

MINUTES of the Regular Meeting of the
City Council of the City of Rye held in City Hall on
October 21, 1998 at 8:00 P.M.

PRESENT:

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

ABSENT: ROSAMOND LARR

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 Walsh and unanimously carried, to adjourn into executive session to discuss Home Depot litigation at 7:30 P.M.

The Council reconvened at 8:00 P.M.

2. Presentation of a Certificate of Accreditation to the Rye Police Department by the New York State Division of Criminal Justice Services' Bureau for Municipal Police

Police Commissioner William Pease stated that the City of Rye Police Department became an accredited Police Department on September 24, 1998. Of the 44 police departments in Westchester County, twelve including Rye, are accredited. Throughout New York State only 72 are accredited out of the 550 Police agencies. The Commissioner noted that accreditation is a process in which officials evaluate and update an organization's policies and procedures according to commonly accepted standards and goals. An assessor, usually a senior Police official, verifies that the standards have been implemented and that all other program requirements have been met. Accreditation status is granted in recognition of the fact that the institution has met or exceeded general expectations of quality in the field.

The four principal objectives of accreditation are:

- to increase the effectiveness and efficiency of law enforcement agencies,
- to promote increased cooperation and coordination among law enforcement agencies,
- to ensure the appropriate training of law enforcement personnel, and
- to promote confidence in law enforcement agencies.

Commissioner Pease noted that there are 143 standards with three primary functions of Administration, Training, and Operations. The Commissioner stated that through accreditation, the police department can identify and correct procedural deficiencies; develop proactive management systems; reduce the likelihood of liability and litigation, and secure community, state, and local government support. He said the accreditation process began in 1994 and was a tremendous task. The Commissioner commended Sgt. English and Sgt. Klausz for their extraordinary work for this accreditation and he recognized that input was received from officers, members of City Council and the City Manager over the past four years. He expressed his appreciation to everyone who participated in the process.

Dr. Dennis McCarty, Director of Law Enforcement Services Unit at the New York State Division of Criminal Justice Services' Bureau, who is responsible for overseeing the accreditation program, congratulated Commissioner Pease, the entire Police Department, and the City's elected officials for achieving accreditation. He stated that this represents formal recognition of Rye's meeting or exceeding expectations of quality in law enforcement, as well as a commitment to professionalism. Dr. McCarty stated that of all agencies eligible to participate in the program, only 14% have managed to earn accreditation. He expressed the hope that this achievement of accreditation will inspire and challenge other agencies to become accredited. He also noted that this has a significant impact on the people of Rye because it demonstrates independent confirmation that police practices are consistent with proper standards, that there is diminished vulnerability to litigation, and that it may reduce insurance premiums for the City.

Dr. McCarty presented Commissioner Pease with the Certificate of Accreditation to the Rye Police Department as a fully accredited law enforcement agency. He also presented a Certificate of Recognition to Sgt. Klausz for his diligent work for this accreditation.

Mayor Otis expressed his appreciation to Dr. McCarty for his presentation and to the Rye Police Department for its high quality of service to the residents of Rye.

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

RESOLVED, that the City Council of the City of Rye hereby recognizes, appreciates, and compliments the Rye Police Department for achieving a Certificate of Accreditation by the New York State Division of Criminal Justice Services' Bureau for Municipal Police.

Councilman Hutchings stated that the Rye Police Department has always been at the forefront of leadership.

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

Mr. Robert Schubert, 780 Forest Avenue, questioned the status of Westchester County Route #76 Bus. He apprised the Council that a Citizens' Committee on Transportation is endeavoring to find an amicable solution to the bus problem. He expressed his appreciation to Mayor Otis and the City Council for their assistance.

Mayor Otis informed Mr. Schubert that the proposed discontinuance of Route #76 Bus has been postponed pending negotiation with Westchester County. He said County Legislator George Latimer will be scheduling a hearing to discuss the bus, safety, and access to resolve the issue in a sensible way. For the present time, there will be continued bus service to Milton Point.

In response to Ms. Laura Kornfeld, Turf Avenue, Mayor Otis said there was no specific time frame for the postponement of the discontinuation of the bus.

4. Public Hearing on proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulations

Mayor Otis opened the public hearing on proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulations.

Mr. Nicholas Everett, chairman of the Board of Architectural Review (BAR), summarized the proposed local law. He said the BAR has been reviewing the current City of Rye signage regulations since 1993. The process of this review was initiated by developing a Statement of Intent, holding two public hearings, and reviewing ordinances from neighboring towns.

Mr. Everett stated that the proposed local law:

- places all aspects of sign regulation in one section,
- organizes signage regulations around three districts: the CBD, neighborhood business district, and residential districts,
- contains definitions and restrictions which establish sizes, locations, and uses of signs,
- makes it easier for the retail community to understand and observe, and
- makes it easier for the BAR to interpret and enforce.

He noted it is the intention of the BAR to bring all of the signs in the City into conformity in five years.

Miss Megan Reiff, assistant manager of Sam Goody's retail store in the Central Business District, stated that signs are provided by the record companies and that Sam Goody does not have control over their size. She felt that her store would exceed the allowable percentage of window coverage under the proposed local law. She said that Sam Goody is required to promote

the latest records by advertising signs and a big part of this advertising is done in the window space.

Mayor Otis noted that any company must comply with the local code. He stated that the percentage for temporary sign coverage is reduced from 30% to 20% in the proposed local law.

Councilwoman Walsh stated that it would be helpful if the assistant manager of Sam Goody's would quantify specifically the impact that the proposed sign law might have on her business.

In response to Mr. James Finneran, owner of the Pub on Elm Place, Mr. Everett said that window signs are permissible, however, neon signs are not allowed.

Discussion focused on:

- permits and fees,
- temporary signs,
- awnings,
- the maximum size of signs,
- renewal of sign permit every two years with or without a fee, and
- enforcement.

Councilman Stampleman supported the proposed local law. However, he suggested clarifying Section 165-2 B "The Board may approve or disapprove by majority vote of the entire Board". Corporation Counsel Gardella will review this section.

In response to Councilman Stampleman's question, Corporation Counsel Gardella explained the reason for the \$250 and \$1,500 penalties under Section 165-3 Enforcement, and noted that the quasi criminal penalty was used to make it consistent with the code.

Mr. Otto Spaeth, member of the BAR, said that the real intent of the sign renewal is to have control over the maintenance of the signs. He noted that there are signs on Purchase Street which are in very poor condition.

Councilwoman Cunningham said in comparing the previous draft with the current one, two sections under Enforcement have been omitted. She said that the responsibility of the property owner for all signs erected on his property has been dropped, as well as the requirement for removal of signs within four weeks if the premises are vacated. She suggested clarifying Section 165-5C(2)(e) minimum clearance to the curb. Other recommendations included adding the word courtesy before notification and formatting with boxes instead of tables.

Mayor Otis suggested that the Council members submit their proposed changes in a memorandum.

Councilwoman Walsh acknowledged Mr. Joseph Latwin's memo on the proposed local law and presented a copy to Mr. Everett for the BAR.

Mayor Otis said that this public hearing will be continued at the November 4, 1998 Council meeting.

5. Report of the Traffic and Transportation Committee

Mayor Otis acknowledged receiving the October 21, 1998 Traffic and Transportation Committee Report and Recommendations. He commended the committee for the exceptional work on this report.

Mr. Roger Perry, chair of the Traffic and Transportation Committee, distributed a summary of the Committee's report and introduced Mr. Sal Samperi, Mr. Kim Morque, Mr. George DeFilippo and Ms. Sarah Mariani, the members of the Committee who were present. He noted the contributions of all the committee members and how three members of the committee have been working in conjunction with the Police Department to refine the report on "hot spots". Members have also done extensive work on school matters.

The Traffic and Transportation Committee's report included a packet containing:

- a series of specific recommendations,
- a summary of the Committee's activities since appointment last February,
- a copy of the outline of the public awareness and education campaign,
- copies of the reports on input received at the June Public Forum,
- a summary of correspondence received to August 16th, and a list of oral comments and suggestions received through October 7, 1998,
- a copy of the Police presentation on the S.M.A.R.T. trailer, and
- a copy of a memorandum to the City Manager regarding resident's input.

Mr. Perry presented the Committee's suggestion regarding the City's 1999 operating budget. The recommendations are in the following four subject areas:

1. **Enforcement**

Police staffing - adding one police officer would improve traffic enforcement and reduce speeding in the City of Rye. Cost would be \$90,000 annually or \$20 in tax dollars per household.

Purchasing a radar speed reading trailer - this device would improve police productivity, enhance enforcement, reduce speeding, increase public awareness and be a useful research and management tool. Cost would be \$15,000.

Computerization of records of accidents, warnings issued by officers - the resulting data bank and identifying problem areas would provide knowledge that would enhance enforcement efforts and help guide future capital investments.

2. **Schools**

Establishing a school speed zone at Osborn School for the children's safety. To be effective, there is a need for signs with flashing lights activated during school hours and deactivated at other times. Cost is \$3,500 each.

It is also suggested that the maximum speed in school zones be changed from 15 mph to 20 mph.

3. **Traffic calming projects**

This recent concept promotes safety by changing the physical environment, slowing things down and calling drivers' attention to their own speed and surroundings, rather than promoting safety by straightening and widening roads and otherwise trying to get cars through quickly.

Placement of a decorative raised crosswalk at Midland School (about 3 inches high and 25 feet wide) for use by children entering and leaving school, with warning signage and street marking for drivers from both directions.

Narrowing a portion of the Post Road by removing one downhill, eastbound lane between the light at North Street and the intersection at Parsons Street.

4. **Signals and intersections**

For the very dangerous situation at the Purchase/Theodore Fremd/Purdy intersection, the Committee agrees with the City Manager's suggestion to do a relatively inexpensive engineering study to help define and resolve the issues. The committee urged that this be incorporated into the 1999 budget.

An extensive discussion focused on:

- the S.M.A.R.T. trailer,
- prioritizing sites for signals,
- signage and striping at the railroad station,
- "hot spots",
- traffic on Rectory Street,
- the traffic circle at the Firemen's Monument, and
- dangerous intersections at Milton and Parsons Street and at Forest and Apawamis Avenues.

Mayor Otis expressed his appreciation to Mr. Perry and all the members of the Traffic and Transportation Committee for their professional report and presentation.

6. Approval of the recommendation that a school speed zone be established on the Boston Post Road in the vicinity of Osborn School and that all school speed zones within the city be posted at 20 miles per hour

Mrs. Helene Byrnes, chairman of the Osborn Traffic Committee, expressed appreciation to the members of the Traffic and Transportation Committee for all the work they have done. She applauded their work to designate the Post Road as a school zone and encouraged the City Council to allocate the funds to erect the signs. She indicated that the intersection at Osborn Road and Post Road is one of Rye's most dangerous intersections with one of the worst records for accidents in a two-year period. She respectfully requested that the City Council establish a school speed zone on the Boston Post Road in the vicinity of Osborn School and that all school speed zones within the city be posted at 20 miles per hour for the children's safety.

Mayor Otis thanked Ms. Brynes for her comments and stressed the importance of the Traffic Committee report. He indicated that budget requests will be considered as early as possible.

The Council discussed:

- covering the costs of installing flashing warning lights this year (\$3,500 each) through the contingency fund,
- involvement of the school in this project, and
- the need to respond to residents who have submitted suggestions to the Traffic and Transportation Committee.

In response to Councilman Stampleman's request, the City Manager will submit a report on items contained in the report that are doable and will also prioritize those items by the second Council meeting in November.

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

RESOLVED, the City Council approves the recommendation that a school speed zone be established on the Boston Post Road in the vicinity of Osborn School and that all school speed zones within the city be posted at 20 miles per hour.

7. Draft unapproved minutes of the regular meeting of the City Council held October 7, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Walsh and unanimously carried, to approve the minutes of the regular meeting of the City Council held

October 7, 1998, as amended.

8. Miscellaneous communications and reports

A. Councilwoman Walsh apprised the Council that Mayor Otis and she attended a meeting in Mamaroneck which included a presentation by the Westchester County Community Development Staff. She will forward a copy of the format used for comments from the public and municipal officials on community development needs in a number of categories in Friday's Council packet.

B. Councilwoman Walsh apprised the Council that this month's Grants Action Newsletter has many sources of funding which might be helpful for the Nature Center or the Rye Historical Society.

C. Councilwoman Cunningham stated that she had been asked to meet with the Rye Brook Environmental Committee regarding implications for the water quality in Blind Brook because of concerns about airport run-off. She informed this committee that the City of Rye's concerns have reached a point where there is consideration of an independent look at what the County is proposing. If there is a cost associated with this study, perhaps, it could be shared with other communities adjacent to Blind Brook. The committee reacted positively to this idea.

9. Old Business

A. Councilman Hutchings raised the issue of beginning each Council meeting with the Pledge of Allegiance and sought a resolution instituting that policy.

After Council discussion, Mayor Otis proposed that this item be placed on the agenda of a future Council meeting.

B. Councilman Stampleman requested that discussion of the senior survey be placed on the Council agenda for either the first or third Council meeting in November.

C. Mayor Otis suggested honoring Mr. Daniel Balls who has been a volunteer fireman for the City of Rye for the past sixty-four years. He informed the Council that the paid firemen have suggested naming the Fireman's Memorial Circle after Mr. Balls. Hearing no objection from the Council, the Mayor proposed placing this matter on the agenda for the November 4th meeting of the City Council.

10. New Business

There was no new business discussed.

11. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn the meeting at 10:25 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk