

MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on December 2, 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. Pledge of Allegiance

Mayor Otis invited the audience to join the Council in the Pledge of Allegiance.

2. Roll Call

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

3. Public hearing on proposed 1999 Budget

Mayor Otis opened the public hearing. He noted the following two amendments made at the November 24, 1998 budget workshop:

- \$25,000 increase for cleaning services in the Central Business District, and
- \$20,000 increase for the Rye Free Reading Room (Library), which would bring the overall budget increase for the Library to a little over 6%.

Councilman Stampleman added there appeared to be an over estimate in the claims loss in the Risk Retention Fund which will balance these changes. Therefore, there is no increase in the tax rate.

There being no one wishing to address the Council on the proposed 1999 budget, Mayor Otis closed the public hearing. He said additional comments on the budget may be made at the December 7th budget workshop, and at the December 16th Council meeting. The City Council will vote on the proposed budget on December 16, 1998.

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

Mrs. Patricia Geoghegan, 155 Osborn Road, expressed concern about commuters parking on Woods Lane every day from 6:00 A.M. to 7:00 P.M. She said this parking problem is causing difficulty for the residents and the Department of Public Works. She submitted a petition signed by six residents requesting a parking restriction on Woods Lane. She respectfully requested that the City install signs limiting parking to a four hour maximum.

Mayor Otis stated that this issue will be investigated and placed on the December 16, 1998 agenda.

5. Discussion of proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulation

Mayor Otis acknowledged receiving the latest draft of the proposed local law submitted by the Corporation Counsel.

Councilwoman Cunningham said that the Board of Architectural Review is pleased with the new draft.

In response to Councilwoman Cunningham, Corporation Counsel Gardella said he will research United States Supreme Court case law on sign regulations and report to the Council.

Referencing the proposed local law, Councilman Stampleman suggested removing the word "renewal", since it had been decided at a previous Council meeting that there would be no renewal of sign permits. He suggested including in the proposed local law that maintenance of signs is the responsibility of the property owner.

A general discussion focused on political signs, commercial signs, and scheduling further public discussion on the proposed law. It was determined to schedule a public discussion in January to afford merchants the opportunity to comment on the proposed local law.

6. Review of revised plan to make Council Chambers cable broadcast ready

City Manager Culross informed the Council that the initial plan to make the Council Chambers cable broadcast ready has been revised as a result of the Council's comments and concerns at the November 18th meeting. The City Manager summarized the new plan as outlined in the November 23, 1998 memo from Mr. James Kenny, RCTV coordinator.

Mayor Otis suggested consulting Mrs. Joan Walsh, the Town Clerk of Harrison, about cable broadcasting to benefit from her experience.

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to make the Council Chambers cable broadcast ready as outlined in the November 23, 1998 memo.

7. Consideration of proposed local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees

City Manager Culross explained that prior to the adoption of the proposed 1999 budget, public hearings on proposed local laws with respect to fees (agenda items 7-11) must be scheduled.

Corporation Counsel Gardella said the proposed local law amending Chapter 68, Building Construction, proposes an increase from \$300 to \$1,000 which is payable when construction work has commenced prior to the issuance of a building permit.

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

WHEREAS, a proposed local law amending Chapter 68, Building Construction, of the Code of the City of Rye with respect to fees 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 resolution, 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 December 16, 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 resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a Proposed Local Law Amending Chapter 68, Building Construction, of the Code of the City of Rye with Respect to Fees

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 entitled "A local law amending Chapter 68, Building Construction, of the Code of the City of Rye with Respect to Fees".

Copies of said local law may be obtained from the office of the City Clerk.

Dated: _____ City Clerk

8. Consideration of proposed local law amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with respect to fees

Mayor Otis explained that this proposed local law would remove the fees from the Code of the City of Rye and allow the fees to be set annually by Council resolution in the future.

Councilwoman Cunningham asked if the Planning Commission supported this particular increase. Councilwoman Walsh responded that she will bring this matter to the Planning Commission's attention at its December 8, 1998 meeting and report to the Council.

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

WHEREAS, a proposed resolution of Proposed Local Law Amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with respect to fees 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 resolution, 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 December 16, 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 resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a Proposed Local Law Amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with Respect to Fees

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 entitled "A local law amending Chapter 73, Coastal Zone Management, of the Code of the City of Rye with Respect to Fees".

Copies of said local law may be obtained from the office of the City Clerk.

Dated:

City Clerk

9. Consideration of proposed local law amending Chapter 93, Filming, of the Code of the City of Rye with respect to fees

Mayor Otis stated that this proposed local law would increase application fees for filming on private property from \$150 to \$300.

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

WHEREAS, a proposed resolution of Proposed Local Law Amending Chapter 93, Filming, of the Code of the City of Rye with respect to fees 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 resolution, 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 December 16, 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 resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on a Proposed Local Law Amending Chapter 93, Filming, of the
Code of the City of Rye with Respect to Fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 entitled "A local law amending Chapter 93, Filming, of the Code of the City of Rye with Respect to Fees".

Copies of said local law may be obtained from the office of the City Clerk.

Dated:

City Clerk

10. Consideration of proposed local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to fees

Mayor Otis stated that this proposed local law would similarly remove fees from the Code of the City of Rye and allow fees to be set annually by Council resolution.

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

WHEREAS, a proposed resolution of Proposed Local Law Amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with respect to fees 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 resolution, 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 December 16, 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 resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a Proposed Local Law Amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with Respect to Fees

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 entitled "A local law amending Chapter 170, Subdivision of Land, of the Code of the City of Rye with Respect to Fees".

Copies of said local law may be obtained from the office of the City Clerk.

Dated:

City Clerk

11. Consideration of proposed local law amending Chapter 197, Zoning, of the Code of the City of Rye with respect to fees

Mayor Otis said this proposed local law would also remove fees from the Code of the City of Rye and allow fees to be set annually by Council resolution.

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

WHEREAS, a proposed resolution of Proposed Local Law Amending Chapter 197, Zoning, of the Code of the City of Rye with respect to fees 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 resolution, 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 December 16, 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 resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on a Proposed Local Law Amending Chapter 197, Zoning, of the
Code of the City of Rye with Respect to Fees**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 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 entitled "A local law amending Chapter 197, Zoning, of the Code of the City of Rye with Respect to Fees".

Copies of said local law may be obtained from the office of the City Clerk.

Dated:

City Clerk

12. Draft unapproved minutes of the special meeting of the City Council held November 17, 1998, the regular meeting of the City Council held November 18, 1998, and the special meeting held November 24, 1998

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the minutes of the special meeting of the City Council held November 17, 1998, as submitted.

Councilwoman Cunningham made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 18, 1998, as amended.

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman and unanimously carried, to approve the minutes of the special meeting of the City Council held November 24, 1998, as submitted.

13. Miscellaneous communications and reports

A. Councilman Stampleman acknowledged receiving a copy of the November 30, 1998 communication from Mr. Martin Edelman and Mrs. Margaret Peters addressed to Dr. Michael Klemens, chairman of the Planning Commission, regarding the proposed addition to the Rye Free Reading Room. This letter expressed concerns about the delays in the approval process for the Rye Free Reading Room's expansion. Councilman Stampleman will forward copies of this letter to the Council in the Friday packet. Mayor Otis will also include in the Friday packet the December 1, 1998 memo from Mr. Peter Larr, vice chairman of the Planning Commission. The City Manager will consult with the City Planner about the time table for this project. The Mayor emphasized the importance of timing for the different projects in terms of the Village Green Study.

B. Councilwoman Cunningham acknowledged the November 19, 1998 letter from Mrs. Janice Averill Mc Crohan and Mr. James Mc Crohan, 47 Garden Drive, which had been received by the City Council. She recommended that the City Manager investigate the allegations stated in the letter.

Councilman Stampleman made a motion, seconded by Councilwoman Walsh and unanimously carried, to direct the City Manager to refer this letter to the Building Inspector, and the chairmen of the Board of Appeals and the Board of Architectural Review for their comments.

C. Mayor Otis reported on his recent meeting with the City of Rye merchants. Approximately 30 people were in attendance to discuss issues of parking, cleanliness in the Central Business District (CBD), revitalizing the Chamber of Commerce, holiday decorations in the CBD, and the possibility of listing retail establishments on the City's website. There was agreement among these merchants to expand shopping hours on Thursday evenings to 7:00 P.M. and on Sunday from 12:00 NOON to 5:00 P.M. The Mayor said that he is presently working on a press release about this.

He stated that it was a positive meeting and a forum for everyone to work together on potential issues. The Mayor said he will be discussing other merchant parking options with the City Manager and the City Clerk.

14. Old Business

A. In response to Councilwoman Cunningham's query, Corporation Counsel Gardella reported that the City Manager will attend a meeting with the County and other municipal officials on Thursday December 3, 1998, regarding the Consent Order for the Westchester County Sewer Remediation Program. He indicated that the County rejected the proposed Consent Order changes recommended in the City's letter to the County Attorneys' Office. Members of the council decided to urge County elected officials to settle their budgetary differences promptly so that the county-wide sewer correction can proceed.

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

RESOLVED, that the City Council of the City of Rye hereby affirms strong support for resolving the sewer fund issue, so that Westchester County can stay on schedule and that the program assisting municipalities is not delayed, and be it further,

RESOLVED, that any delay is counterproductive to accomplish our collective objectives.

B. Councilwoman Walsh reminded the Council that Mr. George Raymond, chairman of the Westchester Housing Opportunities Commission, addressed the City Council last July on affordable housing needs in the county and requested Rye to join other Westchester municipalities which have

passed resolutions supporting the work of the commission in achieving the goals of the Housing Allocation Plan. She will forward a draft resolution for the Council's review in the Friday packet and respectfully requested consideration of this matter.

15. New Business

A. Councilwoman Cunningham paid tribute to the late Mr. Fermino Britto, who was very active in the Rye community. Mr. Britto was involved in the Rye Democratic Committee, the Port Chester-Rye Branch of the NAACP, and the Westchester Chapter of the Catholic Conference, as well as many other community organizations.

B. Councilwoman Walsh suggested planning a dedication ceremony for McCullough Place (co-named Third Street) since the construction of Purdy Avenue has been completed. Mayor Otis recommended that the City Council consult with Mr. Frank McCullough, Jr., son of Judge McCullough, and also former Councilman James Flick.

C. Councilwoman Downing expressed her concern about open spaces and the removal of trees when new houses are being built. Mayor Otis agreed that this is a valid concern and trees should be protected wherever possible.

D. Councilman Stampleman indicated his desire to research the diversity in employment within the City staff.

E. Councilman Hutchings expressed his appreciation to the Mayor for his work on amicably resolving the problem of Westchester County Route #76 Bus for the Milton Point community.

F. Councilwoman Cunningham inquired about permanent lighting at the Rye High School Nugent Stadium. City Manager Culross acknowledged receiving the November 30, 1998 letter from the "Illumination Committee" (Rye High School) regarding the possibility of installing lights at Rye High School. City Manager Culross will circulate this letter in the Friday packet.

16. Adjournment

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourn the meeting into Executive Session at 9:17 P.M. to discuss personnel matters.

The Council reconvened at 9:25 P.M.

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn the meeting at 9:27 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk