue and the Boston Post Road and the serious accident that occurred there recently to Mrs. Angelina Cianci, a crossing guard.

Mayor Otis said that the City Council will communicate to Mrs. Cianci its deep concern about the accident and express best wishes for a speedy recovery.

E. Since the Gannett Suburban Newspaper will be changing to the Journal News and local coverage will be limited, Councilman Stampleman suggested asking the City Clerk to examine publishing legal notices in other newspapers besides the Gannett chain.

Mayor Otis said there are legal issues for public notices. He requested that the Corporation Counsel, in conjunction with the City Clerk, research the matter of publishing legal notices.

F. Councilman Stampleman acknowledged the receipt of the Survey of Senior Services provided by the City of Rye vs. those provided by other municipalities. He suggested placing this matter on an agenda for a future Council meeting and also to notify senior citizens when this consideration is scheduled.

G. Mayor Otis said the Council has scheduled a public hearing on the sign ordinance for October 21, 1998. He stressed the importance of having an article in the Gannett newspapers and outreach to businesses in Rye on this proposed local law. He requested that Councilwoman Downing contact Mr. Nicholas Everett, chair of BAR, to ascertain if he has contacted the Gannett newspapers about an article on the proposed local law on signs. He also complimented Councilwoman Downing on her fine *Eye on Rye* program on the proposed sign ordinance.

H. Mayor Otis reported that last Monday, he met with the Chief Engineer of the New State Thruway Authority who has advanced the City's interest in having a ramp off I-287 onto Midland Avenue. He said that the next public hearing in Port Chester is scheduled for October 26, 1998. There will be a discussion on whether or not the Port Chester Planning Commission will require a supplemental environmental impact statement. Jeff Baker, Esq., of Whiteman Osterman and Hanna, will represent the City of Rye at that meeting. The City will have an additional traffic study done by Alder Consulting to supplement the information already sent to Port Chester.

Mayor Otis said that the Home Depot EAF Part 3 Narrative, Supplementary Environmental Assessment and Traffic Study from Saccardi and Schiff, Inc., the consultants to the Village of Port Chester's Planning Commission, had been forwarded to Adler Consulting and the city's outside counsel for review and comments.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes Corporation Counsel Gardella to approve additional resources with a cap of \$5,000, if it is necessary, to provide additional analysis as part of the City of Rye's existing contract with Adler Consulting Firm.

ROLL CALL:

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

NAYS:None

ABSENT: None

The resolution passed.

I. In response to Councilwoman Walsh, Mayor Otis said the new draft of the fence ordinance is not ready.

18. New Business

A. Mayor Otis mentioned two issues which the Council might consider in the future: (1.) Regulation of commercial or residential property owner's direct spotlights impacting on a neighbor's property and (2.) Hours of construction activity.

B. City Manager Culross commended Chantal Speglevin, City Naturalist, and James Kenny, Community Access Facilitator, for their organizing The First Annual City Employee Arts and Craft Show.

Councilman Stampleman suggested that the Council recognize their efforts and send a congratulatory letter to each.

C. City Manager Culross announced that City Assessor, Edye McCarthy, was installed as the president of the New York State Assessors' Association. The City Council commended Mrs. McCarthy for receiving this honor.

D. Councilman Stampleman said the City Council should recognize the City of Rye Police Department's receiving accreditation.

City Manager Culross said that a formal presentation for the Police Department's accreditation is scheduled for the October 21, 1998 Council meeting.

19. Adjournment

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn the meeting at 11:05 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk