

MINUTES of the Regular
Meeting of the City Council of the City of
Rye held in City Hall on November 4, 1998
at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN C. CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
ARTHUR STAMPLEMAN
Councilmen

ABSENT: KATHLEEN E. WALSH

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 Downing and unanimously carried, to adjourn into executive session to discuss Home Depot litigation at 7:45 P.M.

The Council reconvened at 8:00 P.M.

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

There were no residents wishing to address the Council.

3. Continuation of a public hearing on proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulation

Mr. Nicholas Everett, chairman the Board of Architectural Review, apprised the Council that the October 27, 1998 memo from the Board of Architectural Review (BAR) and Mrs. Wendy Rolland was a response to the issues raised by the Council and the public at the last meeting. It was also a response to the concerns raised by Joseph Latwin, Esq. in his October 19, 1998 letter regarding the proposed sign law. Mr. Everett noted that the memo explains that the last two chapters were never intended to be part of the local law and at Councilwoman Cunningham's recommendation, the enforcement language will be included in the proposed local law. Mr. Everett submitted a memo outlining the fees charged for signs in neighboring communities.

In response to Councilwoman Cunningham's statement in her October 29, 1998 memo regarding a renewal fee, Corporation Counsel Gardella explained that the initial authority for establishing a fee has to be in the local law; the specific fee can be set by council resolution.

An extensive discussion focused on:

- fees for signs,
- renewal process for signs and possible fee,
- enforcement and its impact on staffing in the Building Department,
- standards for maintenance of signs, and
- conformance with the sign law within five years.

Mayor Otis suggested that the BAR, in conjunction with Councilwoman Cunningham and Corporation Counsel Gardella, work on a new draft, taking into consideration comments received at this meeting, as well as those submitted in memos.

The Mayor closed the public hearing.

4. Discussion of the survey of senior citizen services

Councilman Stampleman acknowledged the August 27, 1998 memo from Christopher Bradbury, assistant to the City Manager, regarding the 1998 Seniors' Survey which was mailed to municipalities in the Sound Shore vicinity to determine their senior services. He commended Mr. Bradbury for his excellent work. Councilman Stampleman acknowledged receiving the October 18, 1998 letter from Ms. Catherine Walsh regarding her suggestion to use taxicabs for senior transportation.

A general discussion focused on:

- the results of the 1998 Seniors' Survey,
- surveying Rye's senior population (by using a simple questionnaire) to assess the demand for particular services,
- Councilman Stampleman's suggestion to involve Mrs. Anne Pastor, Senior Citizen advocate, in helping identify seniors,
- exploring grant availability for senior citizens,
- transportation for seniors, and
- Councilman Hutchings' suggestion to request Rye's senior citizens to react to the 1998 Seniors' Survey.

Councilman Stampleman will draft a sample questionnaire for the Rye Senior Citizens.

City Manager Culross suggested coordinating the questionnaire through the Recreation Department.

Mrs. Gretchen Pulverman, 15 Purchase Street, recommended using United Hospital's Geriatric Outreach Program as a resource for names of senior citizens in the City of Rye.

5. Approval of a supplemental appropriation of \$21,000 from the Contingent Account to the Capital Projects Fund for the purchase and installation of six flashing school zone warning lights

City Manager Culross noted that the proposal will install the following school flashing warning lights:

- at Osborn School:
 - one on the Boston Post Road and two on Osborn Road, and
- at Midland School
 - one on Midland Avenue.

Councilwoman Cunningham questioned whether the light on Osborn Road going towards Harrison could be placed on the opposite site of the street to avoid being in front of a resident's home. City Manager Culross said this was not possible; however, the lights operate only during school hours.

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

WHEREAS, the Traffic and Transportation Committee has requested the installation of four flashing warning lights in school traffic zones; and,

WHEREAS, the City Engineer has reviewed the request and has estimated the cost to be \$21,000; and,

WHEREAS, there is a balance of \$101,000 in the Contingent Account of the General Fund; and,

WHEREAS, the City Manager has reviewed the request and by memorandum dated October 22, 1998, recommended the funding for this project; now, therefore, be it

RESOLVED, that the City Comptroller be authorized to establish a project in the Capital Projects Fund with a budget of \$21,000 for the installation of four school zone traffic warning lights, and be it further

RESOLVED, that the City Comptroller be authorized to use and transfer \$21,000 from

the General Fund Contingent Account to the Capital Projects Fund for the purpose of funding this project.

ROLL CALL:

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

NAYS: None

ABSENT: Councilwoman Walsh

The resolution passed.

6. Authorization for the City Manager to submit Hazard Mitigation Grant Program (HMGP) and Floor Mitigation Assistance (FMA) applications

Mayor Otis acknowledged the receipt of the grant application for FEMA's *Project Impact*. It is requested that the City Council authorize the City Manager to file this application. The Mayor stated that the goal for the first year is to apply for funding to support technical studies. He noted that the City was hoping to receive \$300,000. Mayor Otis presented a summary of the 24 different projects that have been identified as part of the *Project Impact* process.

The discussion continued with Councilman Stampleman's suggestions to include in the grant application a list of the steering committee members in order to demonstrate the broad range of support for this project in the community and to change the word "objectives" perhaps, to sub-projects." Mayor Otis indicated that he would try to find an appropriate substitute word.

City Manager Culross said there will be a memorandum of understanding which will require all other groups to sign onto the application.

In response to Councilwoman Cunningham's question on leveraging other funding sources, Mr. Jeffrey Stonehill, administrative assistant, stated that funding from FEMA is seed money to use as leverage for other state and federal funding sources.

Mayor Otis made a motion, seconded by Councilwoman Larr and unanimously carried, to authorize the City Manager to submit the Hazard Mitigation Grant Program and Flood Mitigation Assistance Applications with the changes noted.

7. Discussion of the proposed dredging of Mamaroneck Harbor

Mayor Otis explained that the City received a request from the Village of Mamaroneck to provide testimony or a support letter for the proposed dredging of Mamaroneck Harbor. He said a public hearing has been scheduled for Tuesday, November 10, 1998.

Having asked Boat Basin Supervisor Peter Fox's opinion about the proposed dredging of the harbor, Councilwoman Cunningham supported the proposal. She suggested that Mayor Otis write a letter of support on behalf of the Council.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, requesting Mayor Otis to write a letter on behalf of the City Council of the City of Rye in support of the Mamaroneck Harbor Dredging.

8. Discussion of GE Hangar proposal at Westchester County Airport

A general discussion centered on the November 9, 1998 meeting of the County Board of Legislators on the proposed new hangar and supporting facilities to be built at Westchester County Airport. One of the areas of concern is the impact of water runoff from the area into Rye Lake and then into the Blind Brook stream. The Town of Rye has forwarded a letter and certified copy of a resolution passed by its Town Board requesting that the County of Westchester require a Full Environmental Impact Statement.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, that Mayor Otis write a letter on behalf of the Rye City Council stating that the City of Rye supports having a full environmental impact statement done for the proposed new hangar at Westchester County airport because of the environmental impact on Blind Brook.

9. Appointment of a representative to the Westchester County Community Development Advisory Group, by the Mayor with Council approval

Mayor Otis stated that the Westchester County Community Development Advisory Group has a vacancy. He said he would recommend Mr. Douglas Carey as the representative because of his involvement with Leaders of Tomorrow, a local community youth organization and his interest and affiliation with Gagliardo Park. Mayor Otis also advised the Council that the deadline for applications for Community Block Grant Projects is February and if the Council Members have any suggestions that they should speak to either him, Councilwoman Walsh, or Mr. Douglas Carey.

Mayor Otis made a motion, seconded by Councilman Stampleman, to appoint Mr. Douglas Carey as a representative to the Westchester County Community Development Advisory Group.

ROLL CALL:

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

The motion carried.

10. Discussion of opening Council meetings with the Pledge of Allegiance

Councilman Hutchings distributed a proposed resolution on opening City Council meetings with the Pledge of Allegiance. He said that various organizations such as the County Board of Legislators, begin sessions with the Pledge. He expressed the feeling that the City Council of the City of Rye might fail in its patriotic fervor by not reciting the Pledge of Allegiance.

Councilman Hutchings made a motion, seconded by Councilwoman Larr, to open Council meetings with the Pledge of Allegiance.

Councilman Stampleman noted that past practice indicates that a resolution should be circulated at least 24 hours in advance of the meeting so that the Council members have an opportunity to review it.

Councilman Stampleman said as a child, he had the advantage of two citizenships and often recited the Pledge of Allegiance. As an adult, he had the opportunity to choose citizenship and has frequently said the Pledge of Allegiance. He questioned whether saying the Pledge is in keeping with the customs of the Council meeting since it has never been done. He felt that the Pledge is appropriate for special occasions, however, he thought that doing it as a ritual would perhaps diminish its meaning. Councilman Stampleman noted that there could be some sensitivity regarding the wording "under God," as it could be considered by some to be inappropriate for a government body since it might be construed as a prayer. Other concerns expressed were whether the public should join in or be so obligated, and whether this resolution should be binding on future Councils. He noted that perhaps the Council might want to institute this for a special occasion such as the council meeting closest to Flag Day, June 14th. Councilman Stampleman suggested that the Council consider these issues. He suggested waiting until the next meeting to vote on this proposal. He also distributed some information regarding the Pledge of Allegiance to the Council Members.

Councilman Hutchings indicated that he had no objection to delaying the vote and absorbing as much information as possible.

Mayor Otis stated that since both the proposed resolution and Council Stampleman's information were received today, the matter should be put on the agenda for the next meeting.

Councilman Hutchings and Councilwoman Larr withdrew their original motion.

Councilman Hutchings made a motion, seconded by Councilman Stampleman and unanimously approved, to table this matter to the November 18, 1998 Council meeting.

11. Discussion of the official newspaper for the City

Mayor Otis said that this discussion was prompted by the Gannett Suburban Newspapers changing from the Daily Item to the Journal News. He acknowledged both memos from the Corporation Counsel and the City Clerk regarding the legal and practical aspects of the legal publications.

A general discussion was held on the City's legal obligations to publish notices and if any other newspaper could appropriately meet the City's needs.

Councilwoman Downing made a motion, seconded by Councilman Stampleman and unanimously carried, to adopt a resolution naming the Journal News as successor to the Daily Item as the official paper of the City of Rye.

12. Affirmation that equipment as listed by the City Engineer on October 21, 1998 is surplus and available for auction

Mayor Otis acknowledged the October 22, 1998 memo from City Manager Culross which listed surplus City equipment which will be sold at auction. The auction will be held on Friday, November 6, 1998, and a report of the results will be provided to the Council following the auction.

Councilwoman Larr made a motion, seconded by Councilwoman Downing and unanimously carried, to affirm that the equipment listed in the City Manager's October 22, 1998 memo is surplus and available for auction.

13. Draft unapproved minutes of the regular meeting of the City Council held October 21, 1998

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the minutes of the regular meeting of the City Council held October 21, 1998, as amended.

14. Miscellaneous communications and reports

A. Mayor Otis reported that he attended a meeting conducted by County Legislator George Latimer in an attempt to find an acceptable solution to the Westchester County Bus #76 route issue. It was agreed that the bus would continue on Overhill Avenue for one more week. County Legislator Latimer has made a proposal to the County Executive's Office and the County Department of Transportation for a mini bus that would go down Van Wagenen Avenue and cross between Forest and Stuyvesant Avenues. There are issues of insurance, etc. which must be settled before implementing the mini bus. The mini bus will run until May and the issue will then be revisited because of opening season at Playland. The Mayor indicated that it may result in a proposal to expand the route of the mini bus to cover other parts of the City to justify the mini bus and to increase ridership. Also, there may be additional needs which could be addressed with the mini bus, especially the senior transportation issue.

Councilman Hutchings complimented Mayor Otis and County Legislator Latimer for doing an outstanding job in coordinating this effort to meet the needs of the citizens.

B. Councilman Stampleman indicated that the Human Rights Commission has a membership of seven and would like to increase to nine members because of an increase in workload. He noted that he did not have a resolution as yet, however, he wanted to mention it to see if there were any comments from other Council Members.

Councilwoman Cunningham supported the increase in number because she expressed the feeling that the more volunteers actively involved in the City, the better.

15. Old Business

A. Councilwoman Larr apprised the Council that Mrs. Anita Schwarz is willing to undertake having 6"x 8" replicas of the Milton Road cemetery gravestones and she will endeavor to raise funding. It was suggested that she contact Mrs. Goldie Solomon of the Port Chester Historical Society and/or Mrs. Doris Bailey of the NWACP for assistance with funding sources.

B. Councilwoman Cunningham questioned the status of the proposal for the 2:00 A.M. bar closing. The Mayor explained that municipalities do not have a say in this; the County Board of Legislators will have to request the New York State Liquor Authority to change bar closing time. He said the City does not have to act on this proposal, however, an individual Council member can conduct a survey of businesses' reaction to the change in closing time. Mayor Otis did indicate that a likely resolution might be a compromise to a 3 A.M. closing.

C. Councilwoman Cunningham questioned the distinction between the Traffic and Transportation Committee's recommendation for the intersection of Purdy Avenue, Purchase Street and Theodore Fremd Avenue and the CHIPS proposal. City Manager Culross noted that the CHIPS approach was to align and/or offset the intersection of Purchase, Purdy and Theodore Fremd Avenue for traffic flow. The objective of the Traffic and Transportation Committee was to focus on pedestrian crossings. The small engineering study recommended by the Traffic and Transportation Committee would focus on safely moving pedestrians across that particular intersection.

D. Councilwoman Cunningham asked the City Manager for a report on why there is no center line on the Boston Post Road along Church row.

16. New Business

A. As a follow-up on the recommendations of the Traffic and Transportation Committee, Councilwoman Cunningham requested a report on how the Police Department is working on traffic enforcement now and how many speeding tickets have been issued. City Manager Culross indicated that it would be included in the budget recommendations. He stated that the Department has been operating with a shortage of 5 police officers and that two new officers will be hired soon. He said if the Department was fully staffed, there would probably be a full-time person on traffic.

Mayor Otis said the issue of enforcement can be included in the budget discussions.

B. Mayor Otis asked the Council members to think about possible dates for budget workshops. He also noted November 16, 1998 is the date for the Master Plan Task Force.

C. Councilman Stampleman indicated that the City of Rye should go on record as being in favor of the Hate Crime Legislation that Albany is considering. He will prepare a resolution to this effect.

17. Adjournment

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 10:00 P.M.

Respectfully submitted,

Alice K. Conrad

City Clerk

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